

Code of Massachusetts Regulations  
Title 269: Board of Registration of Massage Therapy  
Chapter 2.00: DEFINITIONS

269 CMR 2.00: DEFINITIONS

Section

2.01: Definitions

2.01: Definitions

As used in 269 CMR, the following definitions shall apply:

Board. The Board of Registration of Massage Therapy as established by M.G.L. c. 13, § 98.

Compliance Officer. The Licensed Massage Therapist designated by a Massage Therapist Establishment to be the Massage Therapist responsible for the Massage Therapy Establishment's compliance with the laws of the Commonwealth and 269 CMR.

Division. The Division of Professional Occupational Licensure.

Informed Consent. Oral and written Consent that must be oral and written, and voluntarily given by a person who demonstrates a clear appreciation and understanding of the facts, procedures, implications, and future consequences of an action or procedure.

Licensed Massage School. A facility which is licensed by the Board after meeting minimum standards for training and curriculum, as determined in accordance with M.G.L. c. ~~112~~, §§ 227 ~~8~~ through 235 ~~6~~.

Licensed Massage Therapy Establishment. A place, office, clinic or facility licensed by the Board to offer Massage services.

Licensee. A person or entity holding a license issued pursuant to M.G.L. c. 112, §§ 227 through 235.

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Massage. The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses of illness or disease, the prescribing of drugs or medicines, high-velocity, low amplitude thrust applied to the joint, electrical stimulation, application of ultrasound, exercise, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law. Massage Therapy also shall not include the practice of a person who uses touch, words or directed movement to deepen awareness of the patterns of

movement in the body, or the affectation of the human energy system or acupoints or Qi meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics, including, but not limited to, the Feldenkrais Method, Reflexology, The Trager Approach, Ayurvedic Therapies, Rolf Structural Integration, Polarity or Polarity Therapy, Polarity Therapy Bodywork, Asian Bodywork Therapy that does not constitute Massage as defined in M.G.L. c. 112, §§ 227 through 235~~M.G.L. c. 135~~, Acupressure, Jin Shin Do, Qi Gong, Tui Na, Shiatsu, Body-mind Centering and Reiki. For purposes of 269 CMR *et seq.*, the use of the term “Massage” shall also mean the term “Massage therapy”.

Massage Therapist, ~~or~~ Massage Practitioner, or Licensed Massage Therapist (LMT). A person licensed by the Board who lawfully instructs or administers Massage or Massage therapy for compensation lawfully pursuant to a license issued by the Board. For purposes of 269 CMR et seq. 2.00, the use of the term “Massage Therapist” shall also mean the term “Massage Practitioner” or “Licensed Massage Therapist” and all three terms are used interchangeably.

Mobile Massage Unit. A vehicle approved by the Board in which the interior space is designed and equipped for delivery of Massage therapy.

Out-of-Office Massage Therapy Services. The delivery of Massage therapy at an address other than the one designated on the Establishment license.

Unrelated. A person who is not a family member by blood or by a legally recognized relationship.

## REGULATORY AUTHORITY

269 CMR 2.00: M.G.L. c. 13, § 99A3; c. 112, §§ 61 through 65E and §§ 227 through 235.

Code of Massachusetts Regulations  
Title 269: Board of Registration of Massage Therapy  
Chapter 3.00: PROCEDURE FOR REGISTRATION

269 CMR 3.00: PROCEDURE FOR REGISTRATION

Section

- 3.01: Application and Licensing
- 3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License
- 3.03: Procedures for Reinstatement of a License That Has Been Revoked, Suspended, Surrendered or Placed on Probation
- 3.04: Good Moral Character Requirement
- 3.05: Communication with the Board; Notification of Change or Name or Address
- 3.06: License Fee
- 3.07: Late Filing Fee
- 3.08: Reimbursement of Fees

3.01: Application and Licensing

(1) Application.

- (a) Application for licensure must be made in the manner prescribed by the Board.
- (b) No application shall be acted upon by the Board unless said application is made on forms which are furnished by the Board, and unless said application is completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require.
- (c) Incomplete applications will be held open for 180 calendar days.

(2) Licensure. With the exception of those provisions in 269 CMR 3.01(3), in order to be licensed as a Massage Therapist, applicants must meet the requirements for licensure set by M.G.L. c. 112, §§ 227 through 235, to wit:

- (a) Possess a high school diploma or its equivalent. An equivalent shall include a General Equivalency Diploma (“GED”), or a transcript from a regionally-accredited institution of higher education, or, in the discretion of the Board, similar documents from foreign jurisdictions;
- (b) Be 18 years of age or older;
- (c) Provide the Board with two letters of professional reference, of which:
  - 1. One letter shall be from an employer in the massage therapy or medical field, massage

therapy educator, Massage Therapist, or health care provider with whom the applicant has had a professional relationship who should address the applicant's competency and integrity; and

2. One letter shall be from any, unrelated individual who should attest to the applicant's business or professional integrity;

(d) Be of good moral character as set forth in 269 CMR 3.04;

(e) Have successfully completed a Board-approved course of study, including a minimum of 650 classroom hours or an equivalent number of credit hours of supervised instruction at a Licensed Massage School, including 300 supervised classroom hours in Massage Theory and Technique, 150 hours of which meet the definition of "massage" in M.G.L. c. 112, §§ 227 and 228(a), and including 100 hours of unpaid and supervised clinical or externship experience; The Board-approved school program shall also include federal, Massachusetts and local laws and regulations pertaining to massage therapy practice;

1. The Board may accept a course of study at an out-of-state school provided the following criteria are met:

(ai) the school is approved by the corresponding entity to Massachusetts regulating massage schools in that other state or is licensed by an agency in that other state recognized by the United States Department of Education; and

(bii) the applicant completes a course in Massachusetts laws and regulations pertaining to massage therapy practice or passes a Massachusetts jurisprudence examination as required by the Board.

(f) Have not been convicted, in any jurisdiction, of a sexually-related crime or a crime involving moral turpitude for a period of ten years immediately prior to the date of application;

(g) Provide proof of coverage by an individual professional liability insurance policy of at least \$1,000,000 per occurrence and at least \$1,000,000 aggregate; ~~and~~

(h) Pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B; and

(j) For applications submitted after January 1, 2027, the applicant must receive a passing score on an examination approved by the Board.

