

A r k a n s a s

STATE BOARD *of* MASSAGE THERAPY

Proposed  
**RULES & REGULATIONS**

**2008 Proposed Massage Therapy Rules & Regulations**

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# Preface

The Arkansas State Board of Massage Therapy interprets the intent of the Legislature that passed the Massage Therapy Act and the Governor who signed it into law to be the protection of public peace, health, safety, and welfare.

Therefore, the Arkansas State Board of Massage Therapy, in all its deliberations and in all its adopted Rules and Regulations, diligently pursues these goals most consistent with the public interest and, at all times, applies the provisions of the Massage Therapy Act and any Rules and Regulations (adopted from time to time) in a fair and impartial manner.

# ARTICLE ONE

## Principles & Methods

1. Terms found in *Arkansas Code* §17-86-102 are descriptive rather than limiting, and massage therapy includes those techniques which are utilized in all phases of massage and bodywork for the purposes of relaxation, stress reduction, pain relief, injury prevention, injury repair, postural improvement, and/ or health enhancement.
2. Massage therapy includes any technique or procedure that utilizes hands-on or mechanical manipulation of soft tissue (skin, muscles, and connective tissues) affecting the circulatory, nervous, or musculoskeletal systems of the body.
3. Any technique or procedure that involves pressurized touch or contact sufficient to impact soft tissue and/ or circulation (even if based in non-Western or eclectic approaches) is considered massage therapy or bodywork if not specifically regulated by another licensing board.
4. Those practices involving only light touch in the administration of energetic principles or spiritual healing do not rise to the level intended to be regulated by law: they are not addressed under this chapter, and such practices may not receive approval for continuing education program credits by the Board without endorsement of such if otherwise qualified under Article Five.
5. Hydrotherapy is defined as the use of water in any form for therapeutic purposes and includes methods of full and partial immersion baths, whirlpools, sponging, sprays, body shampoos, body scrubs, body wraps, fomentations, compresses, poultices, packs, masks, steam treatments, or sauna treatments.
6. Depilation, waxing, extractions, and electrolysis are not within the scope of massage therapy.

7. Colonic irrigation and other methods of internal hydrotherapy are not within the scope of massage therapy.
8. Heliotherapy is defined as the use of light for therapeutic purposes and may consist of the use of infrared radiation lamps and devices and the various uses of other light that might be approved by the Board.
9. Electrotherapy is defined as the use of electrical devices for therapeutic purposes and may consist of the use of mechanical vibrators, electric stimulation, direct and alternating currents, interferential currents, micro currents, and Russian stimulation.
10. Therapists must demonstrate training in the use of electrical devices other than simple mechanical vibrators and present qualifications acceptable to the Board before using such devices.
11. Unless prescribed by a licensed physician, practices involving the use of ultrasound are outside the scope of massage therapy.
12. “Direct supervision” is defined as “being in the physical presence of a licensed master massage therapist or massage therapy instructor,” and “assists” is defined as “assisting the licensed master massage therapist or massage therapy instructor.”

# ARTICLE TWO

## Policies & Procedures

1. The Board designates all forms and letters to accompany requests such as applications for licensure, licensing renewals, applications for upgrades to master massage therapist or massage therapy instructor, continuing education program applications, school applications, satellite school applications, school renewals, school and/ or clinic inspections, and any other such forms and letters, as necessary.
2. The Board meets on a pre-determined quarterly basis and at other times as deemed necessary by the Board and follows all requirements of the Freedom of Information Act and all other applicable State laws in conducting such meetings.
  - a. The Board may adopt *Robert's Rules of Order* or such other procedures or methodologies, as it deems necessary.
3. Applications to the Board for approval of upgrades to master massage therapist or massage therapy instructor, continuing education program courses, school licensure, satellite schools, and all requests from members of the public for items to be placed on the Board's agenda must be submitted to the Board's Executive Director in writing and with an original and identical seven collated copies postmarked at least thirty (30) days prior to the applicable Board meeting.
  - a. Incomplete applications will be returned to the applicant by regular US Mail.
  - b. All applications for licensure must be received and filed with the Executive Director at least thirty (30) days prior to a regular state Board meeting.
4. All applicants for licensure are provided a complete copy of the Massage Therapy Act and a copy of the Rules and Regulations upon receipt of a completed application.

