

## **CHAPTER 64B7-24 ORGANIZATION**

64B7-24.004 General Description of Agency Organization and Operations. (Repealed)

64B7-24.005 Agency Head. (Repealed)

64B7-24.006 General Information. (Repealed)

64B7-24.0071 Conducting Meetings, Hearings, and Workshops by Communications Media Technology. (Repealed)

64B7-24.008 Probable Cause Determination; Probable Cause Panel.

64B7-24.009 Meetings. (Repealed)

64B7-24.0091 Attendance of Meetings by Board Members.

64B7-24.010 Notice of Meetings. (Repealed)

64B7-24.011 Agenda. (Repealed)

64B7-24.012 Workshops. (Repealed)

64B7-24.013 Emergency Meetings. (Repealed)

64B7-24.014 Declaratory Statement. (Repealed)

64B7-24.015 Guidelines for Disposition of Disciplinary Cases or Other Cases in Which Substantial Interests Are Determined by the Board. (Repealed)

64B7-24.016 Time for Payment of Civil Penalties.

64B7-24.0165 Return of Certificate or Licenses. (Repealed)

64B7-24.017 Board Business.

64B7-24.019 Criteria for Selection of Investigators. (Repealed)

### **64B7-24.008 Probable Cause Determination; Probable Cause Panel.**

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 480, F.S., or of the rules promulgated thereunder, has occurred shall be made by a probable cause panel of two members to be selected by the chairman of the Board.

(2) The Chairman shall be permitted to appoint one former Board member to serve on the Board's probable cause panel.

*Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History--New 11-27-79, Amended 7-12-82, Formerly 21L-24.08, 21L-24.008, Amended 6-13-94, Formerly 61G11-24.008.*

### **64B7-24.0091 Attendance of Meetings by Board Members.**

Unexcused absences of a board member are absences not due to the following situations:

(1) Medical problems of a board member or a board member's family including but not limited to illness, surgery, emergency care and/or hospitalization;

(2) Death of a family member and/or attendance at the family member's funeral;

(3) Any conflict, extraordinary circumstance, or event approved by the chairman of the board.

*Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History--New 5-20-93, Formerly 21L-24.0091, 61G11-24.0091.*

### **64B7-24.016 Time for Payment of Civil Penalties.**

In cases where the Board imposes a civil penalty for violation of Chapter 456 or 480, F.S., or the rules promulgated thereunder, the penalty shall be paid within thirty (30) days of its imposition by order of the Board, or as otherwise directed by the Board.

*Specific Authority 456.072(3) FS. Law Implemented 456.072(3) FS. History--New 7-9-80, Formerly 21L-24.16, Amended 8-29-88, Formerly 21L-24.016, 61G11-24.016.*

### **64B7-24.017 Board Business.**

(1) For the purposes of Section 456.011(4), F.S., the Board defines "other business involving the Board" as,

(a) All regularly scheduled meetings of Board committees, and

(b) Whenever a board member has been requested by the Secretary or the Department staff to participate in a meeting or in the preparation, administration, or grading of the examination.

(c) Meetings or business at the direction or request of the Board.

(2) Meetings or participation by telephone do not constitute other board business.

(3) Documentation of requests, authorizations, or notices for meetings under the terms of this rule shall be kept at the Board office.

*Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History--New 10-13-81, Formerly 21L-24.17, 21L-24.017, Amended 1-9-95, Formerly 61G11-24.017.*

## **CHAPTER 64B7-25 EXAMINATION**

64B7-25.001 Examination Requirements.

64B7-25.0011 Colonic Irrigation Application Deadline.

64B7-25.0012 HIV/AIDS Course Required for Initial Licensure.

64B7-25.002 Reexamination. (Repealed)

64B7-25.0025 Security and Monitoring Procedures for Licensure Examination.

64B7-25.003 Examination Review Procedure. (Repealed)

64B7-25.004 Endorsements.

64B7-25.005 Provisional License; Supervision of Provisional Licensees. (Repealed)

64B7-25.006 Expiration of Incomplete Applications.

### **64B7-25.001 Examination Requirements.**

(1) The Department shall issue a license to a person who:

(a) Pays to the Department the fee set out in subsection 64B7-27.002(1), F.A.C.;

(b) Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;

(c) Completes the HIV/AIDS course requirement in Rule 64B7-25.0012, F.A.C.;

(d) Passes a national examination approved by the Board;

(e) Completes a course relating to the prevention of medical errors as required by subsection 456.013(7), F.S.