(3) Reciprocal Licensure. The Board, upon receipt of the required, non-refundable fee and a completed, Board-approved application, pursuant to M.G.L. c. 112, § 230, may issue a reciprocal license without examination to any person who holds a license, ~~certification or registration~~ as a Massage Therapist, or the equivalent thereof, as determined by the Board, issued by another state or jurisdiction, provided that:

(a) The requirements and standards for that license, ~~certificate or registration~~ are reasonably equivalent to or exceed the standards of the Commonwealth, as determined by the Board; ~~and~~

(b) The applicant meets the requirements of 269 CMR 3.01(2)(a) through (h);

(c) When considering reasonable equivalency for reciprocal licensure, the Board may consider the applicant's documented hours of Massage experience as defined in 269 CMR 2.01 gained after licensure in other state or jurisdiction, or passage of a board-approved examination in lieu of missing education or experience; and

(ed) The Board shall not grant reciprocal licensure to any person whose license to practice massage therapy is revoked or suspended by any other jurisdiction.

### 3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

#### (1) Requirements for Renewal of a License.

(a) Licensees must renew their licenses every year. Each license originally issued to a Licensee shall be valid for a minimum of 12 months and shall expire on the 28<sup>th</sup> day of the Licensee's birth month. Each subsequent renewal shall be on the one year anniversary of that date.

(b) A Licensee must submit to the Board, or its agent, a completed written or electronic renewal application and the required fees prior to the expiration date of the license; and

(c) A Licensee must furnish the Board with satisfactory proof that he or she has not been convicted in any jurisdiction of a sexually-related crime or a crime of moral turpitude since the original application for licensure; and

(d) A Licensee must furnish the Board with satisfactory proof that he or she has adequate individual professional liability insurance consistent with 269 CMR 3.01(2)(g); and

(e) A Licensee must fulfill and document the satisfactory completion of continuing education requirements consistent with 269 CMR 4.00 et seq.

#### (2) Procedures for Renewal of a Lapsed/Expired License.

(a) If a Licensee fails to meet the requirements for license renewal as set forth in 269 CMR 3.02(1), the license of such person shall be considered expired and not in good standing. A Licensee with an expired license shall not be permitted to use the title "Massage Therapist," ~~or~~ "Massage Practitioner," "Licensed Massage Therapist," or "LMT" or any other abbreviation that implies state licensure or practice Massage during the period in which the license is expired.

(b) If a former Licensee ~~of this jurisdiction~~ requests that an expired license be reinstated within five years from the date of expiration, that individual must pay one renewal fee, the fee for the current licensure period, and one late fee. In addition, the individual must meet all continuing education contact hours required by the Board since the date the license was last issued/renewed. The former licensee must meet the requirements for Renewal of a License pursuant to 260 CMR 3.02(1). The ~~individual former licensee~~ also may be subject to

disciplinary action for unlicensed practice, if ~~he/she~~they practiced massage without a license.

(c) If an expired license is not renewed within five years of the date of expiration, the Licensee must apply for license re-issuance. The license ~~will~~may only be reissued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application, pays all application fees in accordance with the procedures identified in 269 CMR 3.01, and completes all continuing education requirements for all renewal periods between the date of license expiration and the date of reapplication.

(d) For an individual who is licensed and practicing Massage in another jurisdiction, but whose license has expired in the Commonwealth, the Board, or its agent, shall consider, on a case-by-case basis, whether the continuing education requirements of the other jurisdiction are reasonably equivalent to those in the Commonwealth and, therefore, can be used as a basis for reinstatement of the expired license.

1. The Board, or its agent, shall consider, on a case-by-case basis, the overall competence of the individual. The Board may require the applicant to appear before the Board, and/or take an examination, and/or document continued professional competence, and/or practice under supervision prior to, or as a term or condition of reinstatement of the expired license.

2. For purposes of 269 CMR 3.02(2)(d), the fee for re-instatement of such a license shall be the same as the reciprocal license fee established by the Secretary of Administration & Finance.

### 3.03: Procedures for Reinstatement of a License That Has Been Revoked, Suspended, Surrendered, or Placed on Probation

Reinstatement of a License/Removal of Probation. The procedures for reinstatement of a license after that license has been revoked, suspended, surrendered, or placed on probation shall be determined by the guidelines established by the Board or, in specific matters, by consent agreement, or by decision and order of the Board. In all cases, unless there is specific language to the contrary in the documentation of the action taken, the individual shall be required to petition the Board, in writing, for a change in license status. At the discretion of the Board, a personal appearance may be required. Said petitions and appearances will ordinarily be considered at a regularly scheduled Board meeting, at least 60 days prior to the appropriate anniversary of the disciplinary action.

### 3.04: Good Moral Character Requirement

(1) An application for licensure as a Massage Therapist or Massage Practitioner shall be accompanied by such written documentation as the Board may reasonably require in order to determine whether the applicant is of "good moral character".

(2) Conduct which reasonably raises a question about whether an applicant possesses the “good moral character” required for ~~licensure~~registration includes, but is not limited to, any of the following:

(a) Conviction of any criminal offense, other than a routine traffic violation. The term “conviction” means any of the following:

1. A final judgment entered after a jury verdict of guilty or a judicial finding of guilty; or
2. A plea of guilty; or
3. A plea of *nolo contendere* (no contest) or admission to sufficient facts; or
4. Any other plea or finding which is treated by the court as a plea or finding of guilty;

(b) Conduct that violates any of the provisions in the Code of Professional Ethics contained in 269 CMR 5.01: *Code of Professional Ethics*; ~~and~~or

(c) Disciplinary action taken against any professional license, registration or certification held by the applicant by the applicable governmental authority of any state, territory or political subdivision of the United States or any foreign jurisdiction.

(3) If the Board receives information about an applicant for licensure that reasonably raises a question about whether that applicant is of “good moral character”, the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.

(a) Determinations about whether an applicant for ~~licensure~~registration possesses the “good moral character” required for licensure shall be made on an individualized, case-by-case basis.

(b) If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the applicant to appear personally before the Board, and/or furnish additional written information to the extent permitted by applicable state or federal law.

(c) The burden of demonstrating that the applicant possesses the good moral character required for ~~licensure~~registration shall rest with the applicant.

### 3.05: Communication with the Board: Notification of Change of Name or Address

(1) Official Mailing Address. The mailing address supplied to the Board by the Licensee will suffice as the legal address for the receipt of official process or notification from the Board. Failure to supply the Board with an official address for the receipt of legal process or other Board notifications may result in a default judgment or independent disciplinary action taken as a result of this failure.