- a. Other persons may request such information from the Board in accordance with the Freedom of Information Act and must pay appropriate copying and postage fees.
5. The Board will submit all applications for massage therapist licensing for a nationwide criminal records check, which includes a fingerprint check.
6. Applicants are responsible for the costs of a nationwide records check.
  - a. Each application must be accompanied by a check or money order made payable to the Arkansas State Police for the current costs.
7. All persons applying for any level of licensure are required to have their background reviewed through a criminal records check conducted by Arkansas State Police.
  - a. The applicant for licensing is responsible for cost of criminal records checks.
  - b. Applications must be accompanied by check or money order made payable to the Arkansas State Police for the current costs of criminal records checks.
8. No person is eligible to be licensed by the Arkansas State Board of Massage Therapy who has pled guilty, *nolo contendere*, or been found guilty of a felony or prostitution.
9. The Board may determine whether rehabilitation is sufficient to grant a waiver to this rule if more than five (5) years have passed since that person was convicted, and the applicant has completed their sentence (confinement, parole, and/ or probation).
10. Consideration is given to the class of felony and also charges involving violence, manufacturing of a controlled substance with intent to deliver, and of a sexual nature.

11. The license number (not certificate number) of the massage therapist(s), massage clinic, or massage school must be displayed in all advertising, specifically including, but not limited to, business cards, Yellow Pages or other pages advertising, stationary, newspaper advertisements, or any advertising that displays the name of the therapist, clinic, or school.
  - a. Licensees have one year from the date of approval of these rules to comply with this rule.
  - b. Following approval of these rules, no expenditure for advertising materials of any kind that is not in compliance may be made.
12. Applicants for licensing are considered who completed at least 500 in-classroom hours of massage therapy classes, unless proof is given of completion of the specific classes and hours taken as required in Arkansas massage schools.
  - a. Each course must be a passing grade of seventy-five (75) percent or higher.
13. Individuals who perform "rubdowns" or apply tanning lotions, oils, or apply other substances over the body of clients must hold a current massage license or a license from another discipline and are allowed to use only such procedures as are within the limits of their respective licenses and scope of practice.
  - a. Each service performed without a massage license will constitute a violation of *Arkansas Code* §17-86-101 and will be subject to penalties under §17-86-103.



# ARTICLE THREE

## Complaints & Proceedings

1. The Complaint Committee is comprised of the Board's Executive Director, Board President or their appointed Board member, and the Attorney General's representative, who advises the Committee without a vote.
2. The Executive Director of the Board must encourage anyone providing the Board's office with verbal or otherwise unofficial information to present such information signed in writing, verified under oath, and will provide a form for such purposes.
3. The Board has the authority and obligation to investigate all such written complaints, and its Executive Director may, in his or her discretion or at the direction of the Board, investigate and refer to the Complaint Committee any information that comes to its attention constituting reasonable belief that a violation of law or rule has occurred.
4. The procedure for complaints raised by persons other than the Executive Director is substantially as follows:
  - a. Upon receipt of a Complaint, the Executive Director determines that the complaint is written, signed, and verified under oath (notarized) by the complainant.
  - b. A copy of the Complaint is sent Certified Mail (Return Receipt Service requested) to the person against whom the complaint is addressed (the Respondent) within ten (10) business days of receipt along with a letter advising the Respondent that their response must be postmarked or received by the Board by other means within fourteen (14) calendar days from the day they received the complaint.

- c. Once the Executive Director receives a response or the time for response has run, copies of the Complaint and Response are forwarded to the Complaint Committee, and a conference call or calls will be scheduled as soon as practicable to determine if the complaint states reasonable grounds for belief that a violation of law or rule has been committed by Respondent.
- d. The Complaint Committee may recommend that a Board hearing be held, that there is no jurisdiction over the actions complained of, or that the actions complained of are not actionable.
  - 1. In all cases, the recommendation is explained in summary fashion to the Board.
  - 2. If the Complaint Committee determines that the Board should conduct a hearing on the matter, the Executive Director issues a Show Cause Order and Notice of Hearing scheduling an official hearing before the Board at the earliest reasonable date, which may be, but is not required to be, the next regularly scheduled Board meeting.
  - 3. A Committee recommendation of no action or action that would not necessitate a hearing must be presented at the next regularly scheduled Board meeting.
- e. The Executive Director is authorized, in cooperation with the Attorney General's representative, to enter into negotiations to resolve any alleged violation by Consent Agreement accompanied by a proposed Order, which will be submitted to the Board at the next regular or called meeting for approval or rejection.
  - 1. If the Consent Agreement is rejected, the matter is scheduled for full hearing before the Board as soon as practicable.

