

MISSISSIPPI STATE BOARD OF MASSAGE THERAPY



Rules and Regulations **Effective**

**TITLE 30 PROFESSIONS AND VOCATIONS
PART 2501**

TABLE OF CONTENTS

Chapter 1: General Provisions		
Rule 1.1	Statutory Authority	4
Rule 1.2	Non-Discrimination	4
Rule 1.3	Purpose	4
Rule 1.4	Definitions	4
CHAPTER 2: Fees		
Rule 2.1	Fee Schedule	7
Rule 2.2	Fines and Penalties	8
Rule 2.3	General Provisions	11
Rule 2.4	Re-Application Fee	11
Rule 2.5	Directory of Licensed Massage Therapists/ Request for Labels of Current Licensees	11
CHAPTER 3: Organization		
Rule 3.1	Open Meeting Law/Open Meeting Act	12
Rule 3.2	Oral Proceedings	14
Rule 3.3	Declaratory Opinions	15
CHAPTER 4: Licensure Requirements		
Rule 4.1	General Requirements	18
Rule 4.2	Education Requirements and Examination Requirements	20
Rule 4.3	Agreement of Reciprocity/Military Applicants	21
CHAPTER 5: Application Procedure		
Rule 5.1	Phases of the Application Process	25
Rule 5.2	Administrative Appeal	26
CHAPTER 6: License Renewal, Directory, and Duplicate/Replacement Wall Certificates		
Rule 6.1	Renewal	26
Rule 6.2	Additional / Replacement Wall Certificates	29
CHAPTER 7: Complaints, Disciplinary Hearings, Sanctions, Disciplinary Appeal		
Rule 7.1	Grounds for Disciplinary Action	30
Rule 7.2	Complaint Procedures	31
Rule 7.3	Notice of Formal Complaint and Disciplinary Hearing	32
Rule 7.4	Disciplinary Proceedings	32
Rule 7.5	Sanctions	34
Rule 7.6	Disciplinary Appeal	34
Rule 7.7	Reinstatements Following Disciplinary Action	34
CHAPTER 8: Instructor and School Qualifications		
Rule 8.1	Instructor Qualifications	34

Rule 8.2	School Application for License	38
Rule 8.3	Annex School Locations	40
Rule 8.4	Refund Policy	40
Rule 8.5	Disclosure of Information to Students	41
Rule 8.6	Admissions and Recruitment	42
Rule 8.7	Advertisement	43
Rule 8.8	Records	43
Rule 8.9	Certificates or Diplomas	44
Rule 8.10	Instructional Resources and Materials	44
Rule 8.11	Educational Facilities	44
Rule 8.12	Classroom Facilities	45
Rule 8.13	Student – Instructor Ratio	45
Rule 8.14	Educational Standards	46
Rule 8.15	Attendance and Sign In Sheets	47
Rule 8.16	Employments Based on Commission	47
Rule 8.17	Changes During the School Licensure Period	47
Rule 8.18	School Change of Ownership, Location or Trade Name; Addition of Partners; Renovation of Existing School	48
Rule 8.19	Evaluation of a School	49
Rule 8.20	School Closing	49
Rule 8.21	School License Renewal	50
Rule 8.22	School License Suspension/Revocation or Denial	50
 CHAPTER 9: Continuing Education Requirements		
Rule 9.1	Continuing Education Requirements	51
Rule 9.2	Requirements for Board Approval of Continuing Education Provider and Programs	452
 CHAPTER 10. Massage Establishment Inspections		

Title 30: Professions and Occupations

Part 2501: Massage Therapy, Board of

Part 2501 Chapter 1: General Provisions

Rule 1.1 Statutory Authority. The State Legislature granted Statutory Authority for the Licensing of Professional Massage Therapist in 2001. Section 73-67-1 et seq., of the Mississippi code of 1972, Annotated provides for the regulation of the practice of massage as well as the use of the title “Licensed Massage Therapist” (LMT) for those who offer massage services to the public for fees. In 2004, authority to regulate Massage Therapy Schools, programs and instructors was granted. Effective July 1, 2008, the authority for the use of the title “Licensed Massage Therapist” was granted.

Source: *Miss Code Ann.* § 73-67-1 (Rev. 2008)

Rule 1.2 Non-Discrimination. The Mississippi State Board of Massage therapy does not discriminate against any applicant, candidate, or licensee because of race, color, creed, sex, religion, national origin, age, physical handicap, disability, or political affiliation.

Source: *Miss Code Ann.* § 43-33-723 (2001); § 25-9-103 (2001)

Rule 1.3 Purpose. The purpose of these rules shall be to provide interpretation and application guidelines regarding state law as indicated in Rule 1.1 above and to communicate established procedures and requirements for the following:

- A. The establishment of a State Board of Massage Therapy;
- B. The selection of Board members;
- C. The establishment of rules and procedures for Board meetings;
- D. Standards and qualifications requisite in the issuance of licenses;
- E. Evaluation of qualifications of individuals applying for licensure;
- F. Issuance and renewal of licenses to qualified persons;
- G. Setting fees necessary for administration of the licensing program; and,
- H. Establishing criteria for disciplinary actions against licensees.

Source: *Miss Code Ann.* § 73-67-9 (Rev. 2008); § 73-67-15 (Rev. 2008); § 73-67-17 (Rev. 2008)

Rule 1.4. Definitions.

- A. “Annual Pass Rate” means the ratio of the total number of individuals who passed any Board-approved comprehensive examination to the total number of individuals who sat for a Board-approved comprehensive examination. The Board will periodically establish a protocol for the annual pass rate.
- B. “Applicant” means one who applies for or requests approval of any application.
- C. “Approved Massage Therapy School” means a facility that is licensed by this Board and meets the curriculum and instruction requirements as stated in § 73-67-1 et seq. Miss. Code Ann. (1972) as amended.

D. “Board” means the state Board for licensing massage therapists as created by § 73-67-9, Miss. Code Ann. (1972) as amended.

E. “Board-Accepted Hours” means hours of education accepted by the Board to meet requirements of exemption and/or continuing education for pre-act practitioners and is different from “Board approved programs” and/or “Board-approved school hours.”

F. “Board Comprehensive Examination” means a comprehensive competency exam approved by MSBMT, including but not limited to:

1. The Massage and Bodywork Licensing Exam (MBLEx) administered by or on behalf of the Federation of State Massage Therapy Board (FSMTB) (effective April 10, 2009). Cost is determined by FSMTB.

2. The National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) administered by or on behalf of the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) (effective July 1, 2001). Students MUST select Mississippi as the Official Score Report section for automatic reporting to MSBMT. Cost is determined by NCBTMB.

3. Any other state, nationally or internationally accredited examination approved by the Board.

4. Examinations which were previously approved by the Board and discontinued by the administering body:

a. The National Examination for State Licensing (NESL), only the NCETMB option, administered by or on behalf of the NCBTMB (effective April 10, 2009 and discontinued after December 31, 2012).

b. The Asian Bodywork Therapy Examination (ABTE) administered by or on behalf of the National Certification Board for Acupuncture and Oriental Medicine (NCCAOM) (effective July 1, 2001 and discontinued after December 31, 2012).

c. The Mississippi State Pre-Licensure Examination (MSPLE) administered by or on behalf of MSBMT (effective June 30, 2007 and discontinued after December 31, 2012).

d. The Mississippi professional Examination I and II (MPE-1 and MPE-2) administered by or on behalf of MSBMT (effective October 1, 2019).

G. “Classroom Hour” means no less than fifty (50) minutes of any one (1) clock hour during which the student participates in a learning activity under the supervision of a member of the faculty of the school.

H. “Completion of Program” means satisfying all of the graduation requirements for the school’s massage therapy program as published in the school catalog and all requirements for students contained in the school’s license from the Board.

I. “Comprehensive Pass Rate” means calculated the equivalent of the annual pass rate by combining the two most recent years’ data.

J. “CPR / First Aid certification” means a course that includes hands-on skills training and demonstration and which is obtained from a Board-approved organization, including the American Red Cross, the American Heart Association, the American Safety and Health Institute, Emergency Care and Safety Institute, ProTrainings, LLC, ProFirstAid, Advanced Blended or Classroom, Pacific Medical Training, or another organization on a case-by-case basis. 100% cognitive-only training courses will be accepted, if provided by a Board-approved organization.

- K. "Examination" means the State Board of Massage Therapy approved examination for licensure.
- L. "Graduate" means a student who has achieved completion of the program.
- M. "Learning Objective" means a description of the performance which a learner should be able to exhibit, the conditions in which the performance will take place, and the depth and breadth of the expected performance before the learner is considered competent. These objectives may include and are not limited to cognitive, psychomotor and behavioral learning.
- N. "License" means a State Board of Massage Therapy approved form of credential indicating that the license holder has met the requirements of the Board for the practice of massage therapy.
- O. "Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). "Therapy" means action aimed at achieving or increasing health and wellness. "Massage therapy" means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools such as electrical hand massagers used adjunctively to the application of hand massage or devices designed as t-bars or knobblies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.
- P. "Massage Establishment" means a place of business where massage is being conducted.
- Q. "Massage Therapist" means a person who practices massage therapy.
- R. "Military" means the Armed Forces or Reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state. "Military personnel": refer to Section 33-1-39, Miss. Code Ann. 1972 (as amended).
- S. "Mississippi State Law Examination" (MSLE) means the comprehensive examination on the Mississippi Professional Massage Therapy Act § 73-67 and the associated relevant MSBMT Rules and Regulations that is given by the Board or its representative. A score of 70% or higher is required on the MSLE prior to licensure.
- T. "MSBMT" means the Mississippi State Board of Massage Therapy. See "Board" above.
- U. "MPMTA" means the "Mississippi Professional Massage Therapy Act".
- V. "Pre-Act Practitioner" means an individual who has practiced professional massage therapy before January 1, 2001.
- W. "Professional" means requiring minimum standards of conduct, ethics and education.
- X. "Provisional permit" means a temporary license approved by the Board when all requirements other than Board-approved national or state examinations have been met, not to exceed ninety (90) days. (See Rule 1.4.X, "Board Comprehensive Examination" for a list of the Board-approved national or state examinations.)
- Y. "Practitioner" means licensed massage therapist.
- Z. "Osseous Tissue" means bone.

AA. “Out-of-State Massage Therapy Instructor” means an instructor who is licensed in another jurisdiction and teaching in a Mississippi State Board approved school (see Rule 7.2.A and Rule 9.1 for specific requirements).

AB. “Temporary Instructor License” means a license issued when emergency need can be demonstrated by a Mississippi licensed massage school. See 9.1.G.

Source: *Miss Code Ann.* § 73-67-7 (Rev. 2013); § 73-67-25 (2) (Rev. 2008)

Part 2501 Chapter 2: Fees

Rule 2.1. Fee Schedule

A.	Application Packet Fee (or actual per page cost) if mailed	\$ 15.00
B.	Application Fee for Licensure. If a license has not been issued within 24 months of receipt of the application, even if a provisional permit was issued, the applicant must submit a new application and application fee	\$ 50.00
C.	Two year License or Renewal Fee and Mobile Therapist Card	\$ 200.00
D.	Paper Application Fee for LMT renewals by paper application method	\$ 35.00
E.	Charge back fee for bounced eChecks and/or credit card denials	\$ 40.00
F.	Convenience fee for online processing * (amount determined by Mississippi Department of Finance and Administration and Mississippi Department of Information Technology Services	*
G.	Renewal Late Fee for applications 1 – 30 days late (Paper renewals become late when postmarked less than 30 days prior to expiration)	\$ 100.00
H.	Renewal Late Fee for applications 31 – 60 days late	\$ 150.00
I.	Renewal Late Fee for applications 61 – 90 days late	\$ 200.00
J.	Reapplication Fee for applications more than 90 days late	\$ 250.00
K.	Additional Certificate – LMT Certificate or Instructor Certificate	\$ 25.00
L.	Replacement Certificate Fee – LMT or Instructor or Mobile Therapist Card. Must return certificate in exchange (Section 603)	\$ 10.00
M.	Code of Ethics	\$ 5.00
N.	Provisional Permit – initial or extension (Provisional permit fee shall be submitted with Application Fee and License Fee)	\$ 30.00
O.	Directory or Labels of Licensed Massage Therapists Electronic format Printed one (1) set	\$ 50.00 \$ 75.00
P.	Mississippi Board Examination Fee for pre-licensure	\$150.00