(2) Change of Name or Address. The Licensee shall notify the Board of any change in name or address. Such notification shall be in writing or electronically and shall be submitted within 30 calendar days of the change in name or address.

(3) Responding to the Board. A Licensee shall respond within 30 calendar days, unless otherwise indicated, to a written communication from the Board, or its designee, and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the Licensee's professional conduct. The 30-calendar day period commences on the date the Board sends the communication by regular mail to the Licensee's last known address.

### 3.06: License Fee

License fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts, consistent with M.G.L. c. 7, § 3B.

### 3.07: Late Filing Fee

Renewal forms and fees received after the due date will be subject to a late filing fee set by the Secretary of Administration and Finance, consistent with M.G.L. c. 7, § 3B.

### 3.08: Reimbursement of Fees

Application and license fees are not refundable.

## REGULATORY AUTHORITY

269 CMR 3.00: M.G.L. c. 13, §99; c. 112, § 234



## 269 CMR: BOARD OF REGISTRATION OF MASSAGE THERAPY

### 269 CMR 4.00: CONTINUING EDUCATION

#### Section

- 4.01: Continuing Education Requirements
- 4.02: Verification/Approval of Massage Therapist's Continuing Education Activities
- 4.03: Verification/Approval of Provider Continuing Education Programs and Activities
- 4.04: Waivers of Continuing Education Requirements
- 4.04: Appeals on Continuing Education Matters

#### 4.01: Continuing Education Requirements

(1) A Licensed Massage Therapist shall, as a condition of license renewal, complete a minimum of three (3) qualified hours of Board-recognized continuing education activities in the 24 months immediately preceding their license expiration date. (For lapsed, expired, suspended, revoked or surrendered licenses, see 269 CMR 3.02 and 3.03). For a new, non-reciprocal Licensed Massage Therapist, the continuing education requirement commences following the first renewal period after initial licensure.

(2) Continuing education activities must meet the following subject matter criteria:

- (a) Course content shall exceed a basic level of knowledge as it relates to the ethical obligations of massage therapy practitioners or laws and issues pertaining to human trafficking, specific to massage therapy practitioners.

(3) Licensees may earn continuing education activities subject to the following Board-recognized methods:

- (a) Participating in a continuing education program as specified in 269 CMR 4.00.
- (b) Authoring published books, chapters of published books and/or articles in peer reviewed journals related to the science or practice of massage therapy may be credited for not more than half of the total required hours of continuing education activities required per continuing education period. A maximum of four (4) hours may be credited per book chapter or article.
- (c) Instructing courses, workshops, or seminars related to the contemporary practice of massage therapy may be credited one (1) continuing education hour for each contact hour of the activity taught by the instructor, up to half of the required hours of continuing education activity required per continuing education period.
- (d) Completing any one academic course related to the contemporary practice of massage therapy may be submitted for continuing education credit;

- (e) Completing independent studies related to the science or practice of massage therapy approved by the American Massage Therapy Association, National Certification Board for Therapeutic Massage & Bodywork, Federation of State Massage Therapy Boards, Alliance for Massage Therapy Education, or Associated Bodywork and Massage Professionals may be submitted for not more than half of the required hours of continuing education activity required per continuing education period.
- (4) Only those continuing education activities which are completed during the required continuing education period (24 months prior to each renewal date) will be acceptable as qualifying continuing education activities for that period.
- (5) All continuing education activities other than participating in Board-recognized continuing education programs set forth in 269 CMR 4.03(3) are subject to approval by the Board.

#### 4.02: Verification/Approval of Massage Therapist's Continuing Education Activities

- (1) At the time of license renewal and in a manner prescribed by the Board, each Massage Therapist shall attest under the pains and penalty of perjury to having satisfied the continuing education requirements as specified in 269 CMR 4.00.
- (2) For each continuing education hour earned by participation in a continuing education program, a Massage Therapist must be able to provide documentation of the following:
  - (a) the title of the program or course;
  - (b) the number of hours spent in the program or course;
  - (c) the name of the Board-recognized entity or the academic institution that sponsored the program or course;
  - (d) the date(s) of attendance; and
  - (e) the location of the program or course or indication whether it was an online program.
- (3) For each continuing education activity hour earned from the authoring of published books, chapters of books and/or articles in peer-reviewed journals, a Massage Therapist must be able to provide documentation of the following information:
  - (a) the title of the book, chapter or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears;
  - (b) the date of publication; and
  - (c) the names of any co-authors.

The Board may require the Massage Therapist to provide a copy of the book, chapter or article submitted in fulfillment of continuing education activity requirements.

(4) For each continuing education activity hour earned by the teaching of courses, workshops or seminars or participation in an independent study, the Massage Therapist must document the following information:

- (a) the title of the course or independent study;
- (b) date(s) the course or independent study was presented or participated in;
- (c) institution or sponsoring agency; and
- (d) the number of hours the Massage Therapist spent teaching or participating in the independent study.

(5) The Board may review or randomly audit the documentation of a Massage Therapist's continuing education activities and may request the documentation described in 269 CMR 4.02 (1) through (4) for two prior licensure renewal/continuing education periods. The Board shall determine whether the activity/program documentation submitted meets all criteria for continuing education as specified in 269 CMR 4.00.

(6) Continuing education activities which do not meet the requirements of 269 CMR 4.00 may be rejected in part or in whole by the Board.

(7) Any incomplete or inaccurate documentation of continuing education may be rejected in part or in whole by the Board.

(8) The Board may determine requirements to be fulfilled in order to allow a Massage Therapist who has not met the continuing education requirement to renew the license.

(9) Failure to complete or provide required documentation of completion of continuing education requirements may result in non-renewal of a license or disciplinary action for failure to respond to a communication from the Board pursuant to 269 CMR 3.02(3).

#### 4.03: Verification/Approval of Provider Continuing Education Programs and Activities

(1) For a program to be eligible for approval for continuing education hours, the course content shall meet the subject matter criteria set forth in 269 CMR 4.01(2).