5. Hearings before the Board are conducted as provided under the *Administrative Procedure Act*.
6. Upon receipt of a Complaint alleging the practice of massage by any person who does not hold an Arkansas license or who is not excepted from that requirement by the Board under law, the Board may, at its option, hold a hearing as provided above for any Complaint, or may direct the Executive Director to refer the matter to the Prosecuting Attorney of the county where the act is alleged to have occurred requesting the Prosecuting Attorney investigate and pursue charges.
7. Upon failure of the Prosecuting Attorney to act or to report the findings of his or her investigation within thirty (30) days, the Complaint is re-directed to the Prosecuting Attorney for an explanation as to why proper action has not taken place.
8. Complaints regarding the Board or its officers may be directed in writing to the Board's President for necessary action.

# ARTICLE FOUR

## Licensing Examinations

1. The Board may administer an examination of its own preparation as the State licensing examination for Arkansas massage therapists.
2. The Board may accept the Federation of State Massage Therapy Boards' Massage and Bodywork Licensing Exam (MBLEx) in lieu of the State licensing examination provided the applicant passes a Board examination that verifies their knowledge of the Massage Therapy Act and of these rules and regulations that govern the practice of massage therapy in the State.
3. In the instance of multiple exams, the Board reserves the right to choose specific exams.
4. The Board may, at its discretion, require a practical examination and may publish guidelines for the examination so that applicants might have insight into what would be expected to be demonstrated.
  - a. The Board determines the location for practical examinations.
    1. When a practical examination is deemed necessary or desirable, the examinations may be held at various massage schools or at any other location chosen by the Board.
  - c. Guidelines for massage and draping techniques will be tested at all locations.
    1. The Board will be testing the draping of unclothed clients.
      - a. However, exceptions may be allowed for documented medical or religious reasons.

# ARTICLE FIVE

## Continuing Education

1. Seminars, demonstrations, workshops, and clinics must be submitted for Board approval prior to being offered within the State of Arkansas for continuing education credits unless qualifying under Article Five (5), paragraph eight (8).
2. A fee must accompany each application for continuing education programs seeking Board approval.
3. For the purpose of renewing or upgrading a license, credits may be granted that are pre-approved by the Board.
  - a. The Board may consider an officially transcribed college level course completed with a passing grade of seventy-five (75) percent or higher score in anatomy, physiology, kinesiology, biomechanics, pathology, and medical terminology.
  - b. The Board may consider programs with prior approval of another state board, and which does not meet a criteria of Article Five (5), paragraphs four (4) and five (5).
4. Each program requesting Board approval must present all required information on the forms prescribed by the Board and include an original with seven (7) identically collated duplicates, unless pre-approved under Article Five (5), paragraph seven (7).
  - a. Programs must be relevant to and focus on massage theory, practice methods, health science courses, or professional ethics.
  - b. Programs must have written, stated learning objectives, subject matter, and teaching methods.

- c. Programs must be instructed by a person who has completed specialized related training, or has obtained instructor credentials specific to the practice, or has discovered and/ or developed massage techniques, and who has a minimum of two (2) years practical experience related to the subject, and who meets at least one of the following criteria:
  - 1. Holds a current Arkansas massage therapist license;
  - 2. Graduated from a massage therapy school approved by the Board or one which has a comparable in-classroom five hundred (500) hour curriculum;
  - 3. Holds a minimum of a bachelor's degree with a major in a subject directly related to the content of the program offered; and
  - 4. Presents to the Board evidence of a substantial amount of education, training, and knowledge sufficient, in the discretion of the Board, to qualify their expertise in the field.
- 5. All continuing education providers must comply with the following rules:
  - a. Continuing education program providers must retain or designate an identifiable person who retains an attendance roster of participants with copies of any promotional materials for at least three years following the course's conclusion;
  - b. Continuing education program providers must furnish each participant with a certificate of attendance verifying the successful participant's program completion;

