



# COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

Healthcare Branch  
Office of Massage Therapy Licensure

## Notice of Proposed Rulemaking and Rulemaking Hearing

Pursuant to § 24-4-103 of the Colorado Revised Statutes ("C.R.S."), you are hereby notified that the Office of Massage Therapy Registration ("Director") will be holding a public rulemaking hearing as follows:

Date: December 1, 2014  
Time: 9:00 AM  
Location: 1560 Broadway  
Conference Room 110A  
Denver, Colorado 80202

The rulemaking reflects amendments to Rules 4, 5, 7, and 9.

The basis of the amendments to the rules is to carry out the provisions of the Massage Therapy Practice Act, as codified in Article 35.5 of Title 12, C.R.S.

The purposes of these amendments are to: correct formatting and grammatical errors, clarify the rules regarding extensions of time for educational programs, and to clarify reporting requirements for applicants and licensees.

The statutory authority for the rules is found in § 12-35.5-117, C.R.S.

Please be advised that the proposed rules may be changed after public comment and formal hearing.

At the time and place stated in this notice, the Board will afford interested persons an opportunity to submit written data, views, or arguments, and to submit the same orally. The Director or a delegate of the Director may limit the time allotted for oral submissions in his or her discretion. Written submissions should be filed with the Board at least ten (10) days prior to the hearing. All submissions will be considered. Written submissions may be filed at the following address:

Office of Massage Therapy Licensure  
1560 Broadway  
Suite 1350  
Denver, CO 80202

Dated this 31st day of October, 2014.

BY ORDER OF THE OFFICE OF MASSAGE THERAPY LICENSURE

  
Tony Munoz  
Program Director



#### **Rule 4 Licensure by Endorsement**

The purpose of this rule is to delineate the requirements for licensure by endorsement set forth in §§ 12-35.5-107(5) and 24-34-102(8)(e), C.R.S.

An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country can apply for licensure by endorsement, provided that:

- A. The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country;
- B. The applicant has provided the application and all the application requirements as set forth in Rule 1, above;
- C. The qualifications for massage therapy licensure or registration in the other state, territory, or foreign country are substantially equivalent to those required in Colorado, as determined by the Director;
  1. An applicant who otherwise meets the requirements of this Rule, and has completed a massage therapy program that is approved by NCBTMB at the time the applicant completed the program is be deemed to have qualifications that are substantially equivalent to those required in Colorado. Programs that have been suspended and/or revoked by NCBTMB after the applicant graduated will be reviewed by the Director on a case-by-case basis.
  2. A foreign trained applicant's education and/or training must meet the requirements of Rule 2(C)(5) above.
- D. The applicant has submitted proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency either through:
  1. Verification of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for licensure in Colorado. The work experience shall be attested to in a manner prescribed by the Director, or;
  2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
    - a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
    - b. Up to two (2) hours may be related to the promotion of practice building or office management.
    - c. Up to two (2) hours may be related to ethics.
    - d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.

- E. The applicant must report any disciplinary actions taken against them in any other jurisdiction, the Director will review any disciplinary actions taken against the applicant pursuant to § 12-35.5-107(5)(d), C.R.S., failure to report disciplinary actions may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.

### **Rule 5 Reinstatement of Expired License**

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to §§ 12-35.5-108, 24-34-102(8)(d), and 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. If the license has been expired for more than two (2) years, but less than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director: or
  2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
    - a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
    - b. Up to two (2) hours may be related to the promotion of practice building or office management.
    - c. Up to two (2) hours may be related to ethics.
    - d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.
- C. If the license has been expired for more than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Pass an examination approved under Rule 2 within two (2) years immediately preceding submission of an application for reinstatement;
  2. Supervised practice for a period of no less than six (6) months, subject to terms established by the Director;
  3. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or
  4. By any other means approved by the Director.

- D. An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of § 12-35.5-108, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the MTPA, and in accordance with § 24-34-102 et seq., C.R.S.

**Rule 7 The Process Regarding Obtaining an Extension of Time for an Educational Program~~The Authorized Practice of Massage Therapy by a Person Not Licensed in Colorado~~**

The purpose of this rule is to outline how a student or instructor of an educational program can obtain an extension~~the conditions under which a person not licensed in Colorado may practice massage therapy for a limited period of time~~ under § 12-35.5-110(1)(c)(IV), C.R.S.

A resident of another state, ~~territory, or foreign country~~ who does not hold a massage therapy license in Colorado may engage in massage therapy for a limited period of time in this state if:

- A. The person is participating as a student or instructor of an educational program that does not exceed sixteen days in duration during any twelve month period; or
- B. If the program exceeds sixteen days in duration, the person must obtain a grant of an extension from the Director five (5) working days prior to the seventeenth day in accordance with procedures prescribed by the Director.
- ~~A. The person is participating as a student or instructor of an educational program; and,~~
- ~~B. The program does not exceed sixteen days in duration during any twelve month period; or~~
- ~~C. The program exceeds sixteen days in duration and the person obtains a grant of an extension from the Director five (5) working days prior to the seventeenth day; and~~
- ~~D. A person requesting an extension does so at least five (5) working days prior to the seventeenth day, in accordance with procedures prescribed by the Director.~~

**Rule 9 Reporting Convictions, Judgments and Administrative Proceedings**

The purpose of this rule is to clarify the procedures for reporting convictions, judgments and administrative proceedings pursuant to §§ 12-35.5-111 (1)(i), (j), (m), and (n), C.R.S.

A licensee as defined in § 12-35.5-103 (6.5), C.R.S., shall inform the Director, in a manner set forth by the Director, within ninety (90) days of any of the following events:

- A. The conviction of the licensee of any offense~~felony~~ under the laws of any state or of the United States, which would be a violation of §12-35.5-111 (1) C.R.S. A guilty verdict, a plea of guilty or a plea of nolo contendere (no contest) accepted by the court is considered a conviction;
- B. A disciplinary action imposed upon the licensee by another jurisdiction that registers or licenses massage therapists, which would be a violation of § 12-35.5-111 (1), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing professional education requirements;
- C. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or registration, other than a license or registration for massage therapy as described in § 12-35.5-111, C.R.S.; and or

- D. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the licensee for malpractice of massage therapy.
- E. The notice to the Director shall include the following information;
1. If the event is an action by a governmental agency (as described above), the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order or decision;
  2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The licensee shall also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence with ninety (90) days of such action; and or
  3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;
- F. The licensee notifying the Director may submit a written statement with the notice to be included with the licensee records.
- G. Failure to report any convictions, judgments or administrative actions to the Directory within ninety (90) days of such action may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.