(2) Course work meeting the requirements of the subsection (1) and endorsed or sponsored by the following organizations shall be deemed approved for continuing education hours:

- (a) American Massage Therapy Association;

- (b) Associated Bodywork and Massage Professionals;
  - (c) National Certification Board for Therapeutic Massage & Bodywork;
  - (d) Federation of State Massage Therapy Boards;
  - (e) Alliance for Massage Therapy Education; or
  - (f) a Licensed Massachusetts Massage School pursuant to these regulations and interpretive policies,
  - (g) Red Cross
  - (h) American Heart Association or
  - (i) any other nationally recognized provider of continuing education, determined to be acceptable to the Board.
- (3) The Board may approve other continuing education course work that complies with 269 CMR 4.03(1) of this section if the organization providing the course work submits to the Board the following information ninety (90) days prior to commencement of the course:
- (a) name, date, and location of continuing education course work;
  - (b) detailed description of the course content;
  - (c) description of the educational objectives;
  - (d) description of each instructor's education, training, and experience background; and
  - (e) continuing education hours offered for completing the course.
- (4) The provider shall report any change in the course content or instructor to the Board prior to commencement of the course.
- (5) The Board shall revoke the approval of any continuing education course work for failure of the provider to comply with the provisions of this section.

#### 4.04: Waivers of Continuing Education Requirements

- (1) The Board may waive continuing education requirements for any Massage Therapist who, for reasons of health, disability, out of state military service, or undue hardship, cannot meet the requirements.

- (2) An application for a waiver shall be submitted to the Board on a form provided by the Board.
- (3) A waiver of continuing education requirements shall be effective for no more than one continuing education period ((24 months prior to each renewal date).
- (4) After expiration of a waiver, a Massage Therapist may apply for one additional consecutive waiver.
- (5) If a temporary waiver is granted, the Massage Therapist shall comply with all continuing education requirements for all subsequent renewal periods, after such time that the waiver expires unless a subsequent waiver is granted.

#### 4.05: Appeals on Continuing Education Matters

Any individual who wishes to appeal the decision of the Board regarding continuing education matters must submit a letter of appeal to the Board within twenty-one (21) days of the receipt of the Board's decision. The applicant or licensee must supply the Board with any additional requested information and may be asked to appear before the Board. The Board reserves the right, upon request of licensee, to allow the licensee to practice massage therapy during the Board's appeals process.

269 CMR 5.00:       CODE OF PROFESSIONAL ETHICS AND STANDARDS OF  
PROFESSIONAL PRACTICE

Section

- 5.01: Code of Professional Ethics
- 5.02: Standards of Professional Practice
- 5.03: Standards for Documentation

5.01: Code of Professional Ethics

A Massage Therapist shall:

- (1) Represent his or her educational and professional qualifications honestly to all clients and the public;
- (2) Inform clients of the limitations of the Licensee's practice;
- (3) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training as required in 269 CMR 4.00: *Continuing Education*;
- (4) Communicate honestly, including, but not limited to, receiving a client's informed consent for treatment and any refusal, modification, or termination of treatment respecting the client's right to treatment with informed and voluntary consent, either verbal AND written, and to refuse, modify, or terminate treatment regardless of prior consent;
- (5) Keep the client well informed of procedures and methods that will be employed during the session;
- (6) Maintain the confidentiality of all client information, unless law or court order mandates disclosure or if the Massage Therapist reasonably believes that an individual is in serious foreseeable or imminent harm;
- (7) Respect the inherent worth and individuality of clients and act in the best interest of all clients by not discriminating or behaving in any prejudicial manner with clients;
- (8) Respect the client's bodily autonomy and right to make treatment decisions;

(9) Take precautions to do no harm to the physical, mental, and emotional well-being of clients and others-associates;

(10) Respect the client's physical, emotional social and intellectual boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and client's reasonable expectations of professional behavior;

(11) Maintain the right to refuse to treat any person in order to protect the mental, physical, emotional and professional boundaries and safety of the Massage pPractitioner;

(12) Conduct all business and professional activities with honesty and integrity;

(13) Not engage in an interest, activity, or influence that conflicts with the Massage Ppractitioner's obligation to act in the best interest of the client;

(14) Refuse to accept gifts or benefits that are intended to influence a referral or treatment or that are purely for personal gain and not for the good in the best interest of the client; and

(15) Report to the Board if the Massage Therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act that has been committed by another Licensee; and-

(16) Report to the Board if the Massage Therapist has first-hand knowledge or evidence of unlicensed practice.

#### 5.02: Standards of Professional Practice

When engaged in the practice of Massage, a Massage Therapist shall:

(1) Perform a written or verbal intake interview with the client to determine whether any contraindications to massage therapy exist and whether modifications, including pressure, technique, and duration of treatment, are appropriate;

(2) Obtain and document Informed Consent prior to providing treatment;

(3) Acknowledge the limitations of; and contraindications for, massage therapy;

(43) Provide only those services that the Licensee is qualified to perform and that are within

the scope of practice of a Massage Therapist;

(~~54~~) Refer the client to other professionals or services if the treatment or service is beyond the Massage Therapist's scope of practice;

(~~65~~) If a plan of care or treatment is appropriate, explain the plan to the client, to others designated by the client, and to appropriate professionals with the client's permission;

(~~76~~) Provide massage therapy services that meet ~~or exceed the~~ generally-accepted standards of practice of the profession;

(~~87~~) Practice massage therapy in accordance with accepted safe, sanitary and hygienic standards, including, but not limited to, following all standards of practice for disease control;

(~~98~~) Receive the written permission of either a parent or legal guardian for providing massage therapy services to a client younger than 18 years old prior to providing those services;

(~~109~~) Provide massage therapy services to a client younger than 18 years old only when a responsible adult chaperone is in the room, unless the parent or legal guardian waives this requirement in writing;

(~~110~~) Not perform massage therapy in bars and/or adult entertainment facilities;

(~~124~~) Not initiate or engage in any behavior that is sexually suggestive or engage in any sexual conduct or activities with a client;

(~~132~~) Not Only advertise in a manner consistent with G.L. c. 112, § 235, including not:

(a) knowingly aiding and abetting another person to use the term "Massage" as part of a professional title, or the initials "LMT" in a manner that implies to the public that the individual is a licensed massage therapist, when that person is not authorized to do so; or

(b) knowingly employing a person not authorized to use the regulated professional title in the course of such employment; advertising as a massage therapist, also known as a licensed massage therapist, muscular therapist, myotherapist, masseur, masseuse, LMT or a Massage Therapy Establishment unless a person in its employment holds a valid license under M.G.L. c. 112, s. 229~~135~~;

(c) combining advertising for a licensed massage therapy service with advertising



for an escort or dating services;

(d) using any sexually suggestive language or images in advertising;

(e) advertis as performing massage in a form in which the person has not received training, or of a type that is not licensed or otherwise recognized by law or administrative rule; or

(f) advertis by using any term other than therapeutic massage or massage therapy to refer to the service.