	(discontinued after December 31, 2014)	
Q.	Instructor 1-year Initial or Renewal License (for licenses effective before January 1, 2018) Fee	\$50.00
	Instructor 2-year Initial License (for licenses effective on or after January 1, 2018) Fee	\$100.00
	Instructor 2-year Renewal License (for licenses effective on or after July 1, 2018) Fee	\$ 50.00
R.	Instructor Renewal Late Fee	\$ 100.00
S.	Temporary Instructor License Fee	\$ 100.00
T.	Per Page Copying Fee (plus postage if mailed)	\$.50
U.	Continuing education provider biennial fee (initial or renewal)	\$ 100.00
V.	Continuing education program biennial application fee (initial or renewal)	\$ 50.00
W.	Out of State Individual CEU approval fee for courses not previously approved (see 9.2.D)	\$ 50.00
X.	Inactive Fee (valid for inactive status up to 3 years)	\$ 30.00
Y.	Mississippi State Law Examination (MSLE)	\$100.00
Z.	Request for approval of education for a hand-held electric massager (see Rule 7.5.A.12)	\$ 25.00
AA.	Fee to licensee for Board to respond to another state's request for licensure verification (plus copying fee in 2.1.T, if applicable)	\$50.00
AB.	Fee for petition of pre-licensure determination	\$25.00

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (iii) (Rev. 2008); § 73-67-15 (1) (p) (Rev. 2008); 73-67-25 (2) (Rev. 2008); § 73-77-1 et. seq. (2019)

Rule 2.2 A. Fines and Penalties. The Board shall establish reasonable and customary fines and penalties. Any violation of the Rules and Regulations, or provisions of 73-67-1 through 73-67-39, shall be punishable by a fine of no less than \$25.00 and no more than \$100.00 per occurrence unless otherwise set forth by rule or statutory provision. By definition, a violation is the first day that sufficient evidence is received, either in writing or via on-site inspection. Fine schedule for violations (including but not limited to):

1.	Working without a License properly displayed	\$25.00 per occurrence
2.	Working without a License for that location	\$25.00 per occurrence
3.	Working without a Code of Ethics properly displayed	\$25.00 per occurrence
4.	Working with an expired Provisional Permit	\$100.00 per occurrence for the first violation; and Up to \$500.00 per occurrence for each violation thereafter

5.	Working with an expired License	\$100.00 per occurrence for first violation; and Up to \$500.00 per occurrence for each violation thereafter
6.	Advertising with a revoked, inactive, retired, suspended or expired Provisional Permit or License	\$100.00 per occurrence for first violation; and Up to \$500.00 per occurrence for each violation thereafter
7.	Working without a license: See section 73-67-27(3)(a), (b), (c) Miss. Code Ann. (1972) as amended	
8.	It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the Board of not less than \$500.00 and not more than \$1000.00 per violation.	
9.	It shall be the responsibility of the licensee, a massage therapy establishment, a Board approved school, and/or a separate advertising entity to verify and include current license numbers in all advertising, no matter the format. (See section 73-67-29 (7).) Failure to comply is subject to penalty assessed by the Board up to \$1000.00 per violation.	
10.	Failure to comply with any provisions of Rule 7.5 is subject to penalty assessed by the Board up to \$500.00 per violation.	
11.	Failure to comply with any provisions of Rule 7.4.B is subject to penalty assessed by the Board up to \$500.00 per violation.	
12.	Failure to comply with any provisions of Rule 7.4.E is subject to penalty assessed by the Board up to \$500.00 per violation.	
13.	Failure of a massage establishment to comply with any provisions of Rule 11.1.I is subject to penalty assessed by the Board up to \$500.00 per violation.	
In addition to administrative penalties of the Board, criminal sanctions for violations may be imposed in accordance with § 73-67-27(3)(a), (b), (c) Miss. Code Ann. (1972) as amended.		

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008); § 73-67-21 (1) (Rev. 2008); § 73-67-25 (2) (Rev. 2008); § 73-67-27 (Rev. 2008); § 73-67-29 (Rev. 2008)

Rule 2.2 B. Other Fines and Penalties

	Violation	1 st violation	2 nd violation
1.	Operating of unlicensed school	\$ 1000.00	\$ 5000.00
2.	Operating with an expired school license (unless written extension from the Board)	\$ 1000.00	\$ 5000.00
3.	Failure to meet with Board and or submit compliance plan	\$ 500.00	\$ 1000.00

4.	Late submission of annual Renewal Application	\$ 500.00	\$ 1000.00
5.	Submission of documents to the Board that contain false and/or misleading information	\$ 500.00	\$ 1000.00
6.	Failure to allow authorized representatives of the Board to conduct inspections of the school	\$500.00	\$ 1000.00
7.	Refusal to make available to representatives of the Board full information as requested	\$ 1000.00	\$ 2500.00
8.	Failure to submit any report when due unless otherwise specified	\$ 250.00	\$ 500.00
9.	Failure to immediately notify the Board of any change in accreditation status, including violations with accrediting Board	\$ 250.00	\$ 500.00
10.	Failure to meet all the provisions of school licensure as required by the application and Chapter 9 of these Rules and Regulations	\$ 500.00	\$ 1000.00
11.	Provider who advertises approval by the Board when approval has not been granted in writing	Up to \$ 1000.00	
12.	Provider who teaches a continuing education program for massage therapy renewal credit prior to receiving approval from the Board in writing	Up to \$ 1000.00	
13.	CEU provider who does not meet reporting requirements as required by Rule 10.2 A.	Up to \$ 1000.00	
14.	Returned check fee (relevant only to licensed schools in good standing)	\$100	

Source: *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-19 (7) (Rev. 2008)

Rule 2.2.C. Licenses may not be renewed if fines or penalties are outstanding; however, if a payment arrangement has been approved by the Board and the licensee is current under the payment arrangement, then the licensee may renew on-line.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.3 General Provisions

1. All fees are non-refundable.

- a. For paper applications, fees shall be paid in full by a cashier's check or money order made payable to MSBMT (Mississippi State Board of Massage Therapy). Personal checks will be returned. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing.
 - b. For online renewals, MasterCard, Visa, Discover and American Express debit/credit cards or eChecks may be accepted.
3. No application shall be considered complete unless accompanied by the required fees.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.4 Reapplication Fee

A. The Reapplication Fee is charged when a LMT, who has allowed his/her license to lapse for more than 90 days, expire, retired less than 3 years, or become inactive, or has been suspended or revoked and seeks to return to current status. This fee is always charged in addition to the current license fee.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.5 Directory or Labels of Current Licensed Massage Therapist

A. The State of Mississippi Directory of Licensed Massage Therapists (Directory) is maintained.

1. All licensees who paid the renewal fee on or before their deadline will be included in the Directory as "Active".
2. All current licensees will be listed in alphabetical order by county of residence.
3. All current licensees who reside outside the State of Mississippi will be listed in alphabetical order by their states of residence.
4. Individuals for whom a renewal fee was not received on or before their expiration will be included in the Directory as "Expired".
5. Individuals who have an expired, inactive, retired, suspended, or revoked license will be listed according to the category under which they fall.
6. Any individual or organization interested in obtaining a Directory shall submit a written request and the required publication fee.

B. Labels of current licensed massage therapists shall be updated annually and made available to CEU providers licensed with the Board and other massage related service at the discretion of the Board, upon written request or upon online request and payment of the required fee. A licensee may request removal of licensee's email address from such directory. This listing shall contain the licensee's information. All other information is prohibited from dissemination under the Public Records Act and the Office of the Attorney General Opinion 2014-0002, January 31, 2014.

C. Labels shall be made available to Mississippi state agencies upon request at no cost.

Source: *Miss Code Ann.* § 73-67-15 (1) (r) (Rev. 2008)

Part 2501 Chapter 3: Organization

Rule 3.1 Open Meetings Law / Open Meetings Act. The Mississippi State Board of Massage Therapy shall adhere to the Open Meetings Law, Section 25-41-3, Miss Code Ann. (1972) as amended.

A. The Board will hold at least four (4) regular meetings each year. Additional meetings may be called by the Chair of the Board or at the written request of a majority of the Board.

B. Meeting dates, times, and locations are published in the Board's minutes.

C. An organizational meeting shall be held in January of even numbered years for the purpose of electing officers.

D. All meetings of the Board are open to the public, and citizens are encouraged to attend meetings. The following regulation is enacted for the purpose of providing reasonable written procedures concerning the cost, time, place, and method of access, under the provisions of the Mississippi Public Record Act of 1983 (Open Records Act). It is not intended that these procedures shall apply to any public record or other document, which is exempt from the provisions of said Act or not covered by the provisions of the Open Records Act.

1. Any individual seeking to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the board should make a written request, signed by themselves to be mailed to the Executive Director, Mississippi State Board of Massage Therapy, Post Office Box 20, Morton, MS 39117.

2. The written request must be typed or clearly hand printed on a letter size piece of paper and shall specify in detail the public record sought. The request should include, if possible, a description of the type of record, dates, title of a publication, and other information which may aid in locating the record.

3. The written request must specify what the applicant proposes to do with the record, i.e., inspect, copy, etc. state the date and time for the proposed activity; state the number of persons scheduled to participate; and shall provide the name, address, and home and office telephone number of the applicant.

4. The Executive Director, upon receipt of any such request, shall review same and determine whether the records sought are exempt under the Mississippi Public Records Act, and shall either produce records or access to records or deny access to or production of the records sought within seven (7) working days from the date of the receipt of the request for the production of the record. If the Board is unable to produce a public record by the seventh working day after the request is made, the Board will provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is a mutual agreement of the parties, in no event shall the date for the

Board's production of the request records be any later than fourteen (14) working days from the receipt of the original request.

5. All inspection, copying or mechanical reproduction shall be done in the offices of the Board or such other reasonable place within the State of Mississippi as may be designated by the Board. It shall be the duty of the applicant to contact the Executive Director by phone before noon of the first working day preceding the proposed date set out in the application to determine if same is acceptable and, if not, what date and/or time will be substituted.

6. Where possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld.

7. If the Executive Director determines that the records requested are exempt or privileged under the law, she shall deny the request and shall send the person making the request a statement of the specific exemption relied upon by the Board for the denial. Such denials shall be kept on file for inspection by any person for three (3) years. This file shall be made available for inspection or copying or both during regular office hours to any person upon written request.

8. The Executive Director is authorized to calculate the estimated cost of searching, obtaining from storage, reviewing, shipping and/or duplicating records and to require payment in advance of such estimated charges prior to complying with the request. There shall be a charge of \$0.50 per page for each copy. Copies printed on both sides (front & back) shall be considered as two pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records. In the event the actual cost of such activity exceeds the estimate, the Executive Director is authorized to withhold mailing or delivery of said documents or to delay the inspection until the difference is paid.

9. There shall be no charge for inspection of the current Board's records maintained at the Board office. Cost of obtaining records from any state storage facilities and the search for it shall be charged to the applicant.

10. The Executive Director may waive any or all of the foregoing requirements related to written notice, time, and method of access prepayment of expenses whenever the determination is made that such waiver would be in the public interest.

E. Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board.

F. Individuals who wish to be included on the Board's agenda must submit a written request to the Board on the Agenda Request form provided by the Board. The Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

G. The board will review only complete applications for licensure. Incomplete applications will be returned to the applicant.

H. The Board may deny initial application for licensure or license renewal for the following reasons, including, but not limited to:

1. Failure to meet all requirements for licensure;
2. Failure to pay required fees;
3. Conviction of a felony other than a violation of federal or State tax laws;
4. Unacceptable or unlicensed practice of the applicant;
5. Violation of the ethical code;
6. Declaration of mental incompetence by the court.

Source: *Miss Code Ann.* § 25-41-3.101 (Rev. 2006); *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-9 (Rev. 2008); § 75-67-25 (2) (Rev. 2008)

Rule 3.2 Oral Proceeding.

This rule applies to all oral proceedings held for the purposes of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to Rule 3.4.

- A. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.
- B. Each request must be printed, typewritten, or legibly handwritten. Each request must be submitted on standard business letter-sized paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).
- C. The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.
- D. The Chairman or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.
- E. Public Presentations and Participation
 1. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
 2. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one (1) business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer, in his or her discretion may allow individuals to participate that have not previously contacted the Board.
 3. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
 4. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and avoid repetition,

additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

5. Persons making oral presentations are encouraged to avoid restating matters that have already been stated or matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceedings.

6. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the participant's time where the orderly conduct of the proceeding so requires.

F. Conduct of Oral Proceeding

1. Presiding Officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceedings.

The presiding officer shall:

- a. call the proceeding to order;
- b. give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule;
- c. call on those individuals who have contacted the Board about speaking on or against the proposed rule;
- d. allow for rebuttal statements following all participant's comments;
- e. adjourn the proceeding.

2. Questions. The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matters relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding, but no participant shall be required to answer any questions.

3. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

4. Recording. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Rule 3.3 Declaratory Opinions

These rules set forth the Mississippi State Board of Massage Therapy hereinafter "Board", rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding the requests as required by Mississippi Code 305. These rules are intended to supplement and to be read in conjunction with the provisions of the Mississippi Administrative Procedure Law, which contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedure Law, the latter shall govern:

- A. Any person with a substantial interest in the matter may request a declaratory opinion from the Board by following the specified procedures. "Substantial interest in the subject

matter” means: an individual, business, group, or other entity that is directly affected by the Board’s administration of the law within its primary jurisdiction. “Primary jurisdiction of the Board” means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

B. The Board will issue a declaratory opinion regarding the applicability to specified facts of:

1. a statute administered or enforceable by the Board, or
2. a rule promulgated by the Board.