(2) The Board approves the National Certification Board for Therapeutic Massage and Bodywork examination.

*Specific Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS. History--New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02.*

### **64B7-25.0011 Colonic Irrigation Application Deadline.**

An applicant for the colonic irrigation examination or for re-examination must file in the Board office a completed application (incorporated herein by reference and entitled State of Florida Application for Licensure Massage Therapy, form # BMT2, (revised 7/2000), instructions attached and available at the Board office), including proof of completion of an approved course of study or an apprenticeship, at least 45 days prior to the examination date. The examination or re-examination fee must accompany the application.

*Specific Authority 480.041(3)(b) FS. Law Implemented 480.041(3)(b) FS. History--New 11-25-80, Amended 7-12-82, Formerly 21L-25.011, Amended 3-12-90, Formerly 21L-25.0011, Amended 9-30-93, 9-15-94, 7-2-96, Formerly 61G11-25.0011, Amended 11-2-00.*

### **64B7-25.0012 HIV/AIDS Course Required for Initial Licensure.**

As a condition to granting an initial license, the applicant is required to complete a 3-hour educational course approved by the Board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS). Courses that have received Board approval are sponsored by: the Department of Health, Division of Health Quality Assurance, the American Red Cross, or directly by the Board approved massage schools.

*Specific Authority 456.034(5) FS. Law Implemented 456.034(4) FS. History--New 9-15-94, Formerly 61G11-25.0012, Amended 1-26-00.*

**64B7-25.0025 Security and Monitoring Procedures for Licensure Examination.**

The Board adopts by reference Department of Health, Rule 64B-1.010, F.A.C., as its rule governing examination security and monitoring.

*Specific Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History–New 2-8-82, Formerly 21L-24.18, 21L-24.018, 64B7-24.018, 61G11-25.0025, Amended 2-4-99.*

**64B7-25.004 Endorsements.**

- (1) The Department shall issue a license by endorsement to a person who:
  - (a) Pays to the Department the initial licensure fee set forth in subsection 64B7-27.008(2), F.A.C.; and
  - (b) Is currently licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed, to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; and
  - (c) Demonstrates that his out-of-state license was issued upon the satisfactory completion of an examination comparable to the examination given by the Department; and
  - (d) Has no outstanding or unresolved complaints filed against him or her in the jurisdiction of licensure.
- (2) The Department may interview an applicant for licensure by endorsement to determine whether he qualifies for such endorsement.

*Specific Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History–New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99.*

**64B7-25.006 Expiration of Incomplete Applications.**

If an applicant fails to submit all items necessary for his/her application to be considered complete within one year from the date the application is first received by the Department, the application shall expire and the applicant's file shall be closed.

*Specific Authority 480.035(7) FS. Law Implemented 456.013, 480.041 FS. History–New 6-22-99.*

**CHAPTER 64B7-26 MASSAGE ESTABLISHMENTS**

- 64B7-26.001 Definitions.
- 64B7-26.002 Licensure of Massage Establishments.
- 64B7-26.003 Massage Establishment Operations.
- 64B7-26.004 Inspection Upon Application for License.
- 64B7-26.005 Periodic Inspections.
- 64B7-26.007 Transfer of Massage Establishment License.
- 64B7-26.008 Draping. (Repealed)
- 64B7-26.010 Sexual Activity Prohibited.

**64B7-26.001 Definitions.**

- (1) The term "owner" means the sole proprietor, partnership, limited partnership or corporation that operates the massage establishment.
- (2) The term "establishment" means a site or premises, or portion thereof, wherein a licensed massage therapist practices massage for compensation.
- (3) The term "business name" means the name under which the owner applies for the establishment license to provide massage therapy, if different from the name of the owner.

*Specific Authority 480.035(7) FS. Law Implemented 480.043(7) FS. History–New 7-16-98, Amended 8-5-03.*

**64B7-26.002 Licensure of Massage Establishments.**

- (1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 7/97) Application for License Massage Establishment, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C.

(2) The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a corporation, the application shall be submitted in the name of the corporation and shall be signed by an authorized corporate representative.

(3) An owner may operate an establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the business name, and must comply with Rule 64B7-33.001, F.A.C.