1. The certificate may not be issued until completion of the program and must contain the participant's name, instructor's name and signature, title of the program, dates, Board approval number, and number of credit hours;
- c. Continuing education program providers must submit notification to the Board of any significant changes in their approved presentation and request from the Board forms for approval for any substantial changes or additional subjects that they may wish to offer;
- d. One (1) hour of continuing education credit is defined as no less than fifty (50) minutes of uninterrupted in-classroom learning, practical demonstration, or practice of the technique in the presence of the instructor;
- e. Presenters/ moderators/ instructors of courses may not receive credit for the courses they present;
- f. The Board retains the right to audit and/ or monitor programs given by the provider; and
- g. The Board may rescind provider status or reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider has failed to conform to and comply with the written agreement and rules of the Board.
- h. The Board may also rescind approval by vote for any program that, upon review by the Board, is not providing consistent, quality educational benefits to participants.
1. The Board may rescind approval of continuing education programs for any of the following reasons:
  - a. Excessive complaints by attendees;
  - b. Failure to provide stated learning objectives;

- c. Dissemination of false or misleading information;
  - d. Failure to comply with written rules and regulations of the Board; and
  - e. Failure to meet current standards.
- 2. A written notice to rescind approval for continuing education courses will be sent to the person(s) approved to instruct the course.
  - a. Instructors will be allowed to respond in writing and/ or in person at the scheduled Board meeting in which the course is reviewed.
- 6. Officially transcribed college level courses may be accepted at the rate of three (3) college-credit hours to equal forty (40) clock-hours of education.
  - a. Any completed and transcribed course beyond three (3) credit hours may be evaluated on a case-by-case basis.
- 7. For the purpose of upgrading a license, classes that repeat any of the applicant's specific entry-level five hundred (500) hour coursework will not be accepted.
- 8. For the purpose of upgrading a license, duplicated continuing education courses do not apply toward required hours for the upgrade.
- 9. Instructors may only teach courses that reflect a percentage level of their training consistent with hours of credit being offered by the instructor.
  - a. No more than twenty (20) percent of the hourly credit can be offered in relation to the training received by the instructor.



1. For example, if a trainer takes an approved thirty (30) hour continuing education program, he or she would qualify to teach a six (6) hour course in that particular subject.
- b. At the Board's discretion, credit may be given for extensive history teaching the course and/ or related courses, or practice in the field.

# ARTICLE SIX

## Massage Clinics

1. Massage therapists working in bathhouses, clinics, spas, or other facilities must be given adequate workspace.
  - a. The work area must be well ventilated, clean, and well equipped.
2. In-home massage clinics/ offices must be located in a separate room or rooms, used only for massage therapy services during ordinary business operations.
  - a. There must be no bed in a room used for massage therapy services.
3. Therapists must comply with all city, county, and/ or state regulations.

# ARTICLE SEVEN

## Massage Schools

### General Requirements

1. School applications will be complete in every aspect and verify compliance with the Massage Therapy Act, all relevant Rules and Regulations of the Board, and sound educational principles.
2. Each school is required to furnish such information and documents as may be required by the Board and must comply with all valid requirements of the Board or be subject to suspension or revocation of licensure.
3. The Board may accept training hours submitted by applicants for licensure who graduated from out-of-state schools only upon verification that such education was received as in-classroom instruction and such programs follow or followed similar procedures as required of in-state schools.
4. It is the duty of the Board under law to inspect all schools operated within the state each year.
  - a. The Board or its authorized agent conducts such inspections during regular operations causing a minimum of disruption to any class that may be in session.
  - b. Inspections include facility evaluations as well as necessary review of records to ensure compliance with the massage therapy act and all other rules and regulations pertaining to operation of a licensed school.
5. Prior to operating any phase of training, massage therapy schools within the State of Arkansas must apply for licensing, receive licensing approval, and maintain valid licensing.