The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

C. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity;
2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make and answer unnecessary;
3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
4. the facts presented in the request are not sufficient to answer the question presented;
5. the request fails to contain information by these rules or the requestor failed to follow the procedure set forth in these rules;
6. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statutes or rule on which a declaratory opinion is sought;
7. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
8. the question presented by the request concerns the legal validity of a statute or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. clear answer is determinable;
11. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General’s opinion request which has been answered by an Attorney General’s opinion;
14. a similar request is pending before this Board or any agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;

15. where issuance of a declaratory opinion may adversely affect the interest of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

16. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.

D. Each request must be printed or typewritten, or legibly handwritten. Each request must be submitted on standard business letter-sized paper (8-1/2 inches by 11 inches). Request may be in the form of a letter addressed to the Board.

E. All requests must be mailed, delivered, or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral telephone requests or e-mail requests will be accepted.

F. Each request must include the full name, telephone number, and, mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

G. Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statute or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address, and telephone number; and
6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

H. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

1. issue a declaratory opinion regarding the specific statute or rule as applied to the specific circumstances;
2. decline to issue a declaratory opinion, stating the reason for its action; or
3. agree to issue a declaratory opinion by a specific time but not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

I. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

J. The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies or other entities other than the requestor.

K. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and request shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from the requirements and shall remain confidential.

L. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Part 2501 Chapter 4: Licensing Requirements

Rule 4.1 General Requirements

A. No person shall practice massage for compensation in the State of Mississippi except as provided by state statute and these regulations.

B. An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.

C. An applicant must provide proof of high school graduate equivalency.

D. An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with such license.

E. All required fees for initial licensure must be submitted by the applicant with a cashier's check or money order. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing.

F. Any and all requirements regarding good moral character and competency, as provided for in accepted codes of ethics shall be met. The burden of demonstrating that the applicant possesses the good moral character required for licensure shall rest with the applicant. Effective July 1, 2013, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-67-27.

1. To assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

2. Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

3. The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

4. The board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant.

G. The Board must receive a complete application packet, fees and official transcript(s) by the established application deadline for the application to be considered for licensure at the next regularly scheduled Board Meeting.

H. An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical testing, and supply documentation of familiarity with the American with Disabilities Act.

I. An applicant must have completed an approved course on communicable diseases, including HIV/AIDS information and prevention. Board approved schools shall include these courses and those listed in 'H' above in the curriculum.

J. Request for Pre-Licensure Determination. An individual may request the Board for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. The determination request shall be in writing, filed on a form supplied by the Board and signed in the presence of a notary. The request shall also be accompanied by a judgement of conviction and a fee of \$25.00.

A. Disqualifying Crimes Felony.

1. An individual may be denied a license or permit based on a felony conviction which includes the following: a deferred conviction, a deferred prosecution, a deferred sentence, finding or verdict of guilt, admission of guilt or a plea of nolo contendere.

2. Directly Related to Licensure Practice. Crimes involving fraud or theft. Massage therapists often have unfettered access to individuals' privileged information, financial information, and valuables, including medications, money, jewelry, credit cards/checkbook, and sentimental items. Massage therapists also provide massage services, working night and weekend shifts at massage establishments where there is often no direct supervision. Clients in these settings are particularly vulnerable to the unethical, deceitful, and illegal conduct of a massage therapist. When a massage therapist has engaged in criminal behavior

involving physical misconduct, fraud or theft in the past, the Board is mindful that similar misconduct may be repeated in these massage settings, thereby placing clients and the public at risk.

3. Misdemeanor. The admission of multiple convictions, including misdemeanor convictions may be used to determine if an individual shall be denied a license or permit.

B. Determination Notification

1. Time for Response. The licensing authority or its designee shall issue a written determination notification to the individual within 30 days from the board's receipt of the individual's request.

2. Standing. The individual shall be provided one of the following responses:

a. Insufficient Information. If the individual's request contains insufficient information, the licensing authority or its designee will notify the individual that a determination cannot be made at this time as to the individual's standing or whether or not the criminal record will disqualify the individual from obtaining a license.

b. Disqualification Notification. The licensing authority or its designee shall notify the individual of the following:

i. Grounds and reasons for denial or disqualification.

ii. The right to a hearing;

iii. The earliest date to reapply for a license;

iv. Evidence of rehabilitation may be considered upon reapplication.

C. Administrative Hearing. The notice will advise the individual of the right to a hearing to challenge the licensing authority or its designee's decision.

D. Notice of Hearing. The licensing authority or its designee shall provide in writing to the individual the time, date and nature of the hearing pursuant to the Board's statutory provisions, rules and regulations.

Source: *Miss Code Ann.* § 73-67-15 (1) (e) (Rev. 2008); § 73-67-15 (1) (m) (ii) (Rev. 2008); §73-67-21 (Rev. 2008); § 73-67-35 (1) (Rev. 2008); § 73-77-1 et. seq. (2019)

Rule 4.2 Educational and Examination Requirements

All applicants must meet the requirements set forth in § 73-67-35 in order to be licensed.

A. To obtain a massage therapy license, an applicant must submit to the Board the applicant's official and certified transcript(s) from the applicant's massage therapy school. Official transcripts must be submitted to the Board directly from the approved massage therapy school. If a transcript is submitted directly from other than an approved massage therapy school for an applicant who does not qualify under the reciprocity provisions of Rule 4.5, then the applicant's massage therapy school must be accredited and must meet the educational and curriculum requirements of Rule 4.2.B and Rule 4.3. For a massage therapy school that has ceased operation, the transcript must be provided by a third party that is acceptable to the Board, such as the custodian of the school's records, or that state's massage regulatory body, or the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards.

B. All persons seeking licensure with the Board must pass one of the Board Comprehensive Examinations.

C. Effective January 1, 2011 all persons submitting an application for licensure with the Board must also pass the Mississippi State Law Examination (MSLE) that is given by the Mississippi State Board or its representative. Any student graduating from a Board approved massage therapy school may request a waiver of this requirement if the graduate will not be practicing in Mississippi. The content includes the Mississippi Professional Massage Therapy Act § 73-67 and its relevant MSBMT Rules and Regulations. The Board may schedule a session of the MSLE in coordination with a school. A minimum score of 70% is required prior to licensure.

Source: *Miss Code Ann.* § 73-67-15 (1) (g) (h) (Rev. 2008); § 73-67-25; (Rev. 2008); § 73-67-35 (1) (Rev. 2008)

Rule 4.3 Reciprocity

A. All requirements of § 73-67-25 shall be met.

B. A Provisional Permit authorizing the applicant to practice massage therapy may be issued for up to 90 days, pending completion of documentation that the applicant meets the requirements for licensure under this chapter. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination, and may reflect statutory limitations on the scope of practice. The fee in Rule 2.1 for a provisional permit must accompany the application. No sooner than fifteen (15) days prior to the expiration of an applicant's initial provisional permit, the applicant may apply and submit the fee in Rule 2.1 for an extension of up to 90-days under the existing provisional permit only if proof is provided of having taken and failed a Board Comprehensive Examination during the initial period of the provisional permit. A maximum of two (2) 90-day periods under a provisional permit may be authorized to each applicant.

C. Reciprocity for an applicant to the Board is defined, as follows:

1. From a regulated State:

Must be licensed and in good standing with the State regulatory Board (excludes grandfathering):

- a. must show proof of at least three (3) years work experience as a massage therapist,
- b. must show proof of passing scores from a Board Comprehensive Examination,
- c. must take and pass the Mississippi State Law Examination (MSLE) offered by the Board,
- d. must submit a timeline of massage therapy school enrollment and graduation, passage of a Board Comprehensive Examination, work experience, and residency, and
- e. must submit certified transcript(s) from a massage therapy school that includes the school's name, state license number, physical address and mailing address if different, telephone number and signed by the owner, director or administrator of the school:

- i. For a massage therapy school that is nationally or regionally accredited by an agency recognized by the U.S. Department of Education, the transcript has a minimum of 500 hours of in-class academic education. The massage school must provide evidence of its current accreditation and be in good standing with the accrediting body.
 - ii. For a non-accredited massage therapy school, the transcript is subject to verification of educational content relative to current curriculum and instruction requirements for an approved massage therapy school. The applicant may be required to obtain additional hours of training up to the current requirements from an approved massage therapy school.
 - iii. For a school that is currently not approved by one or more of that state's massage regulatory body, or the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards, the transcript will not be valid for licensure.
 - iv. For a massage therapy school that has ceased operation, the transcript must be provided by a third party that is acceptable to the Board, such as the custodian of the school's records, or that state's massage regulatory body, or the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards.
- 2. From a non-regulated State:
 - a. Must show proof of at least three (3) years work experience as a massage therapist,
 - b. must show proof of passing scores from a Board Comprehensive Examination,
 - c. must take and pass the Mississippi State Law Examination (MSLE) offered by the Board, and
 - d. must submit a timeline of massage therapy school enrollment and graduation, passage of a Board Comprehensive Examination, work experience, and residency, and
 - e. must submit certified transcript(s) from a massage therapy school that includes the school's name, state license number, physical address and mailing address if different, telephone number and signed by the owner, director or administrator of the school:
 - i. For a massage school that is nationally or regionally accredited by an agency recognized by the U.S. Department of Education, the transcript has a minimum of 500 hours of in-class academic education. The massage school must provide evidence of its current accreditation and be in good standing with the accrediting body.
 - ii. For a non-accredited massage school, the transcript is subject to verification of educational content relative to current in-class hours and courses for Board-licensed massage schools. The applicant may

- be required to obtain additional training up to the current requirements from a Board-approved massage school.
- iii. For a school that is currently not approved by one or more of that state's massage regulatory body, or the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards, the transcript will not be valid for licensure.
 - iv. For a massage therapy school that has ceased operation, the transcript must be provided by a third party that is acceptable to the Board, such as the custodian of the school's records, or that state's massage regulatory body, or the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards.
3. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application, the applicant satisfied the following conditions:
- (a) Has been awarded a military occupational specialty relating to massage therapy completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty of massage therapy; and
 - (b) Holds a current and valid license in another state with a similar scope of practice as determined by the Board for at least one (1) year; and
 - (c) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice as an massage therapist in this state at the time the act was committed, the Board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by this Board; and
 - (d) Did not surrender a license because of negligence or intentional misconduct related to the applicant's work in massage therapy in another state; and
 - e) Does not have a complaint, allegation or investigation pending before the Massage Therapy Board or other board or board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, this Board shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of this Board; and.
 - f) Pays any fees required by the Board for which the applicant is seeking licensure, certification or registration in this state.
4. This Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all of the following apply:

- a. The applicant worked in a state that does not use a license to regulate the practice of massage therapy;
 - b. The applicant worked for at least three (3) years in the lawful occupation; and
 - c. The applicant satisfies the provisions of (c) through (f) of subsection 1 of this section.
5. This Board may require the applicant to pass a jurisprudential examination specific to relevant state laws of Mississippi that regulate massage therapy practice if the issuance of a license in Mississippi requires an applicant to pass a jurisprudential examination specific to relevant state statute and administrative rules in Mississippi that regulate massage therapy practice.
6. This Board shall issue or deny the license to the applicant within one hundred twenty days (120) days after receiving an application. If the application requires longer than two (2) weeks to process, this Board shall issue a temporary practice permit within thirty (30) days after receiving the application if the applicant submits an affidavit, under penalties of perjury, affirming that he or she satisfies the provisions of this section and pays all applicable fees as required. The applicant may practice under the temporary permit until a license is granted, or until a notice to deny the license is issued, in accordance with rules adopted by this Board. A temporary license will expire in three hundred sixty-five (365) days after its issuance if the applicant fails to satisfy the requirement for licensure, if applicable.
7. Appeal of Board decisions.
 - (a) The applicant may appeal any of the following decisions of the Board to a court of general jurisdiction:
 - (i) Denial of a license;
 - (ii) Determination of the occupation;
 - (iii) Determination of the similarity of the scope of practice of the license issued; or
 - (iv) Other determinations under this section.
 - (b) The court shall determine all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by the Board without regard to any previous determination that may have been made on the question in any action before the Board.
8. The Board shall prominently print the following on all license applications, any communication denying a license, and on the Board's website: "Pursuant to the provisions of the Military Family Freedom Act, Mississippi shall recognize occupational licenses obtained from other states for military members and their families". The Board shall prepare and place on the Board's website an annual report detailing the number of applications submitted to the Board under this section during a calendar year and the actions taken by the Board on the applications.
9. The Board shall adopt rules necessary to implement this by January 1, 2021. In addition, the Board shall make all reasonable efforts to issue a license to an applicant for license under this section.

10. Nothing in this section shall be construed to prohibit a military applicant, spouse or dependent from proceeding under the existing licensure requirements established by the Mississippi Board.

11. Nothing in this chapter shall be construed to prevent Mississippi from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country. A license issued under this section is valid only in Mississippi. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in Mississippi law.