The term “advertise” shall include, but not be limited to, the issuance of any card, sign, or device to another; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising in a newspaper or magazine or on television or on the internet; any listing or advertising in a directory under a classification or heading that includes the word “massage” or commercials broadcast by airwave transmission.

(1~~43~~) Unless prohibited by law, have the right to refuse to treat any person or part of ~~the a~~ client’s body at the Licensee’s discretion;

(1~~54~~) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement; and

(1~~65~~) Adhere to the standards of documentation as provided in 269 CMR 5.03.

### 5.03: Standards for Documentation

(1) The Massage Therapist and client shall agree upon the purpose of the Massage session;

(2) No documentation is required if the Massage session is ~~for general relaxation,~~ given during sports or other kind of public events, or given ~~during in~~ a public ~~demonstration setting~~ as in chair Massage, unless the client is younger than 18 years old. If the client is younger than 18 years old, the therapist must obtain written permission of either a parent or a legal guardian for the minor client’s receipt of massage therapy;

(3) A Massage Therapist who provides a massage for the purpose of general relaxation shall document, at a minimum, their own name, the name of the client, the date and time of the session, any contraindications, and client’s Informed Consent for treatment.

(43) If a written plan of treatment is requested or required, the Massage Therapist shall document the following information in the client’s file shall include the following contemporaneously created documentation: within twenty--four hours of service.

(a) The initial evaluation, which shall include:

1. The client's name ~~and, date of birthage, and gender;~~
2. Date of the session;
3. Pertinent medical history, including, but not limited to:
  - a. Client sensitivities and allergies;
  - b. Medical diagnoses, if available, and the source of the diagnosis;
  - c. Contraindications; ~~and~~
  - d. Medications as disclosed by the client, ~~and,~~
  - e. Informed Consent.

(b) Progress notes signed by a Massage Therapist rendering the massage therapy, which shall include:

1. Subjective information, including the area of complaint as stated by the client and the date of onset;
2. Objective information, including any observations ~~and objective testing,~~ if applicable;
- ~~3. Ongoing assessments, if applicable;~~
- ~~4. 3~~ Actions taken by the Massage Therapist;
- ~~5. 4.~~ Client response to massage therapy treatment.

(c) ~~Therapist recommendations~~A plan of treatment, if applicable, consisting of:

1. Goals or desired outcome of the treatment;
2. Modalities to be rendered;
3. Frequency and duration of treatment;
4. Referral to other professionals, if indicated; and
5. Client self-help education and instruction.

Regulatory Authority

269 CMR 5.00: M.G.L. c. 13, § 99; c. 112, § 234

## 269 CMR 6.00: FACILITY LICENSURE

### Section

- 6.01: Scope and Purpose
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### 6.01: Scope and Purpose

269 CMR 6.00 establishes the standards for applying for licensure and operating a licensed Massage Therapy Establishment pursuant to M.G.L. c. 112, § 227 through 235. The purpose of 269 CMR 6.00 is to protect the health, safety, and welfare of the public by promoting minimum standards for Massage Therapy Establishments throughout the Commonwealth.

### 6.02: Definitions

Adult Entertainment Venues. Any Establishment, including but not limited to a nightclub, bar, restaurant, tavern, dance hall, stage or other performance venue, which displays live entertainment, including but not limited to persons or entertainers appearing in a state of nudity or other live performance, distinguished by an emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

Chair Massage. Massage therapy performed on a clothed, seated (*i.e.* not in a reclining or prone position) client.

Establishment. Any location, or portion thereof, or entity which advertises ~~and~~/or provides massage therapy services, including the provision of out-of-office massage therapy, which has been licensed by the Board pursuant to M.G.L. c. 112, §§ 227 through ~~236~~235.

Opaque. Material that cannot be seen through; not transparent.

Operator. A person who, by his or her direction or control, allows massage therapy to be offered for compensation on premises owned/leased or controlled by that individual or an entity controlled by the individual. For the purposes of 269 CMR 6.03(5) a Massage Therapist practicing alone shall be considered an Operator.

~~Regular. More than eight hours in a one week period.~~

#### 6.03: Establishment Licensure Required

(1) Delivery of Massage Therapy. Massage therapy, including the provision of out-of-office massage therapy services, shall only be delivered or offered at any location or portion thereof covered by a valid Massage Therapy Establishment license issued by the Board or otherwise exempted from licensure under 269 CMR 6.03(8). A Massage Therapist, including those providing out-of-office massage therapy, must work under an Establishment license.

(2) License Required. Each Massage Therapy Establishment within the Commonwealth shall be licensed by the Board before providing or offering to provide massage therapy and shall annually renew its license using an application provided by the Board, unless there is a change in ownership or location. Any physical space dedicated to massage services must be covered by either a Multiple Therapists Establishment license or a Solo Establishment license.

#### (3) Establishment License Type Classes.

(a) Solo Establishment License. A Solo Establishment License shall entitle a single Massage Therapist to deliver or offer massage therapy services from one designated location and that Massage Therapist shall serve as the Compliance Officer of the Solo Establishment. A Solo Establishment license is required for one Massage Therapist to offer out-of-office massage therapy services.

(b) Multiple Therapists Establishment License. A Multiple Therapists Establishment License shall entitle two or more Massage Therapists to deliver or offer massage therapy services from one designated location.

(4) Multiple Therapists Establishment License Required. A Multiple Therapists Establishment License shall be required at all locations where two or more Massage Therapists are delivering or offering massage therapy services jointly, unless each Massage Therapist operates as a separate business entity as set forth in 269 CMR 6.03(7). A Multiple Establishment license is required for two or more Massage Therapists to offer out-of-office massage therapy services as part of the same business entity.

(5) Responsibility for Obtaining an Establishment License. The responsibility for obtaining an Establishment License shall rest with the Operator of the location.

(6) Failure to Obtain an Establishment License. Failure to obtain an Establishment License shall be considered unlicensed practice, unless otherwise exempted.

(7) Number of Licenses Required for Two or More Establishments at the Same Address. Each Massage Therapy Establishment shall require a separate license. The Board will consider the following in determining whether two or more Massage Therapists delivering massage therapy services at the same address constitute one or more Massage Therapy Establishments:

- (a) The business structure of each Establishment, including but not limited to, overlap in areas of financing, management, or ownership;
- (b) The resources shared by the Establishments, including, but not limited to, office space, staff, record storage and maintenance facilities; and
- (c) The overall impression created by advertising, signage, stationery, and office layouts.