(4) The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment. If the establishment is operated under a business name, the proof of insurance shall include both the name of the owner and the business name.

*Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(1), (2), 483.043(7) FS. History—New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00.*

#### **64B7-26.003 Massage Establishment Operations.**

(1) Facilities, Each establishment shall meet the following facility requirements:

(a) Comply with all local building code requirements.

(b) Provide for the use of clients a bathroom with at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.

(c) Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.

(d) If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.

(2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.

(3) Safety and sanitary requirements. Each establishment shall:

(a) Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.

(b) Maintain a fire extinguisher in good working condition on the premises. As used herein “good working condition” means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in Chapter 69A-21, F.A.C.

(c) Exterminate all vermin, insects, termites, and rodents on the premises.

(d) Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table.

Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, “regular application,” as used herein, means after the massage of each client. If clean coverings are used for each client, then “regular application” shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.

(e) Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein “drapes” means towels, gowns, or sheets.

(f) Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.

(g) Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.

(4) Financial responsibility and insurance coverage. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

*Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2) FS. History—New 11-27-79, Amended 10-13-81, 9-10-84, 9-25-85, Formerly 21L-26.03, Amended 4-30-87, 6-12-89, 8-15-89, 5-31-92, 11-2-92, Formerly 21L-26.003, 61G11-26.003, Amended 2-16-99, 11-4-99, 6-8-00.*

#### **64B7-26.004 Inspection Upon Application for License.**

Upon receipt of an application for a massage establishment license, employees of the Department shall cause an inspection to be made of the site. Such inspection shall be to confirm that the site is to be utilized for “massage” as defined by Section 480.033(4), Florida Statutes, and that the criteria enunciated in Rule 64B7-26.003, F.A.C., are satisfied.

*Specific Authority 480.043(1), (2) FS. Law Implemented 480.043(2), (4) FS. History—New 11-27-79, Formerly 21L-26.04, 21L-26.004, Amended 1-9-95, 3-9-95, Formerly 61G11-26.004.*

#### **64B7-26.005 Periodic Inspections.**

The Department shall make periodic inspections of all massage establishments licensed in this state no less than once each year. Such inspection shall include, but not be limited to, whether the establishment is in compliance with Rule 64B7-26.003, F.A.C., governing the establishment’s operation facilities, personnel, safety, sanitary requirements, and a review of existing insurance coverage.

*Specific Authority 480.043(2), (9) FS. Law Implemented 480.043 FS. History—New 11-27-79, Formerly 21L-26.05, Amended 4-30-87, Formerly 21L-26.005, 61G11-26.005, Amended 1-26-00.*

#### **64B7-26.007 Transfer of Massage Establishment License.**

(1) When there is no change of ownership or location, the owner may change the business name of the establishment. The owner shall apply for a change of business name by submitting a completed Application for Licensure-Massage Establishment, Form BMT3, effective 1/98, incorporated herein by reference, accompanied by the application fee provided in subsection 64B7-27.003(2), F.A.C. When a massage establishment business name is changed, without a change in ownership or location, a new establishment inspection is not required.

(2) When there is no change of ownership, the owner of a massage establishment may transfer the license from one location to another. The owner shall apply for a change of location by submitting a completed Application for Licensure-Massage Establishment, accompanied by the application fee provided in subsection 64B7-27.003(3), F.A.C. A massage establishment license may not be transferred from one location to another until after inspection by the department.

*Specific Authority 480.035(7), 480.043(2), (9) FS. Law Implemented 480.043(2), (7), (9) FS. History—New 5-17-90, Formerly 21L-26.007, 61G11-26.007, Amended 9-14-98.*

#### **64B7-26.010 Sexual Activity Prohibited.**

(1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited.

(2) No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner’s massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.

(3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

(4) As used in this rule, “sexual activity” means any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this subsection, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation has occurred. Nothing herein shall be interpreted to prohibit a licensed massage therapist, duly qualified under Rule 64B7-31.001, F.A.C, from practicing colonic irrigation.

*Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2), 480.046(1)(h) FS. History—New 5-31-92, Formerly 21L-26.010, 61G11-26.010.*

### **CHAPTER 64B7-27 FEE SCHEDULE**

64B7-27.001 Collection and Payment of Fees; Special Fee to Cover Cost of Enforcement of Prohibitions Against Unlicensed Activities. (Repealed)

64B7-27.002 Application for Licensure; Fees.  
64B7-27.003 Massage Establishment.  
64B7-27.004 Re-examination.  
64B7-27.005 Apprentice.  
64B7-27.006 Biennial Renewal Fee for Massage Therapist.  
64B7-27.007 Biennial Renewal Fee for Massage Establishments.  
64B7-27.008 Initial Fee for Licensure.  
64B7-27.009 Provisional License Fee. (Repealed)  
64B7-27.010 Renewal Fee for Inactive License.  
64B7-27.011 Reactivation Fee for Inactive License.  
64B7-27.012 Licensure of Establishment Fee.  
64B7-27.014 Duplicate License Fees.  
64B7-27.015 Delinquency Fee.  
64B7-27.016 Change in Status Fee.  
64B7-27.017 Unlicensed Activity Fee.

**64B7-27.002 Application for Licensure; Fees.**

The application fee for licensure shall be a \$50 nonrefundable application fee.

*Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1) FS. History–New 11-27-79, Amended 2-6-85, Formerly 21L-27.02, 21L-27.002, Amended 6-28-94, 11-22-94, 9-9-96, 1-29-97, Formerly 61G11-27.002, Amended 10-12-99, 5-5-04.*

**64B7-27.003 Massage Establishment.**

- (1) The application fee for licensure of an establishment shall be \$150.00.
- (2) The application fee for change of the business name of an establishment is \$25.00.
- (3) The application and inspection fee for transfer of an establishment from one location to another shall be \$125.00.

*Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.043(7), 480.044(1)(c) FS. History–New 11-27-79, Amended 7-9-80, 11-20-84, Formerly 21L-27.03, Amended 1-7-86, Formerly 21L-27.003, Amended 1-9-95, Formerly 61G11-27.003, Amended 6-15-98, 7-30-02.*

**64B7-27.004 Re-examination.**

The re-examination fees shall be:

- (1) The fee to retake the Board approved national examination shall be the same fee as the original examination.
- (2) The fee to retake the colonics examination shall be the same fee as the original colonics examination.

*Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History–New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G11-27.004, Amended 1-7-03.*

**64B7-27.005 Apprentice.**

The apprentice application fee shall be one hundred dollars (\$100.00).

*Specific Authority 480.044(1) FS. Law Implemented 480.044(1)(h) FS. History–New 11-27-79, Formerly 21L-27.05, 21L-27.005, 61G11-27.005, Amended 2-16-99.*

**64B7-27.006 Biennial Renewal Fee for Massage Therapist.**

The fee for biennial renewal of a massage therapist's license shall be \$150.00.

*Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1), (1)(f) FS. History–New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, 7-30-02.*

**64B7-27.007 Biennial Renewal Fee for Massage Establishments.**

The fee for biennial renewal of a massage establishment license shall be \$150.00.

*Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History--New 11-27-79, Amended 7-9-80, Formerly 21L-27.07, Amended 12-18-88, Formerly 21L-27.007, 61G11-27.007, Amended 7-30-02.*

**64B7-27.008 Initial Fee for Licensure.**

- (1) Any person who is initially licensed pursuant to Rule 64B7-25.001, F.A.C., shall pay a fee of \$150.00.
- (2) Any person who is initially licensed pursuant to Rule 64B7-25.004, F.A.C., shall pay a fee of \$150.00.

*Specific Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History--New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended 7-30-02.*

**64B7-27.010 Renewal Fee for Inactive License.**

The fee for renewal of an inactive license shall be \$150.00.

*Specific Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1), (1)(l) FS. History--New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended 7-30-02.*

**64B7-27.011 Reactivation Fee for Inactive License.**

The fee for reactivation of an inactive license shall be one hundred fifty dollars \$150.00.

*Specific Authority 480.0425 FS. Law Implemented 456.025(1), 456.036(4), 480.044(1)(l) FS. History--New 12-18-84, Formerly 21L-27.11, Amended 1-30-90, Formerly 21L-27.011, 61G11-27.011.*

**64B7-27.012 Licensure of Establishment Fee.**

The fee for licensure of an establishment shall be \$150.00.

*Specific Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044(1)(d) FS. History--New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, 7-30-02.*

**64B7-27.014 Duplicate License Fees.**

The fee for the issuance of a duplicate massage therapist license shall be twenty-five dollars (\$25.00). The fee for the issuance of a duplicate massage establishment license shall be twenty-five dollars (\$25.00).