12. This section preempts any ordinances of any municipality, county and other political subdivisions of the State of Mississippi that regulate licenses.

D. A Board licensee seeking licensure through reciprocity or initial application in another state must pay all applicable fees in Rule 2.1 before the Board will verify and provide the licensee's information to the other state.

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (i) (2008); § 73-67-15 (1) (m) (ii); § 73-67-17 (f); (Rev. 2008); § 73-67-25 (2) (Rev. 2013); § 73-67-25 (3) (Rev. 2013); § 73-50-1 (2013)

Part 2501. Chapter 5. Application Procedures

Rule 5.1 Phases of the Application Process

A. Application Phase

1. Individual submits all application requirements including all applicable fees in the form of a certified check or money order. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing.

2. Complete application is reviewed and information validated according to the procedures set forth by the Board. The application is then submitted to the Board for approval.

3. Applicants who have already taken a Board Comprehensive Examination with official passing scores submitted by the appropriate administering body will be considered for licensure by the Board.

4. All persons submitting an application for licensure with the Board must also pass the Mississippi State Law Examination (MSLE) that is given by the Mississippi State Board or its representative. Any student graduating from a Board approved massage therapy school may request a waiver of this requirement if the graduate will not be practicing in Mississippi. The content includes the Mississippi Professional Massage Therapy Act § 73-67 and its relevant MSBMT Rules and Regulations. The Board may schedule a session of the MSLE in coordination with a school. A minimum score of 70% is required prior to licensure.

5. If a certificate of licensure has not been issued within 24 months of receipt of the application, license fee and application fee due to the applicant's failure to meet all requirements for licensure, then the applicant must submit a new application and application fee. This applies even if the applicant received a Permit.

6. If a first time licensing applicant completed a Mississippi massage therapy program and passed the Mississippi State Law Examination (MSLE) more than 24 months prior to applying for licensure, a Board-approved 3-hour Mississippi Law CEU course must be taken prior to licensure OR the applicant must re-take and pass the Mississippi State Law Examination (MSLE).

7. If an applicant applies and pays all applicable fees in Rule 2.1 for licensure, the Board may issue a Provisional Permit authorizing the applicant to practice massage therapy for up to 90 days, pending completion of documentation that the applicant meets the requirements for licensure under this chapter. The provisional permit shall not be issued until an applicant has successfully passed the Mississippi State Law Examination, and may reflect statutory limitations on the scope of practice. The fee in Rule 2.1 for a provisional permit must accompany the application. No sooner than fifteen (15) days prior to the expiration of an applicant's initial provisional permit, the applicant may apply and submit the fee in Rule 2.1 for an extension of up to 90-days under the existing provisional permit only if proof is provided of having taken and failed a Board Comprehensive Examination during the initial period of the provisional permit. A maximum of two (2) 90-day periods under a provisional permit may be authorized to each applicant.

Source: *Miss Code Ann.* § 73-67-21 (Rev. 2008)

Rule 5.2 Administrative Appeal

A. Where the Board refuses to grant, or renew a license or revokes or suspends a license, an opportunity for a hearing shall be afforded before final action by the Board. The Board may designate any competent person(s) to preside at such hearing.

B. After the administrative hearing, the Board will notify the individual of its final decision.

C. An individual may appeal the decision of the Board to the Circuit Court of Hinds County.

D. An applicant may appeal the decision of the Circuit Court to the Mississippi Supreme Court.

Source: *Miss Code Ann.* § 73-67-19 (4) (Rev. 2008); § 73-67-27; (Rev. 2008); § 73-67-25 (2) (Rev. 2008)

Part 2501. Chapter 6. License Renewal, Directory, and Duplicate / Replacement Wall Certificates

Rule 6.1 Renewal

Licenses are valid through May 31st of the second year (the “expiration date”) following issuance or any renewal thereafter. Therapist shall not practice massage after the expiration date listed on their license unless renewed either by paper or online method.

A. Proof of current CPR and First Aid certifications (see Rule 1.4.Z) will be required with each renewal application. CEU credits will not be awarded for these certifications.

- B. A 3-hour CEU class of Mississippi Law / Rules and Regulations and a 3-hour course in ethics will be required with each renewal.
- C. As a courtesy, Licensed Massage Therapists may be notified of renewal.
- D. Failure to receive a renewal notice from the Board will not relieve the license holder from the renewal requirements.
- E. Paper Renewals: The following items must be postmarked 30 days prior to expiration for every licensed therapist who continues to practice:
1. The most recent renewal form which may be downloaded from the Board website, completed in its entirety; and the prescribed license renewal fee.
 2. The late fee must be included for applications postmarked less than 30 days prior to expiration plus any other fees that may apply as listed in Chapter 2 above.
 3. A fee of \$35.00 will apply to LMT's who renew by paper method.
 4. Payment must be remitted by Cashier's Check or Money Order. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing.
- F. Online Renewals: Massage therapists may renew licenses online during the period beginning 60 days prior to the license expiration date and ending 90 days after the license expiration date. If renewal occurs after the expiration date, late fees apply and the massage therapist shall not practice massage until the license has been renewed. The licensee is not excused from paying late fees or other consequences of license expiration due to the unavailability of the on-line renewal method on the last working day or any holiday or weekend day for state employees prior to license expiration, or failure of the licensee to complete the on-line renewal process prior to the end of the last day for which the license is active.
1. All other provisions for renewal will apply. The most up to date information may be found at www.msbmt.ms.gov.
 2. The massage therapist must allow sufficient time to renew by the paper method if online renewal is not allowed. Renewals may not be processed online if:
 - a. There is a change that would require verification such as a legal name change. Such changes must be done prior to online renewal by providing MSBMT a copy of the legal document verifying the name change.
 - b. There are insufficient CEU's posted to the therapist's account. While Providers are responsible for reporting CEU's promptly, it is the therapist's responsibility to verify that the information is current and accurate.
 - c. Since the last application for a massage license, the massage therapist has disciplinary or other licensing actions, been convicted or found guilty of offenses, been treated for substance abuse or for mental or emotional disorders, been found legally incompetent, or been subject to complaints or civil litigation.
 - d. Fines or penalties are not current under a Board-approved payment arrangement.
- G. The license status will be changed to "Expired" for all licensees who fail to renew their license more than 90 days after the expiration date listed on their license.

H. An individual with an “Expired” license for up to and including 90 days who wishes to return to current status must pay applicable late fee(s) in addition to the current renewal fee. An individual with an “Expired” license for more than 90 days who wishes to reinstate to active status must submit a paper application for renewal, pay the current renewal fee, reapplication fee and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status. An individual with an “Expired” license cannot move to “Inactive” or “Retired” status. After three (3) years on expired status, the licensee must comply with Rule 6.1.K.

I. “Inactive” Status: Those who wish to put their active license on the inactive list, remaining there for a period not to exceed three (3) years before returning to active practice, may do so without reexamination or late fees upon submission of all fees and an affidavit provided by the Board requesting inactive status, which shall attest that they shall not perform massage therapy for compensation within the State of Mississippi while on inactive status. They shall surrender their license to the Board and no license shall be issued while on inactive status. To reinstate to active status the licensee must submit an application for renewal, pay the current renewal fee, reapplication fee and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status, including the two (2) years when the therapist last held an “Active” license plus each subsequent calendar year after the therapist failed to pay renewal fees. CEU credits do not expire while on “Inactive Status”. After three (3) years of inactive status, the license shall be considered expired. Should the license expire, all requirements of an “expired” license under Rule 6.1.K shall apply. An individual who is on “Inactive” status, and who otherwise meets the requirements for the “Retired” status of Rule 6.1.M, may request to have the Board change the individual’s status from “Inactive” to “Retired.”

J. Any license that is not renewed or placed on inactive or retired status before the license has expired/lapsed will be deemed expired.

K. Any individual whose license has expired/lapsed for failure to pay the required renewal fees for a period of three (3) years must

1. submit a MT.01 Application for Professional Licensure (for first time applicants) , and
2. follow the rules set forth in Chapter 4 “License Requirements” as if a new applicant, and
3. submit proof to the Board that the applicant has satisfied the CEU requirements that would have been applicable had the applicant been on active status. This includes the two (2) years when the applicant last held an “Active” license plus each subsequent calendar year after the applicant failed to pay renewal fees.

The Board will calculate and require the larger of the two numbers of hours under Rule 6.1.K.2 and Rule 6.1.K.3, and not the sum of the two calculated numbers. The applicant may have to document all or a portion of the required hours through a massage school transcript.

L. “Retired” Status: Those who wish to be removed from active status and have held a Mississippi Massage Therapist License for a period of five (5) years with no fines or penalties imposed for the last three (3) years of active service. This status is provided upon request of the licensee to the Board and no license shall be issued while on retired

status. To reinstate to active status, the licensee must submit an application for renewal, pay the current renewal fee, pay the reapplication fee if the licensee has been on the “Retired” status for three (3) or fewer years, and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status, including the two (2) years when the therapist last held an “Active” license plus each subsequent calendar year after the therapist failed to pay renewal fees. CEU credits do not expire while on “Retired” status. A “retired” massage therapist may remain in this status for an indefinite period of time.

M. “Suspended” Status: The Board at its discretion may place a license on suspended status which indicates that the privilege to practice massage therapy has been temporarily terminated. This status results from actions taken under Chapter 8 of these Rules and Regulations.

N. “Revoked” Status: The board at its discretion may place a license on revoked status which indicates that a license has been nullified. This status results from actions taken under Chapter 8 of these Rules and Regulations.

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (iii) (Rev. 2008); § 73-67-17 (g); (Rev. 2008)

Rule 6.2 Additional / Replacement Wall Certificates and Mobile Therapist Cards (MTC)

- A. Each licensee and massage establishment shall insure that a valid and current wall certificate attesting to the licensee’s title as a Mississippi Licensed Massage Therapist at each place of business within the State of Mississippi where massage therapy is practiced. If a licensee works at multiple massage establishments, the licensee must obtain an additional wall certificate for each massage establishment within the State of Mississippi with its address from the Board. See Chapter 2 for additional location certificate fee. A Mobile Therapist Card will be provided with the initial license and each renewal license thereafter (Effective July 1, 2010), which must be prominently displayed when performing massage therapy off-site within the State of Mississippi.
- B. Any and all certificates issued by the Board are the property of the Board and must be surrendered upon official request.
- C. Each licensee must ensure that the current wall certificate or Mobile Therapist Card bears his / her current legal name. A licensee in good standing whose name is legally changed may request a replacement wall certificate or Mobile Therapist Card by submitting the following:
 - 1. Written notification of the change and a request for a new wall certificate or Mobile Therapist Card bearing the licensee’s current legal name;
 - 2. A copy of the legal paper document indicating the change;
 - 3. Returning the original wall certificate or Mobile Therapist Card to the Board Office; and
 - 4. Paying the prescribed replacement certificate fee. See Chapter 2.
- D. A licensee in good standing may request a replacement wall certificate or Mobile Therapist Card if his / her original wall certificate or Mobile Therapist Card was damaged by returning the damaged original wall certificate or Mobile Therapist Card to the Board’s office and submitting the following either in writing or on-line at the Board’s website:

1. A written request for a replacement wall certificate or Mobile Therapist Card; and
 2. Payment of the prescribed replacement certificate fee.
- E. A licensee in good standing may request a replacement wall certificate if his / her original wall certificate or Mobile Therapist Card was destroyed by submitting the following items either in writing or on-line at the Board's website:
1. A written request for a replacement wall certificate or Mobile Therapist Card, indicating that the original wall certificate or Mobile Therapist Card was destroyed.
 2. A notarized affidavit if in writing, including a statement and an explanation that the wall certificate or Mobile Therapist Card was destroyed; and
 3. Payment of the prescribed replacement certificate fee.
- F. Any other request for an additional or replacement wall certificate or Mobile Therapist Card will be handled by the Board on a case by case basis.
- G. All changes must be in writing to the Board office in the event of any change in name, address or telephone number for home or business location(s).
- H. If the Board has determined that the street address, independent of the suite number, of a massage establishment has been attached to or identified with any pornographic or other establishment that may be construed as unprofessional and/or unethical in the practice of professional massage therapy, then the Board shall deny all applications for massage therapy wall certificates to practice at that street address, regardless of the current name of the massage establishment or of its current owner. The Board shall maintain a list of such street addresses. If the massage establishment is in a building that contains more than four (4) suites that share a common street address, then the denial of wall certificates shall only apply to the suite of said massage establishment and all contiguous suites. The period of such denials shall be five (5) years from the date of the most recent evidence of pornographic, or unprofessional or unethical advertising or identification.