(8) Exemptions.

(a) A Massage Therapy Establishment license is not required for the following:

- 1. ~~Any~~ Massage Therapist employed by and working at any healthcare facility licensed by the Massachusetts Department of Public Health (For example, hospital, nursing home, medical clinic, etc.);
- 2. Board--approved continuing education programs as described in 269 CMR 4.00;
- ~~3. and~~ Student clinics operated by Board licensed Massage Schools;
- ~~43.~~ Locations at which Chair Massage is exclusively done; and
- ~~54.~~ Locations at which massage therapy is offered for not more than 24 hours in a a one week period every six months at a public or charitable event with a primary purpose unrelated to massage.

(b) The Board may require any location at which massage therapy is provided to provide satisfactory evidence why it is eligible for the exemption from Massage Therapy Establishment licensure requirements. The burden of proving eligibility shall rest with the entity claiming the exemption.

(9) Locations at Which the Delivery of Massage Therapy Is Prohibited.

- (a) Massage therapy shall not be delivered in adult entertainment venues;
- (b) Massage therapy shall not be delivered in bars or nightclubs; and
- (c) ~~Regular Mm~~ massage therapy shall not be delivered to unclad clients ~~shall not be delivered~~ on the streets or sidewalks.

6.04: Initial Application for an Establishment License

(1) Application for a Massage Therapy Establishment license may be made by a sole proprietorship, partnership, corporation, limited liability company, or limited liability partnership. A Massage Therapy Establishment may be owned by an individual who is not a licensed Massage Therapist.

(2) An application for a Massage Therapy Establishment License shall be:

(a) made on forms prescribed by, and available from the Board;

(b) signed under the pains and penalties of perjury by the applicant or a person authorized to act on behalf of the applicant;

(c) accompanied by information concerning ownership and control that identifies: if owned by an individual, partnership or trust, the names and ownership.

(d) percentages of such individual, partners or trustees, except that, in the case of a limited partnership, such information shall be provided only for those limited partners owning 5% or more of the partnership interest and the general partner;

1. if owned by a for profit corporation, the names of all stockholders who hold 5% or more of any class of the outstanding stock, specifying the percentage owned;

2. if owned by a not for profit corporation, the names of the members and directors of the corporation; and

3. the name and ownership percentage of each individual who directly or indirectly has any ownership interest of 5% or more, unless otherwise provided pursuant to 269 CMR 6.03(c)1. through 3.;

(e) accompanied by any information required by the Board as part of the application, including, but not limited to, such additional information concerning ownership and control as the Board may require.

(f) accompanied by the required nonrefundable fees;

(g) accompanied by a floor plan that demonstrates compliance with the specifications necessary to meet the minimum standards required to meet the public health, safety and welfare set forth in 269 CMR 6.07(4); and

(h) accompanied by evidence of suitability of ownership required by the Board as set forth in 269 CMR 6.04(54);

(3) If the Massage Establishment provides only out-of-office massage therapy services, the Establishment is not required to provide a floor plan as stated in 269 CMR 6.04 (2)(g), but shall provide to the Board the address where records and equipment used by the Establishment are located. The location provided to the

Board may be subject to inspections by the Board to ensure compliance with Board regulations.

(43) The Board shall not approve an application for original or renewal license unless the Board has conducted an investigation of the proposed licensee(s) and/or owners of 5% or more and determined that each proposed licensee/owner is suitable and responsible to establish or maintain an Establishment.

(54) Evidence of Responsibility and Suitability.

(a) In determining whether an applicant is responsible and suitable to be granted an Establishment license, the Board shall consider all relevant information including, but not limited to, the following:

1. the proposed licensee's history of prior compliance with Massachusetts state and local laws governing operation of Massage Therapy Establishments and the practice of massage therapy. Assessment of this factor shall include, but not be limited to, the ability and willingness of the proposed licensee to take corrective action when notified by the authority having jurisdiction over any regulatory violations;

2. the history of criminal conduct of the proposed licensee and owners, officers and directors as evidenced by criminal proceedings against those individuals which resulted in convictions, or guilty pleas, or pleas of *nolo contendere*, or admission of sufficient facts; and

3. the proposed licensee's history of statutory and regulatory compliance for Massage Therapy Establishments in other jurisdictions or localities, including, but not limited to, proceedings in which the proposed licensee was involved which proposed or led to a limitation upon or a suspension, revocation, or refusal to grant or renew the equivalency of a Massage Therapy Establishment license.

(b) If the Board receives information about an applicant for Establishment licensure that reasonably raises a question about whether that applicant is suitable to hold an Establishment license or lacks the responsibility to hold an Establishment license, the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.

(c) If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the applicant to appear personally before the Board, ~~and~~ or furnish additional written information to the extent permitted by applicable state or federal law.

(d) The burden of demonstrating that the applicant possesses the responsibility required for Establishment licensure or is suitable for such licensure shall rest with the applicant.

(e) Conduct which reasonably raises a question about whether an applicant possesses the

responsibility required for Establishment licensure or is suitable for such licensure includes, but is not ~~necessarily~~ limited to, any of the following:

1. Conviction of, or admission to sufficient facts to, any criminal offense, other than a routine traffic violation;
2. Disciplinary action taken against any professional license, registration or certification held by the applicant, or denial of licensure, by the applicable governmental authority of any state, territory or political subdivision of the United States or any foreign jurisdiction; or
3. Conduct which is not described in 269 CMR but which nevertheless involves any of the following: failure to exercise proper regard for the applicant's own health, welfare or safety; failure to exercise proper regard for the health, welfare, safety or legal rights of another person; or fraud, deception or lack of honesty or truthfulness.

~~(65)~~ Inspection. The Board shall not approve an application for an original Establishment license or renewal of such license unless the Board has been afforded the opportunity to inspect the Establishment. The Board may waive the initial inspection for a Massage Establishment that will provide only out-of-office massage therapy and will not operate a Mobile Massage Unit;

(a) The applicant for an Establishment license must arrange for the inspection by the Board of the location seeking that license.

(b) In order to pass that inspection, the location must meet the minimum standards necessary to protect the public health, safety and welfare set forth in 269 CMR 6.07.

~~(76)~~ The Board may require and consider supplemental Establishment licensure application information and materials reasonably necessary to prevent insurance fraud, protect the health, safety, or welfare of the public, or for other valid regulatory purposes, including obtaining appropriate permits either prior to or as a condition subsequent to receiving an Establishment License.