6. Schools must adhere to all state and local ordinances and provide a copy of the fire inspection, occupancy license, and/ or business permits where required by law, and furnish copies to the Board upon request.
7. After satisfactory completion of initial requirements, schools are required to undergo Board inspection.
  - a. A Board member or staff member will make inspection of the school premises with required forms completed, and the results of such inspection will be returned to the Executive Director of the Board with approval and/ or adjustment recommendations.
  - b. Facilities that do not pass the first inspection are eligible for re-inspection.
    1. When failures are corrected and the Board is advised that corrections are completed, a second inspection to determine the school's compliance with requirements for licensure will be made within thirty (30) days.
8. Any school desiring to move the location of its license must notify the Board in writing at least thirty (30) days prior to any location change.
  - a. The Board will inspect the school's new location within thirty (30) days of receiving a relocation notice.
9. Schools must inform students regarding emergency evacuation procedures with routes and exits posted.
  - a. Smoke detectors must be installed and maintained in working order.
  - b. Fire extinguishers must be easily accessible.
10. Schools have the discretion to grant CLEP credit for any previously obtained, successfully passed, and officially documented classroom education only upon a student's passing such examinations as required by the school.

- a. Such credit may be granted at the rate of three (3) college credits to equal no more than forty (40) clock-hours.
- b. Schools will maintain a file copy of all such examinations for Board inspection.

## Facility Requirements

- 11. Schools must provide an atmosphere that is conducive to learning.
  - a. Space must be sufficient for unrestricted movement around massage tables.
  - b. Lighting, ventilation, and temperature control must be adequate.
  - c. Educational equipment must be in evidence, such as chalk or marker boards, charts, or other appropriate teaching aids.
  - d. School facilities and equipment must be maintained in clean and operable condition.
- 12. Schools will provide students with desks, and/ or tables and chairs, and adequate space to accommodate all students during the class hours for which they are enrolled.
  - a. The school facilities must include a minimum one (1) massage table for every two (2) students in class.
- 13. A minimum of one hand-washing sink supplied with a filled soap dispenser and a sanitary hand drying method must be easily accessible.
- 14. Alcohol or illicit drug use is prohibited on school premises or at any school function.
- 15. A duplicate of all student records for the immediately preceding five (5) year period must be kept off the school premises.
  - a. This duplicate may be either a paper copy or in a form that may reproduce the copies by computer.

## Instruction Methods

16. Schools must follow a curriculum which has been presented to and approved by the Board and will make further applications to the Board for any substantial modifications in the subjects, contents, or instructional methods offered to the students.
17. Each specified course of study must be outlined with a syllabus. Instructors will follow daily lesson plans and will provide active, organized learning sessions.
  - a. Recognized methods of instruction, such as, but not limited to, lecture, demonstration, and supervised hands-on practice will be utilized to ensure reasonable learning objectives and outcomes.
18. All classes must be instructed and supervised by qualified and approved personnel and consist of no less than fifty (50) minutes of active teaching per credit hour. In-school study time is limited to no more than ten (10) percent of the total hours of a program.
19. Active teaching means a qualified school instructor offering organized lecture, activities, demonstration, and/ or direct and immediate supervision of students during hands-on practice.
20. Written and practical evaluations must be conducted with all grades recorded.
  - a. The Board, upon request, may make such information available for inspection.
21. Attendance records will be maintained and verified by the school and must be made available for inspection by the Board upon request.
  - a. Such records verify both the subject and the actual attendance in class of each student enrolled.
22. Schools must maintain factual records of the first-time pass/ fail rates on required Board examinations of all graduates of their program.

- a. Such records must be inspected each year, and any school whose graduates do not maintain a seventy-five (75) percent first-time pass rate average on Board examinations is subject to probation, suspension, and/ or revocation of licensure.
- 23. Schools must provide all students with a copy of the Massage Therapy Act and of the Rules and Regulations of the Board.
- 24. Schools must provide no less than three (3) clock-hours of HIV/ AIDS and other basic communicable disease education.
- 25. Schools must require and maintain proof of CPR training for all students at the time of their graduation.
- 26. Schools that teach massage with students wearing swimsuits or underwear must instruct students at some time during their school on how to work on unclothed clients with a minimum of twenty (20) hours of classroom or student clinic massages unless there is a documented religious or medical objection made by the student.
- 27. Schools may not include more than five (5) percent of their total school curriculum of instruction with reiki, polarity, or other energy-based modalities.