Source: *Miss Code Ann.* § 73-67-17 (3) (Rev. 2008); § 73-67-33 (Rev. 2008)

Part 2501. Chapter 7. Complaints, Disciplinary Hearings, Sanctions, Disciplinary Appeal

Rule 7.1 Grounds for Disciplinary Action

- A. This Chapter applies to individual massage therapists, instructors or schools licensed by the Mississippi State Board of Massage Therapy. The Board may refuse to issue or renew or may deny, suspend or revoke any license held or applied for under this act upon finding that the holder of a license or applicant:
1. Is guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure any license provided for in § 73-67-1, et. seq. Miss. Code Ann. (1972) as amended;
 2. Attempted to use as his/her own the license of another;
 3. Allowed the use of his/her license by another;
 4. Has been adjudicated as mentally incompetent by regularly constituted authorities;

5. Has been convicted of a crime, or have charges or disciplinary action pending that directly relates to the practice of massage therapy or to the ability to practice massage therapy or instruct massage therapy. Any plea of nolo contendere shall be considered a conviction for the purposes of this section;
6. Is guilty of unprofessional or unethical conduct as defined by the code of ethics;
7. Is guilty of false, misleading or deceptive advertising, or is guilty of aiding or assisting in the advertising or practice of any unlicensed or unpermitted person in the practice of massage therapy or instruction of massage therapy;
8. Is grossly negligent or incompetent in the practice of massage therapy or instruction of massage therapy;
9. Has had rights, credentials, or one or more license(s) to practice massage therapy or instruct in any massage therapy program revoked, suspended, or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction making such a revocation, suspension or denial shall be conclusive evidence thereof; or
10. Has been convicted of any felony, other than a violation of federal or state tax laws.

B. Investigative proceedings may be implemented by a complaint by any person, including members of the Board.

Source: *Miss Code Ann.* § 73-67-19 (4) (Rev. 2008); § 73-67-27; (Rev. 2008)

Rule 7.2 Complaint Procedures

Any person who believes he has been aggrieved by a violation of § 73-67-1 et. seq. or any Board regulation shall have the right to file a written complaint within two (2) years of the alleged violation. The Board shall maintain a written record of each complaint that is made. The Board shall also send to the complainant a form acknowledging the complaint and requesting further information if necessary.

A. All complaints concerning a massage therapy school, instructor, business or against an individual therapist's professional service or activities shall be received by the Board. Complaints must be submitted in writing on an official complaint form provided by the Board. The Board will assign each complaint a case number.

B. Each complaint shall be assigned to a Board member or an Investigator assigned by the Board for investigation, notification, and determination of probable cause. Once the case is assigned, this individual becomes the case reviewer.

C. The Board shall send the appropriate complaint forms to the complainant. The complainant is responsible for completing, notarizing, and returning all forms to the Board Office. All complaints may trigger an investigation to which the complainant will be a party.

D. The accused is notified of the complaint and is either informed that he/she has ten (10) days to respond or may be offered an informal conference. The Board will send the accused a waiver which must be notarized and returned to the Board prior to the informal conference. Should this informal appearance or process not resolve the issues, the accused is entitled to a formal hearing before the Board to address the same. The accused

may request an extension, of up to thirty (30) days, to respond to the complaint. Extensions will be granted on a case by case basis. Justification for additional time is determined by the Board.

E. The Board shall conduct a meeting, with quorum present to hear a complaint case(s) presented by a case reviewer. The Board may, at this time:

1. Vote to take no action, if no action is merited; or
2. Authorize a disciplinary hearing and initiate a formal complaint and notice of disciplinary hearing.

F. Resolution of any formal complaint may be made between the Board and the accused.

G. The Board, at its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted against the accused, the charging party, or both, as the Board may elect.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-19 (4) (Rev. 2008); § 73-67-27 (3) (d); Rev. 2008)

Rule 7.3. Notice of Formal Complaint and Disciplinary Hearing

A. The Board shall notify the accused that a complaint has been received and that a disciplinary hearing will be held. The accused shall be notified at least thirty (30) days prior to the date of the disciplinary hearing.

B. Notice shall be considered to have been given if the notice was successfully mailed “certified” to the last known address as listed with the Board, or otherwise served.

C. The notice shall inform the accused of the facts which are the basis of the complaint and which are specific enough to enable the accused to defend against the complainant.

The notice of the complaint shall also inform the accused of the following:

1. The date, time, and the location of the hearing;
2. That the accused may appear personally at the disciplinary hearing and may be represented by Counsel; and,
3. That the accused shall have the right to produce witnesses and evidence on the individual(s) behalf and shall have the right to cross-examine adverse witnesses and evidence.

D. The disciplinary hearing shall be before the Mississippi State Board of Massage Therapy and shall be presided over by the Chair, senior member, or designee of the Board. Following the disciplinary hearing, the Board shall, in writing, notify the accused as to what sanction(s), if any, shall be imposed and the basis for the Board’s action. All disciplinary hearing proceedings are a matter of public record and shall be preserved pursuant to the state law.

E. All final orders issued by the Board shall be reflected in the Board minutes.

F. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008)

Rule 7.4 Disciplinary Proceedings

A. General Statement. In any contested case, opportunity shall be afforded to all parties to respond and present evidence and argument of all issues involved. Unless precluded

by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default or dismissal.

B. Informal Disposition of Contested Case. Prior to the imposition of disciplinary sanctions against a license, the licensee may be offered an opportunity to attend an informal conference and show compliance with all requirements of law.

1. Informal conferences may be attended by an attorney employed by the Board, a Board member and/or other representatives of the Board as the Chairman and legal counsel may deem necessary for the proper conduct of the conference. The licensee and/or the licensee's authorized representative may attend the informal conference and shall be provided an opportunity to be heard.

a. In any case where charges are based upon information provided by a person who filed a complaint with the board (complainant), the complainant may attend the informal conference, and shall be provided with an opportunity to be heard with regard to charges based upon the information provided. Nothing herein requires a complainant to attend an informal conference.

b. Informal conferences are not deemed to be official meetings of the Board.

c. Any proposed order shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the proposed order. Should the Board approve the proposed order, the appropriate notation shall be made in the minutes of the Board and the proposed order shall be entered as an official action of the Board. Should the Board amend the proposed order, the executive director shall contact the respondent to seek concurrence. If the respondent does not concur, or should the Board disapprove the proposed order, the case shall be rescheduled for purposes of reaching an agreed order, or in the alternative forwarded to the designated Board attorney for formal action.

C. Formal Disposition of a Contested Case. All contested cases not resolved by informal conference shall be referred for hearing.

1. Notice. The respondent shall be entitled to reasonable notice of not less than thirty (30) days. Notice shall include:

- a. a statement of the time and place of the hearing;
- b. a statement of the offense or offenses for which the licensee is charged;
- c. a copy of the complaint.

2. Service of notice. The notice of hearing and a copy of the formal complaint shall be served by mailing a copy thereof by certified mail, postage prepaid to the respondent's last known residence or business address at least thirty (30) days prior to the hearing.

a. Filing of documents. All pleadings and motions relating to any contested case pending before the Board shall be filed at the Board office and shall be deemed filed only when actually received. Copies of all pleadings and motions shall be served on Board counsel.

b. Motion for Continuance. Continuances may be granted by the Board.

c. Transcription. All proceedings shall be transcribed by a court reporter. The agency may pay the cost of the transcript or assess the cost to one or more parties.

Source: *Miss Code Ann.* § 73-67-27 (Rev. 2008)

Rule 7.5 Sanctions

A. Civil:

The Board may impose any of the following sanctions, singularly or in combination, when it finds that a licensee is guilty of any of the offenses including but not limited to those referred to in Chapter 8:

1. Issuance of a letter of official reprimand to the licensee;
2. Refusal to renew license;
3. Restriction or limitation of the individual's scope of practice;
4. Suspension of the licensee for any period of time; and
5. Revocation of the license.
6. Reasonable and customary fines and penalties.

Source: *Miss Code Ann* § 73-67-15 (1) (p) (Rev. 2008); § 73-67-19 (3) (Rev. 2008); § 73-67-27 (3) (Rev. 2008)

Rule 7.6 Disciplinary Appeal

- A. An accused may appeal the decision of the Board to the Circuit Court of Hinds County.
- B. An applicant may appeal the decision of the Circuit Court to the Mississippi Supreme Court.
- C. Further appeal shall be pursuant to any remedies available by law.

Source: *Miss Code Ann.* § 73-67-19 (Rev. 2008)

Rule 7.7 Reinstatements Following Disciplinary Action

- A. Any person or school whose license or provisional permit has been revoked as a result of a disciplinary action may totally reapply for licensure, including payment of all fees, one (1) year after the revocation of the license unless otherwise provided in a Board order. All current requirements for licensure must be met.
- B. The Board may, at its discretion, grant reinstatement of the license following a disciplinary appeal.

Source: *Miss Code Ann.* § 73-67-15 (m) (iii) (Rev. 2008)

Part 2501. Chapter 8. Instructor and School Qualifications

Rule 8.1 Instructor Qualifications

Any person involved in the instruction of students must be licensed by the Board as an Instructor in all Mississippi Board approved schools of massage therapy, during any part of the 700 hours

required by MSBMT. Every instructor must be a licensed massage therapist in good standing with this Board unless exempt from this provision by § 73-67-5 or the exceptions for CPR, First Aid or HIV/AIDS training, Law, Business, Pathology, Anatomy and Physiology, or Kinesiology lecture instructors who must have other qualifications as specified below.

A. A massage therapist desiring to be licensed as a massage therapy instructor under Category A, B, H, L, or M shall produce evidence satisfactory to the Board of Massage Therapy that the applicant meets the following general requirements:

1. is a graduate from a qualified school of massage therapy and
2. is a licensed massage therapist in good standing with the Board with a license status of Active, Inactive, or Retired; and
3. has lawfully practiced massage therapy for at least three (3) years; and
4. has completed a Board approved course of at least 20 hours in teaching skills for adult education; and
5. has practical experience in adult education.

B. A person desiring to be licensed under Category M as a massage therapy instructor shall specify each specific therapy technique or modality, clinic, or palpatory anatomy / kinesiology. The Board of Massage Therapy will list the approved subjects on the applicant's instructor license for Category M. The applicant shall produce evidence satisfactory to the Board of Massage Therapy in the following:

1. For teaching basic massage theory, Swedish and/or relaxation therapy, deep tissue or clinical practicum-related modality the applicant meets the requirements of Rule 9.1.A.
2. For teaching palpatory anatomy / kinesiology or a specific therapy technique or modality shall produce evidence satisfactory to the Board of Massage Therapy that the applicant meets the requirements of Rule 9.1.A and has completed at least two (2) times the hours of education in the subject matter.

C. A person desiring to be licensed as an instructor of pathology, anatomy lecture, physiology lecture, kinesiology lecture or AIDS/HIV and infectious disease awareness (Category A) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in pathology, anatomy, physiology, kinesiology, sports medicine, exercise physiology, nursing, education with a concentration in biology or a substantially equivalent major; or
2. shall meet the requirements of Rule 9.1.A if a massage therapist, and has accumulated a minimum of 270 classroom hours of discrete science courses related to the human body. Acceptable courses are pathology, anatomy, physiology, kinesiology, palpatory anatomy, or AIDS/HIV and infectious disease. Each course must be documented in a transcript from a Board-approved school of massage therapy and / or from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state. As documented on a transcript, one college or university semester credit shall be converted to fifteen (15) classroom hours for lecture courses and to thirty (30)

classroom hours for laboratory courses. As documented on a transcript, one college or university quarter credit shall be converted to ten (10) classroom hours for lecture courses and to twenty (20) classroom hours for laboratory courses. Only courses that were successfully completed with a grade of “C” or higher will be accepted; or

3. is a licensed physician (MD), osteopath or chiropractor.

D. A person desiring to be licensed as an instructor of business practices and marketing (Category B) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. if a massage therapist, meets the requirements of Rule 9.1.A, and has at least three (3) years of experience as a full-time practicing massage therapist and owner / operator of a massage therapy establishment; or

2. has a minimum of a bachelor’s degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in business, marketing, or a substantially equivalent major.

E. A person desiring to be certified as an instructor of Mississippi Law, Rules and Regulations pertaining to massage therapy (Category L) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. if a massage therapist, meets the requirements of Rule 9.1.A; or

2. is licensed to practice law in Mississippi, as evidenced by a certificate from the Supreme Court of Mississippi that the individual is a member in good standing of the bar of that Court.

F. A person desiring to be licensed as an instructor of hydrotherapy, safety, hygiene and/or sanitary practices (Category H) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. if a massage therapist, meets the requirements of Rule 9.1.A; or

2. has specialized training satisfactory to the Board; or

3. has a minimum of a bachelor’s degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in nursing, or a substantially equivalent major.

G. A person desiring to be approved as an instructor of CPR, First Aid or AIDS/HIV and infectious disease awareness (Category C) shall produce evidence satisfactory to the Board of Massage Therapy that the individual is certified by the Red Cross, The American Heart Association, or another organization recognized by the Board, as an instructor in these topics. Individuals who will teach only CPR and First Aid are not required to be a MSBMT licensed instructor as long as their credentials are on file at the school.

H. 1. Temporary Instructor License may be granted for a period of ninety (90) days when a school can show proof of an emergency need including but not limited to the following conditions:

a. The unexpected resignation or termination of an instructor immediately preceding the scheduled class.

b. The absence of an instructor due to illness, bereavement, relocation, or military deployment.