~~(87)~~ The Board shall not issue an Establishment license based on an incomplete submission.

~~(98)~~ The Board may not issue an Establishment license if the Board's inspection reveals any violation of 269 CMR.

~~(109)~~ The Board will consider the evidence produced and make licensing decisions accordingly.

#### 6.05: Renewal/Reinstatement



(1) A Massage Therapy Establishment shall renew its license annually on or before the anniversary of the date of issue by submitting:

- (a) a Massage Therapy Establishment renewal form as prescribed by the Board;
- (b) complete information as required on the form, including changes in information since the original application or last renewal; and
- (c) the nonrefundable renewal fee;

(2) If a Massage Therapy Establishment's license has expired, the Massage Therapy Establishment may request that the Board reinstate its license. The authorized representatives may be required to personally appear before the Board to discuss the request for reinstatement. All requests for reinstatement must be in writing and shall include the following submissions:

- (a) an application;
- (b) a nonrefundable late fee; and
- (c) any other pertinent information as required by the Board.

#### 6.06: Record Retention

(1) Required records shall be maintained in a manner that protects them from foreseeable damage or destruction.

(a) A Massage Therapy Establishment shall maintain required records ~~on the premises~~ for each ~~active~~ client.

(b) Records shall be maintained For a client who is younger than two years old when he or she receives massage therapy, records shall be maintained at least until the client reaches nine years of age for seven years from the date of the last client encounter, unless the client is a minor at the time of the services.

(c) For clients who receive massage therapy on or after the client reaches two years of age, records shall be maintained for a minimum of seven years from the date of the last client encounter. If a client is a minor on the date of the last visit, then the records must be maintained for a minimum period of either seven years from the date of the last client encounter or until the client reaches the age of eighteen, whichever is the longer retention period.

(d) Records stored electronically shall have an established system of regular back-up. Copies of the back-up records shall be maintained safely and securely.

(e) Except as permitted under 269 CMR 6.06(1)(f) and (g), client records shall be kept confidential to the extent ~~provided~~ required by state or federal law.

(f) Upon the written request of the client, or the client's authorized legal representative, the Massage Therapy Establishment shall furnish a complete copy of the client's records to the party authorized to receive it. A reasonable fee may be charged for this service.

(g) The Massage Therapy Establishment shall furnish to the Board or its duly authorized representative a complete copy of a client record upon written request promptly and, in no instance, more than 30 days after date of request. No fee may be charged for this service.

#### 6.07: Establishment Standards

(1) Compliance Officer. Each ~~Multiple~~ Massage Therapist Establishment shall designate a Licensed Massage Therapist who is responsible for the Massage Therapy Establishment's compliance with the laws of the Commonwealth and 269 CMR. Said Licensed Massage Therapist shall agree to be accessible to the Board and shall be responsible for cooperating with inspections or investigations conducted by the Board or its agents. Upon the request of the Board or its agents, the designated Licensed Massage Therapist shall provide immediate access to, and, if requested, copies of records maintained by the Massage Therapy Establishment. Such Massage Therapist shall be designated the Massage Therapy Establishment's ~~Ce~~ompliance ~~O~~fficer. The Board may require a Licensed Massage Therapist to appear personally before the Board or its agent prior to being approved to serve or continuing to serve as Compliance Officer.

(2) Compliance Plan. Each Multiple Therapists Establishment shall implement and maintain a business compliance plan, that shall include, but not be limited to, standards, procedures, and policies that address the Massage Therapy Establishment's administrative and clinical protocols. The standards, procedures, and policies in the compliance plan shall include, but not be limited to, addressing the following issues:

(a) A plan for ascertaining that all individuals providing massage therapy in the Massage Therapy Establishment have current, valid licenses;

(b) A list of all Massage Therapists who currently practice or have practiced at the Establishment and a list of all current and past employees of the Establishment with start and end dates for the past seven years;

(c) A signature and initials log to assist in identifying signature and or initials in records. The log shall include the employees printed name, signature and their initials;

(~~de~~) The methods for training personnel regarding the Massage Therapy Establishment's standards, procedures, and policies, including appropriate right-to-know training, standard precautions to prevent communicable disease, proper documentation, clients' rights, and proper billing, on an ongoing basis;

(~~ed~~) The methods of maintaining and encouraging open lines of communication among the Massage Therapy Establishment's personnel;

(fe) The methods of maintaining and ensuring that equipment is inspected on an annual basis and is in safe operating condition;

(gf) The mechanisms used to report and respond to violations or complaints in an appropriate manner and a log of any complaints received and the Establishment's response;

(hg) The implementation and maintenance of a schedule of the Establishment's compliance audits; and

(ih) In the event of the dissolution of the Massage Therapy Establishment or the departure of a licensed Massage Therapist from the Establishment, a plan for the dissolution of the Massage Therapy Establishment or for the departure of a practicing Massage Therapist, including, but not limited to, a plan for the storage and retrieval of clients' records.

### (3) Personnel.

(a) All Massage Therapists at an Establishment must hold a current Massage Therapist license from the Board, unless exempted by regulation or statute.

(b) All Massage Therapists conducting massage at an Establishment shall be deemed the responsibility of the Operator and Compliance Officer of the Establishment.

(c) All students who perform massage therapy at an Establishment must be working and supervised by a licensed Massage Therapist as part of Board-approved school program.

(de) Massage Establishment Licenses are not transferable.

(ed) The use of aliases by Massage Therapists is prohibited.

(f) Each Establishment must maintain a list of current workers and past workers for their last seven years and their job duties, which shall be provided to the Board or its agent upon request.

### (4) Interior Specifications.

(a) The Establishment shall maintain a properly installed smoke detector and fire extinguisher.

(b) Massage therapy may be conducted only in rooms, which are adequately lighted and ventilated, and so constructed that they can be kept clean. Floors, walls, ceilings and windows must be kept free of dust, soil, and other unclean substances.

(c) Massage rooms shall have at least 65 square feet of floor space for all Establishments licensed after December 12, 2008.

(d) Smoking is prohibited anywhere on the premises.

(e) Every Establishment shall have accessible rest room facilities, including at least one toilet with toilet tissue provided, a hand sink with soap, disposable towels, single use linens, or air dryers provided.

(f) Every Establishment shall have hand-washing facilities for therapist use. Said facilities shall provide an adequate supply of hot water at a temperature that complies with 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*.