## Instructor Qualifications

- 28. All persons who instruct any portion of a curriculum within an approved massage therapy school must have received adequate training and experience to possess a high degree of knowledge and competency in any and all subjects they are to instruct.
- 29. Each school must have on file such diplomas, transcripts, certifications, resumes, and/ or other verifiable documents that attest to that person's qualifications and technical expertise.
- 30. Each school must supply the Board with a list of the instructors who have taught or who will be teaching at that school along with documentation of their qualifications and the subjects they have instructed or will instruct.

31. For the purposes of qualifying instructors for subjects required by *Arkansas Code* §17-86-306, the following definitions will be used:
- a. Technical subjects are those defined as massage therapy techniques, hydrotherapy, heliotherapy, electrotherapy, and any hands-on training that may occur under various related subjects.
  - b. Academic subjects include anatomy, physiology, pathology, and related human sciences; and
  - c. Non-technical subjects include massage therapy laws, ethics, and business management.
32. Persons to instruct technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor, and must have a minimum of two (2) years of consecutive and active experience in the practice of massage therapy.
33. Persons to instruct academic subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in *Arkansas Code* §17-86-102 (6) (A) or hold a minimum of a Bachelor's degree plus two (2) years practical experience in a subject directly related to that being taught.
34. Persons to instruct non-technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in *Arkansas Code* §17-86-102 (6)(A) or hold a minimum of a two (2) year associate's degree and two (2) years practical experience in a subject directly related to that being taught.
35. Massage therapy schools must use qualified licensed master massage therapists, massage therapy instructors, and/ or medical personnel within the scope of their professional background as instructors, or may allow other licensed professionals to teach within their field of expertise.
36. Schools may invite guest instructors to teach within their program without Board pre-approval if such guest instructor presents no more than sixteen (16) hours per five hundred (500) hour program not to exceed two (2) years in succession.



- a. Schools may utilize guest instructors to provide no more than a total of twenty-five (25) hours per five hundred (500) hour course.
  - 1. Record of all hours of instruction provided in this manner must be maintained by the school and be made available for Board inspection upon request.
- b. Schools must keep a log of guest instructors.
- c. If the Board should raise the total hours required for students to complete the program, then the Board has the option to increase the allowed number of hours of guest instruction above the twenty-five (25) hour maximum.

## Student Clinicals

- 37. The purpose of any student clinical is to provide advancing students, enrolled in approved schools, an opportunity to gain practical experience working with the public in a supervised setting.
  - a. The school follows such practices as are consistent with the above stated intent.
- 38. The status of the practitioner must be made clearly evident to the recipient of student massage.
- 39. Any student to be considered eligible for clinical practice must have completed the following requirements:
  - a. Have successfully completed one hundred (100) hours of anatomy, physiology, pathology, and contraindications for massage therapy, and one hundred (100) hours of technical training, and all portions of the school's curriculum pertaining to personal hygiene, sanitation, ethics, and professional standards;
  - b. Have on file at the school a recently issued statement by a physician declaring them to be in good health and negative for tuberculosis; and

- c. Have enforced student liability insurance and provide proof thereof.
- 40. All clinical massages must be documented and performed under the immediate supervision of a qualified technical instructor who has access to the treatment area at all times.
  - a. No more than fifty (50) hours of student massage may be attained in this manner and may be applied to meet the requirements for licensure.
- 41. Students may not solicit or accept payment in any form during clinical practice either on school premises, at chosen locations for field trips, or while practicing away from school facilities and direction.
  - a. This includes tips, barter, and/or trades.
- 42. Schools may charge a reduced fee for student clinical massages.
- 43. Schools must provide upon request by the Board all such evidence as may be required to determine compliance with these and all other rules of this Board.
- 44. No student may leave classroom instruction to perform student-client massages.
- 45. Schools abusing the student-client massage relationship are subject to sanctions by the Board.