- c. Increase in class enrollment that dictates additional staff to meet the Instructor/Student ratio requirements.
- 2. The Temporary Instructor License application must include the following:
 - a. certification from all states in which the applicant holds a license and/or educational credentials in the area of instruction.
 - b. payment in the form of a cashier's check or money order in the amount of One Hundred Dollars (\$100.00) payable to MSBMT. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing. Unless otherwise indicated, the temporary instructor may be provided full licensure after obtaining approval from the Board with no additional fee required.
- 3. Renewals will not be granted for a temporary instructor license.
- I. Instructor certificates must be prominently displayed in the Board approved school where instructing.
- J. If a licensed instructor is teaching at two (2) or more Board approved schools, a separate certificate must be prominently displayed at each location.
- K. The Board licenses instructors and has the right of acceptance or revocation for cause.
- L. All instructor licenses are valid for a one-year period with the last such annual period expiring June 30, 2018. Beginning July 1, 2018, all instructor licenses are valid for a two (2)-year period that expires on June 30th of even years. Schools may submit instructor renewals; however, the instructor is responsible for insuring that the renewal is filed in a timely manner. No instruction may be provided under an expired license. A \$100 late fee will be charged on instructor renewals filed after June 30th in 2017 and in subsequent even years. Renewals may be accomplished by either online renewal (effective July 1, 2010) or by paper renewal:
 - 1. If by online method, the renewal may be initiated between April 1st and June 30th of 2017 and in subsequent even years. No additional areas of instruction will be licensed via the online renewal method.
 - 2. If by paper form, the renewal applications must be submitted on forms prescribed by the Board and must be submitted by June 15th of 2017 and in subsequent even years. The licensee must renew by this method to seek approval of any additional areas of instruction not authorized on the current license.
- M. A military-trained applicant or the spouse of an active member of the military applying for an instructor license may substitute the following for the experience or education / training requirements in paragraphs A through F above
 - 1. A military-trained applicant must provide evidence of the completion of a military program of training in the military occupational specialty that is substantially equivalent to or exceeds the requirements for instructor licensure.
 - 2. A military-trained applicant must show proof of work experience in the military occupational specialty for at least two (2) of the five (5) years preceding the date of the application for licensure with the Board. All relevant experience of a military service member in the discharge of official duties shall be credited in the calculation of years of practice.
 - 3. A military spouse must show evidence that the applicant is a legal spouse of an active member of the military, and must show proof of work experience in massage therapy for at least two (2) of the five (5) years preceding the date of the

application for licensure with the Board. All relevant experience of a military spouse, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice.

Source: *Miss Code Ann.* § 73-67-35 (Rev. 2008); § 73-67-7 (Rev. 2008); § 73-67-15 (1) (s) (Rev. 2008); § 73-50-1 (2013)

Rule 8.2 School Application for License

A. Any school making application for a license under the Mississippi Professional Massage Therapy Act should contact the Board through its website, www.msmbmt.ms.gov or directly at director@msbmt.state.ms.us for further directions.

1. The application packet fee is \$25.00 and must be submitted by certified check or money order; however, there is no charge for downloading the application from the web. Corporate checks are accepted from Mississippi licensed massage therapy schools in good standing.

2. After receipt of the written request, and a \$25.00 application fee, each prospective applicant will be sent a copy of the Mississippi State Board of Massage Therapy Regulations and a copy of the application packet.

B. The completed application must be returned to the Board along with a non-refundable application fee of Five Hundred Dollars (\$500.00) payable to MSBMT (Mississippi State Board of Massage Therapy).

C. A surety bond in the penal sum of Fifty Thousand Dollars (\$50,000.00) in favor of The Mississippi State Board of Massage Therapy is required. The bond form must be completed and signed by the Insurance Company or Agency. See Attachment 'C'.

D. Applicants may file in lieu of the bond, cash, a certificate of deposit or government bonds in the amount of Fifty Thousand Dollars (\$50,000.00).

E. Schools shall maintain a professional liability insurance policy covering any aspect of the facility, personnel and/or students. The Board shall be provided a copy of such policy and notified of any changes or renewals.

F. A license shall be granted or denied within sixty (60) days after receipt of the completed application by the Board of Massage Therapy.

G. All school locations shall meet all requirements set forth in these Regulations. This shall include, but is not limited to the following:

1. Providing complete verification of all information and commitments made in the application for a license or renewal, including but not limited to the following:

- a. General School Information
- b. Instructional Equipment
- c. Job Placement Services
- d. The Student Enrollment Contract
- e. Additional Information
- f. Annex Locations
- g. Facility Information
- h. Program of Study Information
- i. Instructors
- j. Student Grievance Procedures
- k. School Ownership

- l. Evaluation System
 - m. Disclosure of Information to Students
 - n. Documents Verifying Completion of a Program of Study
 - o. Financial Resources Information
 - p. Adherence to Refund Policy
 - q. Administrators
 - r. Bond Information
 - s. School Financial Status (Solvency) an income statement and balance sheet for the previous 2 years (as a minimum)
2. Making available all records related to the above statement upon request.
 3. Meeting all applicable health and safety standards that may be required by local, state and federal agencies including, but not limited to a current local jurisdiction business permit and a current fire inspection report.
 4. Agreement to notify the Board within 10 working days of changes in any of the following:
 - a. Ownership
 - b. School Name
 - c. Agents
 - d. School Director
 - e. Instructors
 - f. Programs of Study
 - g. Facility Standards
 - h. Instructional Equipment
 - i. Loss of Financial Aid Program Eligibility
 - j. Financial Stability
 - k. Job Placement Service
 - l. Evaluation System
 5. Agreement to maintain all premises, equipment, and facilities of the school in adequate, safe, and sanitary condition.
 6. Agreement to make enrollees accessible to be interviewed for the purpose of securing information to verify compliance with the conditions of the application for a license or license renewal.
- H. All school locations are subject to announced and unannounced visitation by the Board of Massage Therapy or its representatives.
- I. Private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education may submit evidence of current accreditation in lieu of other application request.
1. The school's application submitted on evidence of national accreditation must clearly and completely identify the school's compliance with all of the Board's application requirements and the requirements of this Chapter, including payment of fees. Failure to do so may result in denial of the school's application.
 2. Applications submitted on evidence of national accreditation must be approved or denied within sixty (60) days after receipt. If no action is taken within sixty (60) days, the application shall be deemed approved and a massage therapy license must be issued.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2013);

Rule 8.3 Annex School Locations

A. A license is only valid for the school and courses for which it is issued. A license does not include other schools or additional locations, unless the Board of Massage Therapy has approved annex or franchise locations on the license application or license renewal application.

B. Annex Locations

1. An annex is an additional location that a license may include if:
 - a. The location offers exactly the same courses as the licensed school; and
 - b. The location is under the same ownership, management and control as that of the licensed location.
2. An annex location must be applied for on the license.
3. The annex location must meet all the requirements set forth in these Regulations.
4. Annex locations must have the same name as the licensed location, distinguishable by individual site location.
5. All policies, procedures, tuition, fees, catalogs, and academic calendars utilized at the licensed location must also be utilized at the annex location.
6. If a license is suspended, revoked, or canceled by the Board of Massage Therapy, the licensed school and all annex locations must comply.
7. The approved annex location will be a permanent additional location of the licensed school. This location must always be identified as an annex location on each application for a license renewal.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.4 Refund Policy

Each school is required to take and keep a record of student attendance for each individual course meeting. The following Refund Policies shall be stated in the school's catalog. The total tuition charges shall be divided evenly among the quarters.

If a student withdraws or is discontinued after instruction is begun during the first quarter of any program the school may retain no more than:

- A. 0% of the quarter's tuition if the termination is during the first week of instruction; or
- B. 25% of the quarter's tuition if the termination is during the second week of instruction; or
- C. 50% of the quarter's tuition if the termination is during the third week of instruction; or
- D. 75% of the quarter's tuition if the termination is during the fourth week of instruction; or
- E. 100% of the quarter's tuition if the termination occurs after the fourth week of instruction.

If a student withdraws or is discontinued after instruction is begun during the second or any subsequent quarter of a program the school may retain no more than:

- A. 25% of the quarter's tuition if the termination is during the first week of instruction; or

- B. 50% of the quarter's tuition if the termination is during the second week of instruction; or
- C. 75% of the quarter's tuition if the termination is during the third week of instruction; or
- D. 100% of the quarter's tuition if the termination occurs after the third week of instruction.

Prospective Student's Signature: _____ Date: _____
 School Official's Signature: _____ Date: _____

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.5 Disclosure of Information to Students

Prospective students are entitled to sufficient data which will assist them with making informed decisions regarding training opportunities and institutions. A school is therefore obligated to provide sufficiently detailed data in advance of enrollment to enable prospective students to clearly understand their opportunities, limitations, and obligations. The following information must be fully disclosed to prospective students prior to enrollment and prior to the signing of an enrollment contract or agreement.

- *A. Recruiting Policies
- *B. Admission Requirements
- *C. Academic Calendars
- *D. Grading System Used By the School
- *E. Graduation Policy
- *F. Program Length
- *G. Objectives of the Programs of Study
- *H. Licensing Requirements for Jobs
- *I. Student Support Services
- *J. Campus Security Policy
- *K. School's Refund Policy
- *L. Withdrawal Procedures
- M. Tuition and Fees (what is / is not included)
- N. The percentage of students who have completed their program of study within 150% of the normal time for completion of or graduation from the program of study.
- O. The percentage of your graduates employed in their field of study or related field, within six months after completion of or graduation from their program of study.
- P. The percentage of student mastery of stated program of study goals.
- Q. A list of post-secondary educational institutions that have accepted credit from your institution.

*R. Complaint policy to resolve issues between students and school and staff.
 * Those items listed above that are marked with an asterisk may be disclosed via the student catalog.

The items listed above that are not marked with an asterisk must be provided separately from the student catalog and enrollment contract or agreement. This information must be maintained by the school for verification of compliance with this regulatory requirement.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

8.6 Admissions and Recruitment

A. Admissions

1. The admission policy shall conform to the school's philosophy and objectives, shall be publicly stated, printed and made available to its students) and shall be administered as written.
2. The school is required to maintain student records which reflect the requirements for admission of all students.
3. An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.
4. An application must provide proof of high school graduate equivalency.
5. An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with that license.
6. Any and all requirements regarding good moral character and competency, as provided for in § 73-67 and in accepted codes of ethics, shall be met.
7. A school shall conduct an orientation session for persons who have applied for admission or who are considering application for admission. Such orientation shall include an overview of the program's educational objectives and curriculum, the academic and physical requirements of the program, existing employment opportunities in the field, the time and financial requirements of the program, and state requirements for licensure.
8. A school shall conduct a pre-enrollment interview with each applicant to determine the applicant's qualifications. The information gathered should include, but not be limited to, criminal record relating to a misdemeanor or felony, a determination regarding the persons cognitive, motor and behavioral skills, moral character necessary for admission into the profession and completion of the program of massage therapy and bodywork. The information gathered from this interview shall be evaluated with all written documentation submitted by the applicant before the school renders a decision of the application.
9. A school shall maintain written documentation of the basis for admission of the student. Such records shall include copies of high school diploma or transcripts, proof of age, and other specific admission requirements of the school.
10. Documentation of the reasons for the denial of admission of any student shall be maintained for at least three (3) years.

B. Recruitment

1. Recruiting shall be ethical and compatible with the educational objectives of the school.
2. The school should provide, in writing, the information being communicated to students. This will insure that each representative is communicating current and accurate information. Recruitment information should include the following:
 - a. Programs of Study and Individual Courses
 - b. Tuition and Fees
 - c. Terms
 - d. School Operating Policies
 - e. Certificates
 - f. Diplomas

- g. Transfer of Credit Hours
 - h. Graduation Policies
 - i. The percentage of students who have completed their program of study within 150% of the normal time for completion of or graduation from the program of study.
 - j. The percentage of your graduates employed in their field of study or related field, within six months after completion of or graduation from their program of study.
3. Representatives of the school shall use only those titles which accurately reflect their actual duties and responsibilities.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.7 Advertisement

- A. Any promotional literature used by a school must be presented in such a manner as to be factual with respect to services offered and / or benefits received.
- B. A school licensed by the Board of Massage Therapy shall use the statement “Licensed by the Mississippi State Board of Massage Therapy, License No. _____” on all advertising, both oral and written, and on all school publications. It shall be the responsibility of the Board-approved school to verify and include current license numbers in all advertising, no matter the format. Failure to comply is subject to penalty assessed by the Board up to One Thousand Dollars (\$1,000.00) per offense.
- C. Massage schools that advertise for student clinic, or any other type of student massage, must conspicuously include the respective words “student massage” within the advertisement. The advertisement may include the prices for student clinical services.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-29 (6) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.8 Records

- A. Each school shall develop and maintain adequate records pertaining to students and the school’s administrative operations. These records should include, but are not limited to the following:
 - 1. Student attendance for each individual course meeting via daily sign-in sheets.
 - 2. Administrators
 - 3. Instructors
 - 4. Staff
 - 5. Student activities
 - 6. Student academic records
 - 7. Student enrollment
 - 8. Student admission
 - 9. Student enrollment contracts
 - 10. Financial aid information
 - 11. Job placement service information
 - 12. Program of study and individual courses

13. Graduation information
14. Instructional supplies and equipment
15. The Library or the Instructional Resource Center
16. The physical facility
17. Student withdrawals
18. Student refund policy
19. Student financial records (tuition, fees, payments, refunds, etc.)
20. Student complaints

B. A permanent academic record (transcript) shall be maintained of the student's progress. Compatible with the school's philosophy and objectives, the transcript shall indicate student accomplishment in terms of clock hours. The grading system used shall be fully explained on the transcript.