(g) Hand washing facilities for Establishments shall be accessible and located no more than 150 feet from the entrance door to the treatment area.

(h) Soap, disposable towels, single use linens or air dryers and adequate waste receptacles shall be provided at all times.

(i) Toilet and hand washing facilities shall meet the requirements of the state plumbing code and shall be maintained in good repair, well-lighted and adequately ventilated, kept in a clean and sanitary condition and free of vermin.

(j) Every Establishment shall provide for safe and unobstructed passage in the public and private areas of the premises.

(k) Facilities shall be provided for the storage and removal of garbage, waste and refuse.

(l) Any flammable or hazardous materials in the Establishment shall be stored in a safe manner in accordance with local and state regulations and Massachusetts General Laws.

(g) The Board may waive the requirements of 269 CMR 6.07(4)(a) to (l) for a Massage Therapy Establishment that will provide only out-of-office massage services and will not operate a Mobile Massage Unit.

## (5) Equipment.

(a) All equipment and supplies used in the performance of massage shall be maintained in a safe and clean manner. All tables and other cleanable surfaces that come into contact with clients shall be cleaned by the regular application of a cleanser and sanitized with an EPA registered sanitizer.

“Regular application” as used in 269 CMR 6.07(5)(a) means a thorough cleansing of the massage table after each client and at least one time a day or whenever oils, lotions, or other substances visibly accumulate on client contact surfaces.

(b) Each client shall receive a separate, clean, durable, Opaque covering for the full tabletop of ~~for use on~~ the massage table, such as sheets or towels.

(c) All re-usable sheets, towels, and other cloth materials used in the conduct of a massage that come in contact with a client shall be laundered after each use.

(d) Each Establishment shall maintain a sufficient supply of clean linens for the purpose of draping for each client while the client is being massaged. As used in 269 CMR 6.07(5)(d) drapes means towels, gowns, or sheets.

(e) If any latex-containing products are used, a sign shall be conspicuously posted so stating and all clients shall be advised that latex-containing products are used.

(6) Sanitary Conditions. The Massage Therapy Establishment shall be equipped with proper and adequate lighting and ventilation and kept in clean, orderly, and sanitary condition. A Massage Therapist shall not provide massage services, including out-of-office services, in an unsanitary location.

(7) Change in Massage Therapy Establishment Ownership. A change in Massage Therapy Establishment Ownership shall require application for and receipt of a new Massage Therapy Establishment license. A change in Massage Therapy Establishment ownership shall occur on the date that there is a transfer of a controlling interest in a Massage Therapy Establishment. When a change in ownership occurs, the Massage Therapy Establishment license shall expire, and the new owner must apply for a new license within no less than 30 days before taking ownership.

(8) Change in Location. An Establishment license is valid only for the location stated on the license and is neither transferable nor assignable.

(a) The Board must be notified in writing at least 30 days prior to a change in location of a Massage Therapy Establishment.

(b) The license for the previous location will be cancelled and will be invalid as of the date of relocation.

(c) The massage therapy compliance officer or Establishment owner shall file a new application for a Massage Therapy Establishment license that is subject to the Board’s approval.

(d) The Massage Therapy Establishment shall not operate at the new location until the Board has approved a Massage Therapy Establishment license for the new location.

(9) Change in Compliance Officer. A change in Compliance Officer requires notification to the Board from existing Compliance Officer with effective dates within 10 days except for in extraordinary circumstances.

(10) Required Displays. Current true copies of the following must be conspicuously displayed for the benefit of the public within the public section (not treatment room) at each Massage Therapy Establishment. A licensee may redact his/her residential address from the posted license.

(a) The Massage Therapy Establishment's license;

(b) The license of each massage therapist licensed by the Board who provides massage therapy services at the Massage Therapy Establishment; and

(c) The most recent inspection report completed by the Board or its agents.

(d) Documents listed in 269 CMR 6.07(10)(a) through (cd) shall be displayed in a manner visible to client when out-of-office services are provided.

(11) Variances.

(a) Variance Permitted. The Board may vary the application of any provision of 269 CMR 6.00 with respect to any particular case when, in its opinion, the enforcement thereof would create a manifest injustice. This may include practitioners who deliver only out-of-office massage therapy services. ~~do not deliver massage at a specific location.~~ Any variance granted by the Board shall be in writing.

(b) Expiration, Modification, Suspension. Any variance or other modification authorized to be made by 269 CMR 6.07(4011) may be subject to such qualification, revocation, suspension, or expiration as the Board expresses in its grant. A variance or other modification authorized to be made by 269 CMR 6.00 may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

#### 6.08: Inspections

(1) The Board or its agent may inspect any Massage Therapy Establishment, including the location of record for Establishments offering only out-of-office services, -at any time during regular business hours, and without prior notice, for the purpose of verifying that the Massage Therapy Establishment, and its agents or employees are in compliance with all applicable requirements of M.G.L. c. 112, §§ 61 through 65, M.G.L. c. 112, §§ 227 through 236~~5~~, and 269 CMR 6.00, and all other applicable federal, state and local laws or regulations.

#### 6.09: Grounds for Disciplinary Action

(1) Pursuant to M.G.L. c. 13, § 99(a)(~~v~~), the Board may, through the processes set out in M.G.L. c. 30A, M.G.L. c. 112, §§ 61 through 65, and 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*, take disciplinary action against any Massage Therapy Establishment. Grounds for disciplinary action shall include, but shall not be limited to:

- (a) Violation of any provision of 269 CMR 6.00~~7~~ by any person associated with the Establishment;
- (b) Unlicensed practice at the Massage Therapy Establishment or arranged through the Massage Therapy Establishment. Unlicensed practice includes practice by an individual who:
  - 1. has never held a license to render care within the discipline in which he or she is acting;
  - 2. has let his or her license to practice lapse or expire;
  - 3. has had his or her license to practice suspended or revoked; or
  - 4. has voluntarily surrendered his or her license.
- (c) Where a person having more than 5% ownership interest, company officer, principal, or any employee of, or person associated with, the Massage Therapy Establishment:
  - 1. violates or permits the violation of any of the grounds for disciplinary action under 269 CMR;
  - 2. interferes with or obstructs the Board or its agent in the performance of the Board's duties;
  - 3. is sanctioned for violations of state or federal laws regarding insurance fraud; or
  - 4. solicits, facilitates, or otherwise permits illicit behavior.

#### REGULATORY AUTHORITY

269 CMR 6.00: M.G.L. c. 13, § 99; c. 112, § 234.