# ARTICLE EIGHT

## Conduct & Ethics

1. It is the responsibility of the licensed massage therapist to create and maintain a safe and comfortable environment that engenders trust and mutual respect during a massage session.
2. It is the therapist's responsibility to inform clients of their rights as recipients of massage therapy.
3. Clients have the following rights:
  - a. Obtaining necessary information from the client, to be held in confidence, regarding pertinent health history in order to assure safe treatment at all times;
  - b. Informing the client of their right to terminate or modify their treatment at any time;
  - c. Staying within the scope of practice of massage therapy, performing only techniques for which they are appropriately and sufficiently trained;
  - d. Referring all clients to appropriate health care practitioners or other professionals as such need arises; and
  - e. Refraining, under all circumstances from initiating or engaging in any sexual conversation, sexual conduct, sexual behavior, or sexual activities involving a client, even if the client attempts to sexualize the relationship.
4. The licensed massage therapist adheres to the following practices:
  - a. Conducts all aspects of their massage practice in a legal, ethical, and responsible way;
  - b. Upholds the highest standards of concern and respect for the well being of their clients;

- c. Reports to the Board in writing and under oath any knowledge of violations of the Massage Therapy Act or the adopted Rules and Regulations; and
- d. Wears professional attire that is non-provocative in style and fit.

# ARTICLE NINE

## Draping & Guidelines

1. Draping and treatment is provided in a way that ensures the safety, comfort, and privacy of the client and therapist.
2. Both the client and the therapist require that draping takes place during the massage, and the therapist will comply with the client's request to remain partially clothed under the drape.
  - a. No exception may be made to the policy unless both the therapist and client have given prior written, signed consents along with documentation for this procedure.
3. The breast of a female client may be treated only if there is a valid health maintenance request from the client or upon being presented with a prescription or referral from a qualified medical professional.
  - a. A female client's breast may not be exposed without first having obtained her prior written, signed consent.
  - b. A written description and explanation is to be given before the massage begins and permission granted again before uncovering the breast.
    1. Treatments must be noted on the client's assessment form.
4. Clients receiving massage must be draped to assure that the pubic area and genitals are not exposed.
5. Care should be given to avoid exposure of gluteal cleavage.
  - a. Do not expose more than one (1) inch of gluteal cleavage.
    1. If more gluteal cleavage is to be exposed for certain massage techniques, the therapist must obtain prior written consent from the client.

- b. Treatments must be noted on the client's assessment form.
- 6. The genitals or anus of a client may be treated only upon being presented with a prescription for such therapy from the client's medical professional and after the massage therapist has discussed the orders with the physician and has obtained client's prior written consent.
  - a. Treatments must be noted on the client's assessment form.
- 7. Any massage technique that requires massage inside the gluteal crease must be performed using medical quality examination gloves that are then placed in a biohazard container for disposal.
  - a. Treatments must be noted on the client's assessment form.

# ARTICLE TEN

## Renewals & Processes

1. The Board considers only U.S. State-approved medical doctors, nurse practitioners and departments of health, and their equivalents, as qualified health care providers for purposes of certifying health compliance. A copy of the verifiable statement or health card issued by such providers indicating that the holder is free from contagious tuberculosis must be provided and meet the requirements of *Arkansas Code* §17-86-309(A)(4).
2. Persons who graduate from massage therapy school and become licensed after June 30 are not required to obtain continuing education during their initial year of licensure.
3. Licenses not renewed or placed on inactive status annually postmarked on or before June 30 are expired.
4. Persons practicing with an expired license may be prosecuted for practicing without a license and penalties of *Arkansas Code* §17-86-103 will be applied.
5. A person seeking to renew an expired license will pay, in addition to other costs, a fee of twenty-five dollars (\$25) per month beginning on the first day of each month the license was expired up to a maximum of one hundred fifty dollars (\$150) for each year the license was expired.
6. All continuing education requirements that would have been required of a licensee during the period the license was inactive must be acquired before renewal.
7. After a license has been expired more than three years, the applicant must also meet current law requirements for school hours and testing.

8. A cover letter with instructions for filling out the license renewal form and for completing the renewal process is included with each renewal packet to be mailed to all licensees at their last known address and postmarked no later than May 15 each year.
9. Completed license renewal applications must be received by the Board no later than June 30 each year.
  - a. All un-renewed licenses expire July 1.
  - b. Penalties will apply for all renewals postmarked after June 30 of each year.
10. Incorrect and/ or incomplete license renewal applications are returned to the applicant for completion.
  - a. Corrected applications postmarked after June 30 each year will be subject to the penalty fees for late renewal.



# Notes