C. Each school shall maintain a record listing of all students who enroll which shall include, but is not limited to the student's name, address, telephone number, social security number, programs of study, start date, and anticipated graduation date. This information should be current as of the date on which the student enrolls and shall be available for inspection by or submission to the Board of Massage Therapy.

D. All basic records and reports pertaining to students and staff shall be maintained so that they will be safe from theft, fire, or other possible loss.

E. In the event that a school closes its facility, the Board of Massage Therapy must be informed of:

1. The location of all student records; and
2. Information pertaining to how students may obtain these records.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.9 Certificates or Diplomas

The conferring of diplomas, degrees, certificates, or other written evidence of proficiency issued by a school shall be consistent with applicable state laws.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.10 Instructional Resources and Materials

A. The instructional resources, including audiovisual teaching equipment and instructional materials, shall meet the needs of the school's educational program.

B. An evaluation of this material may be conducted to verify items listed on the application for new and existing schools.

C. A school should have available, and make easily accessible, to faculty and students such standard references relative to the educational philosophy and objectives of the school. Availability and utilization of audiovisual equipment is also important.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.11 Educational Facilities

A. Each school must provide an environment that is conducive to effective instruction, promotes learning, and supports the educational programs offered by the school.

B. The buildings, classrooms, equipment, furniture, grounds, instructional tools, instructional facilities, machinery, and other physical requirements of the educational program shall be appropriate and shall contribute to the achievement of the educational philosophy and objectives of the school.

C. The school shall meet the general test of safety, usefulness, cleanliness, maintenance, health, lighting, and compliance with any local or state laws governing physical facilities, particularly with respect to fire, safety, and sanitation.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.12 Classroom Facilities

A. Academic Classes

1. Classroom size: regular classrooms shall contain a minimum of 600 square feet of floor space, or a minimum of 20 square feet per student enrolled, whichever is greatest.
2. Equipment: Every classroom shall provide appropriate equipment for students and teachers.
 - a. Individual student seats and desks or tables and chairs chosen for comfort
 - b. Teacher's desk
 - c. Filing and storage facilities
 - d. Sufficient amounts of chalkboard and tack board
 - e. Shades or Venetian blinds to improve visual comfort and efficiency
 - f. Adequate laboratory facilities, equipment, and supplies for courses offered.

B. Non Academic and Clinic Classes

1. Classroom Size: The minimum size of the classroom shall be 600 square feet and equipped to provide the greatest possible learning experience.
2. Classroom Equipment will conform to the section under 'Academic' above.
3. In Clinical, laboratory or skills training classes, a minimum of one massage table per every three students enrolled.
4. Massage tables shall have a minimum of three (3) feet spacing around each table.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.13 Student – Instructor Ratio

A. The student-instructor ratio should be reasonable at all times in keeping with general accepted teaching modes for the subject matter. Skills training require more individual instruction or attention thereby requiring smaller classes. Student enrollment for any class that exceeds the following ratios requires the presence of a qualified instructor assistant.

1. The student-instructor ratio shall not exceed 20 to 1.
2. Ratios for skills training, laboratory or clinical instruction shall not exceed 15 students per instructor.

Rule 8.14 Educational Standards

A. The course content and length of instruction shall be of such nature and quality as to assure that the students will adequately develop the job skills and knowledge necessary for passing any and all examinations required for licensure by the Mississippi State Board of Massage Therapy.

B. Instructional practices: Schools shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes (a) well defined Learning Objectives, (b) systematic planning, (c) selection and use of varied types of learning materials and experiences, (d) adaptation of organization and instructional procedures to student needs, (e) use of varied evaluation instruments and procedures, and (f) good student and teacher morale.

C. Each Board approved school of massage therapy must provide proof to the Board of an annual pass rate that meets or exceeds the current minimum standard as established by the Board. All Board approved schools must include a comprehensive review class of no less than sixteen (16) hours, which is part of the approved curriculum and must be passed with a grade of "C" or above.

D. Each Board approved school of massage therapy must provide a list of graduates to the Board noting status of MSLE or appropriate waiver. This list must accompany the annual report.

E. School Licenses

1. Temporary licenses are issued for a 1 year period. These licenses are issued to new schools with less than two (2) graduating classes. Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the schools temporary status. Schools with a temporary Board status license must include three (3) hours to sit for and pass a board comprehensive exam.

2. Probationary licenses indicate warning status and are issued for a 1 year period. These licenses are issued to new schools with less than two (2) graduating classes and with any significant violation(s) in the most recent year. Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the schools probationary status. Schools with a probationary Board status license must include three (3) hours to sit for and pass a board comprehensive examination.

3. Conditional licenses are issued to schools for a 1-year period. These licenses are issued to schools with two (2) or more graduating classes and with any of the following:

a. Any significant violation(s) in the most recent year.

b. Either the school's annual pass rate or the school's comprehensive pass rate does not meet or exceed the Board's current minimum standard.

Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the school's conditional status.

4. Non-conditional licenses are issued for a 2-year period. These licenses are issued to schools with two or more graduating classes and with all of the following:
 - a. No significant violation(s) in the most recent year.
 - b. Either the school's annual pass rate or the school's comprehensive pass rate meets or exceeds the Board's current minimum standard. Annual reports are required and are due July 16th of each year.
 - c. Conditional license status for schools that previously held a non-conditional license shall not exceed 2 years.
5. The combined temporary, probationary, and/or conditional license status for schools shall not exceed a 5-year consecutive period before moving to a non-conditional license status.
6. The license for each school shall expire on October 31, from the calendar year for the period issued.

F. Massage therapy school owners, instructors, and/or employees or contractors of the school shall adhere to generally accepted Code of Ethics as well as the Mississippi Board of Massage Therapy Code of Ethics and shall regard students with the same care and consideration as clients.

G. The Board of Massage Therapy will evaluate school curriculum for conformance with educational requirements set forth by the Mississippi Professional Massage Therapy Act.

Source: *Miss Code Ann.* § 73-67-15 (1) (g) (h) (Rev. 2008); §73-67-35; § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008); §73-67-35 (Rev. 2011)

Rule 8.15 Attendance and Sign In Sheets

- A. If a student misses more than 10% of any course for any reason, the specific coursework missed must be repeated.
- B. A sign in sheet must be retained on file with other class records to include the students name, signature, date, class title, time in/time out, instructors signature and assistant's signature (if applicable). No class credit shall be given for lost or missing sign in sheets, or for failure of a student to sign in.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.16 Employments Based on Commission

No school may employ a recruiter on the basis of a commission, bonus or quota.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.17 Changes during the School Licensure Period

- A. The Board of Massage Therapy must be informed immediately of any changes in the following areas:
 1. Ownership
 2. School Name
 3. Instructors

4. Programs of Study
5. Evaluation Methods
6. Job Placement Service
7. Administrators
8. Financial Stability
9. Location
10. Accreditation status, including violations
11. Prior to any Change of Ownership

Source: *Miss Code Ann* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.18 School Change of Ownership, Location or Trade Name; Addition of Partners; Renovation of Existing School

- A. No license is transferable from one owner or partner to another or from one location to another.
- B. School owners or partners who contemplate selling or transferring the ownership of a school must notify the Board, in writing, prior to sale or transfer. A temporary license, not to exceed 90 days, will be issued by the Board effective the date of sale or transfer.
- C. An application for Initial School Approval must be submitted to the Board by the prospective new owners or partners, in accordance with Rule 9.2 within 30 days following completion of a sale or transfer.
- D. Upon receipt of a completed Application for School Approval, the Board may conduct an inspection. The inspection will be conducted in order to determine that all requirements as indicated in the application, have been strictly adhered to by the owners and/or partners. The inspection will be performed by two or more agents of the Board, at least one of which may be a Board member for purposes of determining:
 1. Suitability of:
 - a. the location
 - b. rooms, including adequacy of floor space, plumbing, lighting, etc., in accordance with the floor plan.
 - c. items of equipment and material.
 2. School has met building or fire code requirements as evidenced by inspection report of local authorities.
 3. Satisfactory evidence of proper provisions for duly licensed instructors and manager/ supervisor.
 4. The findings of this inspection will be submitted to the Board for its approval at its next regular meeting, and the applicant will be notified in writing, of the decision of the Board, within 30 days.
 5. If all requirements and qualifications are met, written approval will be issued. No school will be considered approved for licensure until same has been executed.
 6. The Massage Therapy Board reserves the right to deny school approval to any applicant who fails to meet the requirements for conducting a school and/or who fails to present satisfactory evidence of his or her business, professional and personal integrity.

E. In most cases, violators will be given the opportunity to resolve first instances of noncompliance. Failure to respond to the violation will be recommended to the Board for administrative hearing or for referral to the proper city / county authorities.

1. There will be a \$500.00 charged to the school for each additional inspection required due to noncompliance.
2. A second offense of the same violation within a three (3) year period will be recommended to the Board for administrative hearing or for referral to proper city / county authorities.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.19 Evaluation of a School

A. The Board of Massage Therapy may conduct periodic announced and unannounced evaluations of a school.

B. These evaluations will be to determine if the school is complying with the Mississippi Professional Massage Therapy Act and MSBMT Regulations. This evaluation will also be used to verify that the school is in compliance with material presented in its application.

C. Any of the following areas may be evaluated during visitation:

1. General School Information (Location, Telephone, Advertisements, etc.)
2. Type of Ownership
3. Personnel, including Instructors
4. Equipment
5. Evaluation System
6. Job Placement Services
7. Disclosure of Required Information to Students
8. Financial Resources
9. Facilities
10. Refund Policy Procedures.
11. Program of Study and Individual Course Information
12. Documentation of the instructor's educational qualification under Rule 9.1.A.3 for instructor license Category M for each specific subject in the curriculum taught by the instructor.

D. The school will be notified of the results of the evaluation, and may be requested to provide information concerning any questionable areas.

E. The school shall provide a compliance plan for any violation of deficiency noted.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.20 School Closing

In the event that a school closes a facility, the following is required:

A. The Board of Massage Therapy must be informed within sixty (60) days of:

1. Proof of official closing date.
2. Proof of reason for the closure.
3. Proof of method developed to assist students with the completion of their program of study and individual courses.

4. Proof of notice sent to all currently enrolled students, notifying them of the closure.
 5. Proof of notice given to students indicating where they may obtain any of their records.
 6. Proof of disposition of student records, with a contact person, complete address, and telephone number and how students' information may be obtained.
 7. Proof of notice sent to all students who have paid for any tuition and/or fees for future enrollment in a program of study or individual course informing them of the closure, and refund information.
 8. Proof of certified transcripts for each currently-enrolled student who has paid for and completed coursework in lieu of receiving a full or partial refund.
- B. In the event a school files a bankruptcy petition, a certified copy must be filed with the Board of Massage Therapy.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.21 School License Renewal

- A. The following information must be returned simultaneously to the Board of Massage Therapy no later than July 15th preceding the expiration date of the current license:
1. The License Renewal Application completed in its entirety, and signed by the school owner. Be certain that all sections are completed and included.
 2. An application renewal fee of \$500.00 is payable to the Board of Massage Therapy.
- B. If the renewal fee and application are not received by July 15 prior to the expiration date of the school's current license, in addition to the renewal fee, a delinquent fee of \$500.00 will be assessed unless an extension is otherwise granted by the Board.
- C. If the renewal application and renewal fee are not received by the expiration date of the current license, the current license will expire and the school or college must reapply as a new applicant. The licensed school and all annex and franchise locations will be notified to cease operation. A copy of this notification will be sent to the Attorney General's Office.
- D. All programs of study, including any change of program must be approved by the Board of Massage Therapy at least thirty (30) days prior to being offered to students.
- E. Upon receipt of a completed Application for School Approval or a renewal application, the Board shall conduct an inspection. The inspection will be conducted in order to determine that all requirements as indicated in the application have been strictly adhered to by the owners and/or partners. The inspection will be performed by two or more agents of the Board, at least one of which may be a Board member.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 8.22 School License Suspension / Revocation or Denial

- A. The Board of Massage Therapy may suspend, revoke or deny a license for any one (1) or any combination of the following causes:
1. Violation of any provision of § 73-67 or any regulation made by the Board;

2. The furnishing of false, misleading or incomplete information requested by the Board;
3. The signing of an application or the holding of a license by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of any other indictable offense.
4. The signing of an application or the holding of a license by a person who is addicted to the use of any narcotic drug, or who is found to be mentally incompetent;
5. Violation of any commitment made in an application for a license.
6. Presentation to prospective students of misleading, false or fraudulent information relating to the course of instruction, services, supplies or equipment offered, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the holder of a license;
7. Failure to provide or maintain premises or equipment for offering courses of instruction in a safe and sanitary condition;
8. Failure to maintain financial resources adequate for the satisfactory conduct of courses of study as presented in the plan of operation or to retain a sufficient number and qualified staff or instruction;
9. Conviction or a plea of nolo contendere on the part of any owner, operator or director of a licensed school of any felony under Mississippi law or the law of another jurisdiction;
10. Incompetence of any owner or operator to operate a school.
11. The Board may suspend a license upon the failure of a school to pay any fee, fine or penalty as required unless such a failure is determined by the Board to be for good cause.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Part 2501. Chapter 9. Continuing Education Requirements

Rule 9.1 Continuing Education Requirements

- A. Each licensed massage therapist shall complete a minimum of twelve (12) hours of Continuing Education units (CEUs) each calendar year. Hours obtained through approved home study programs may not exceed five (5) per year and must be used in the current renewal period. Hours obtained through classroom instruction or interactive audio visual electronic devices providing direct interaction between the presenter and the attendee are classified as “classroom” programs and may be carried over for no more than two (2) license renewal periods. Three (3) CEUs of Mississippi Law, Rules and Regulations and three (3) CEUs of Ethics will be required per renewal period. CEU credits do not expire while on inactive, retired, or expired status.
- B. The continuing education requirement shall apply to the licensee for every calendar year of licensure.
- C. One hour of continuing education is defined as no less than fifty (50) minutes of any one (1) clock hour with no credit to be given for introduction of the speaker, meals or other breaks, business meetings or unapproved topics.

D. Presenter / moderators / instructors of courses shall not receive credit for courses they present.

E. CEU's will be tracked through the CEU provider reporting system. It will not be necessary to submit copies of certificates with the electronic renewal; however therapist must retain their certificates for possible verification, if required.

F. Failure of the massage therapist to satisfy the requirements of this rule results in the inability to renew or reinstate licenses.

Source: *Miss Code Ann.* § 73-67-7 (c) (Rev. 2008) § 73-67-15 (1) (Rev. 2008); § 73-67-17 (d) (Rev. 2008)

Rule 9.2 Requirements for Board Approval of Continuing Education Provider and Programs

A. For the purpose of renewing or reinstating an LMT license, credit for Continuing Education Units (CEUs) will be awarded only for providers and programs approved by the Board. Each provider must make application for Board approval on forms provided by the Board, submit non-refundable fees in accordance with Chapter 2 for a biennial approval and demonstrate that the provider will meet the following requirements:

1. The provider must retain a "sign-in sheet" with the signature of participants and copies of any promotional materials for at least four (4) years following each program. The provider must furnish each participant with a certificate or letter of attendance verifying that the program has been completed. The certificate or letter shall not be issued until completion of the program and shall contain the provider's name and number, the title of the program and instructor, the date, the number of CEU hours, and the therapist's name and license number. Within five (5) days after the program, the provider must complete the required CEU reporting form CEU.04 (may be obtained from the Board's website at www.msfmt.ms.gov) in full for the persons who received a certificate or letter of attendance for the program. A CEU certificate cannot be issued for other than the number of hours approved.

2. Each program presented for Mississippi CEU credits shall be relevant to and focus on

- a. massage theory, practice, methods, or
- b. the Mississippi Professional Massage Therapy Act and the MSBMT Rules and Regulations, or
- c. ethical principles pertaining to the practice of massage therapy, including such topics as
 - i. a code of ethics,
 - ii. management of the client / therapist relationship,
 - iii. boundary functions
 - iv. professional communication skills
 - v. conflict resolution
 - vi. cultural diversity issues,
 - vii. other ethics topics as approved by the Board on a case-by-case basis, or
- d. the structure, function, kinesiology or pathologies of the human body relevant for a massage therapist, or

- e. methods, skills, and strategies for effective instruction and assessment for teachers.
3. Programs shall comply with the following:
- a. Each program shall have stated Learning Objectives.
 - b. Each classroom program shall have an instructor physically present with the learners for the entire length of the program.
 - c. Each distance program shall have and the provider shall submit to the Board:
 - i. For each on-line program, two (2) codes in order that the Board may access the Provider's website to review all information relative to the distance program.
 - ii. For each home-study program, two (2) printed copies or one (1) electronic copy of all reading material, and two (2) copies of other course materials (e.g., DVDs) in order that the Board may review all information relative to the distance program.
 - iii. The results of a pilot program or a description of the means for determining the number of hours of continuing education requested for the proposed program.
 - iv. The documented procedure of how the provider will validate the successful completion of the program, and a copy of the assessment methods. If the provider's assessment method includes a written examination, it shall contain a minimum of five (5) questions for each hour of continuing education credit, and the questions shall assess the learner's competence for the specific Learning Objectives. The format of the exam questions shall be essay, short-answer, or multiple-choice. Multiple-choice formats must include a minimum of four (4) answers, and the incorrect answers should represent logical errors in thinking that the learner who has not read the material could have made.
 - v. A written statement advising who will be able to take the program (i.e., will it be limited to a particular group or will it be open to the general massage therapy profession).
 - d. If the program includes training on the use of a hand-held electrical massage device, the program shall:
 - i. state the device-specific model and manufacturer,
 - ii. have specific Learning Objectives for the device-related portion of the program,
 - iii. identify the resources used in the training for the device,
 - iv. provide the assessment means used to verify the learner's competence for the Learning Objectives for the device,
 - v. the specific schedule for device-related instruction within the program, and
 - vi. provide documentation and information on the instructor's training / qualifications related to the device:
 - 1) how the education was obtained, including the name and qualifications of the person providing the training,

- 2) the resources that were used in the education training,
 - 3) the means used to assess the instructor's comprehensive understanding of the use of the device, and
 - 4) the approximate duration of the training.
- e. No Mississippi CEU credits will be approved for programs which are for the personal enrichment or self-care of the learner. No Mississippi CEU credits will be approved for programs which exceed the scope of knowledge for massage therapy practice as described in § 73-67-7 (g).
4. Each program presented for Mississippi CEU credits shall be taught by a person who:
- a. holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the United States Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the programs to be offered; or,
 - b. has completed at least three (3) years of professional experience in the practice of massage therapy; and provides documentation of having
 - (i) within the last five years of practical experience, had a minimum of two (2) years teaching experience in the subject matter to be offered; or
 - (ii) completed specialized training in the subject matter satisfactory to the Board and has a minimum of two (2) years of practical experience in the subject; or
 - (iii) taught courses similar to the program a minimum of three (3) times in the past two (2) years before a professional convention, professional group's organized meeting, or at a massage therapy school.
5. The provider must provide to the Board, in writing, the name and address of the person responsible for ensuring that each program meets the requirements of Rule 10.2.A and said person shall so certify in the application for provider approval.

B. Providers must have approval, in writing, from the Board before advertising or presenting a program. In the event a provider does advertise approval by the Board or present the program and approval has not been granted in writing, that provider will be subject to a fine not to exceed \$1,000.00 and will be subject to a period of up to two years, during which time no application for approval of continuing education programs by that provider will be considered for approval. At the end of that two-year period all fines must have been paid before any applications are considered for any future programs by that provider. Providing information concerning continuing education of massage therapy in national massage publications and out-of-state instruction/ education/ information materials shall not constitute advertising as provided in §73-67-29 (4).

C. Program Approval. Providers approved pursuant to Rule 9.2.A may obtain two-year approval for all programs to be offered during their period as an approved provider. Providers may obtain program approval by making timely application on a form approved by the Board, submitting a non-refundable program fee of \$50.00 that will cover all sessions of the program within the two-year period that is exactly the same

material presented, the same total hours of instruction, and the same presenter. The provider must demonstrate that each program and presenter meets the requirements of Rule 10.2.A. The provider may amend the program application at any time during the two-year period to add and/or change presenters after an application has been approved by the State Board and a non-refundable \$50.00 fee has been paid. Approval for a particular program will be denied if sought later than forty-five (45) day before the start of the program. Programs that include copyrighted materials must submit proof that the presenter has express permission to use said materials.

D. Out-of-State Programs. Mississippi licensees may request approval of an individual out-of-state program that has not been approved pursuant to the foregoing provisions by submitting forty five (45) days before the date of the program, an application form approved by the Board, all materials showing curriculum objectives and presenter qualifications pursuant to and satisfying Rule 9.2.A and a non-refundable program review fee of \$50.00. If the individual is seeking approval for multiple programs offered at a national convention of a professional massage therapy organization, only a single non-refundable \$50.00 fee need be paid by the licensee to seek approval for the multiple programs. Approval shall be for the program sessions attended by the licensed massage therapist(s) requesting approval. No credit will be issued to any other licensed massage therapist(s) attending the program.

E. Provider and Program Renewal. A certificate from the Board approving a provider pursuant to Rule 10.2.A or a certificate from the Board approving a program pursuant to Rule 10.2.C shall be valid through the second December 31st following the date that the certificate was issued. During the certificate renewal period, a renewal reminder may be sent to the provider at the last address supplied to the Board. In order to obtain renewal of the certificate, the provider must return the executed renewal form to the Board on or before December 15th of the expiration year, together with a non-refundable provider renewal fee stated in Chapter 2. Alternatively, effective October 1, 2010, the provider may renew both the provider and program(s) online. If the provider fails to renew a program prior to the expiration and subsequently does renew, the provider must comply with all of the then-existing requirements then-existing rules as if a new program.

F. Statement as to Approval.

1. The provider of a program approved for Mississippi CEU's, including Nationally Approved Providers and Programs under Paragraph (c) above, may announce or indicate as follows in advertising, promotional and other materials: "This program has been approved by the Mississippi Board of Massage Therapy for a maximum of ___ hours CEU credit". No other statement regarding Mississippi CEU approval may be made in advertising, promotional and/or other materials, including, but not limited to, a statement that an application has been made to the Board for approval or that the provider intends to apply for approval.

2. Providers may offer programs that are not approved pursuant to this Section. However, if a provider offers a program for which approval is not sought, or for which approval has been denied, the provider must announce in all advertising, promotional and other materials concerning the program as follows: "Not offered for Mississippi State Board of Massage Therapy CEU's".

G. Authority to Renew and Revoke Approval. The Board retains the right and authority to audit and/or monitor CEU providers and/or programs. The Board may at any time

evaluate any provider and/or program and deny, revoke, and/or decline to renew approval of that provider and/or program for good cause. This right to deny, revoke and/or decline to renewal approval includes, but is not limited to, the right to deny, revoke and/or decline to renew approval 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 abide by any governing standards, rules and/or written agreements concerning the provider and/or program.

H. Protocol for CEU Denial

1. If an application for a provider or a program is denied by the Board, the applicant / provider may offer clarification in writing for re-consideration by the Board.
 2. The applicant / provider may request an informal conference, which may be attended by an attorney employed by the Board, a Board member and/or other representatives of the Board as the Chairman and legal counsel may deem necessary for the proper conduct of the conference.
 3. The applicant / provider may complete an Agenda Request and appear before the full Board and present evidence and argument regarding the denial.
- I. Violations of this chapter will result in fines and penalties as assessed in Chapter 2.

Source: *Miss Code Ann.* § 73-67-15 (1) (f) (l) (s) (Rev. 2008); § 73-67-17 (d) (Rev. 2008); § 73-67-29 (4) (Rev. 2008)

Part 2501. Chapter 10. Massage Establishments Inspections

A. The Board or its agent(s) shall conduct on-site inspections upon notification that massage therapy services are being rendered. Notification may include but not be limited to the following sources:

1. The general public through any means of advertising in any format; or
2. A new or existing licensed massage therapist applies for a license or an LMT who is renewing his/her license has identified the establishment as their place of business; or
3. Notification by the MSBMT office that LMT's are due for renewal within 90 days, or
4. Notification by the MSBMT office that LMT's did not renew, go inactive or move to retired status 91 days after expiration, or
5. Notification by the MSBMT office that the license of an LMT has been suspended or revoked.
6. Reapplication (reactivation) received by Board office.

B. The inspection may be conducted within ninety (90) days of the receipt of notification.

C. The inspection may be conducted for the following purposes:

1. To ascertain whether or not all massage therapists working on the premises are properly licensed and in compliance with all Board regulations and statute.
2. To ascertain whether or not the establishment is in compliance with MSBMT including but not limited to equipment and sanitation requirements.

D. Follow-up inspections may be required at the discretion of the Board.

E. Fines and penalties are set forth in Chapter 2.

Source: *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-17 (c) (Rev. 2008); § 73-67-21 (Rev. 2008)