*Specific Authority 456.025(7) FS. Law Implemented 456.025(7) FS. History--New 1-30-90, Formerly 21L-27.014, 61G11-27.014.*

**64B7-27.015 Delinquency Fee.**

The delinquency fee shall be \$150.00.

*Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History--New 12-12-94, Formerly 61G11-27.015, Amended 7-30-02.*

**64B7-27.016 Change in Status Fee.**

The change in status fee shall be \$50.00.

*Specific Authority 456.036(8) FS. Law Implemented 456.036(8) FS. History--New 12-12-94, Formerly 61G11-27.016, Amended 7-30-02.*

**64B7-27.017 Unlicensed Activity Fee.**

In addition to the initial license fee and in addition to the license renewal fee, a fee of \$5.00 shall be collected from each applicant or licensee as applicable to fund efforts to combat unlicensed activity.

*Specific Authority 456.065(3) FS. Law Implemented 456.065(3) FS. History--New 7-30-02.*

**CHAPTER 64B7-28 BIENNIAL LICENSE RENEWAL**

64B7-28.001 Biennial Renewal of Massage Therapist's License.

64B7-28.0015 Place of Practice Defined.  
64B7-28.002 Biennial Renewal of Massage Establishment License.  
64B7-28.003 Biennial Period, Year Defined.  
64B7-28.0041 Inactive Status and Renewal of Inactive Status.  
64B7-28.0042 Requirements for Reactivation of an Inactive License.  
64B7-28.0043 Delinquent Status License.  
64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions.  
64B7-28.008 Display of Licenses.  
64B7-28.009 Continuing Education.  
64B7-28.0095 Continuing Education for Pro Bono Services.  
64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

**64B7-28.001 Biennial Renewal of Massage Therapist’s License.**

(1) All license renewals for massage therapists shall meet the requirements as set forth in Chapters 456 and 480, F.S., these rules, and the rules of the Department of Health. All massage therapists shall renew their licenses on or before August 31, of each biennial year, according to the fee schedule as set forth in Chapter 64B7-27, F.A.C.

(2) No license shall be renewed unless the licensee submits confirmation on a department form that the licensee has completed an education course on HIV/AIDS which meets the requirements of Section 456.034, F.S. If the licensee has not submitted confirmation which has been received and recorded by the Board, the department shall not renew the license. The Board approves courses that have been approved by regulatory Boards or Councils under the Division of Medical Quality Assurance, the Agency for Health Care Administration, the Department of Health, the American Red Cross, or directly by the Board, and courses sponsored or presented by Board-approved Massage Schools.

(3) No license shall be renewed unless the licensee submits confirmation in writing to the Florida Board of Massage Therapy that the licensee has completed an education course of at least 2 hours relating to prevention of medical errors as part of the licensure and renewal process. The course must include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count toward the total number of continuing education hours required for renewal.

*Specific Authority 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS. History–New 11-27-79, Amended 12-18-84, Formerly 21L-28.01, Amended 3-12-90, 1-3-91, Formerly 21L-28.001, Amended 9-30-93, 6-12-95, 9-25-95, 7-17-97, Formerly 61G11-28.001, Amended 4-28-99, 7-30-02.*

**64B7-28.0015 Place of Practice Defined.**

(1) The reporting requirements of Section 456.035, F.S., require each licensee to provide to the Board a current mailing address and a “place of practice.” The current mailing address and place of practice may be one and the same, or may be two different addresses if the licensee does not receive mail at his or her place of practice.

(2) “Place of practice” shall mean:

- (a) A massage establishment maintained by the licensed massage therapist; or
- (b) The massage establishment at which the licensed massage therapist provides massage therapy; or
- (c) The medical office at which the licensed massage therapist provides massage therapy; or
- (d) If the licensed massage therapist practices at more than one location, one such location as selected by the licensed massage therapist;
- (e) If the licensed massage therapist provides massage therapy only at the location of clients, the place of practice is the residence address of the therapist.

*Specific Authority 456.036 FS. Law Implemented 456.036 FS. History–New 2-15-96, Formerly 61G11-28.0015, Amended 11-25-97.*

**64B7-28.002 Biennial Renewal of Massage Establishment License.**

All license renewals for massage establishments shall meet the requirements as set forth in Chapter 480, F.S., and these rules. All massage establishments shall renew their licenses on or before August 31 of each biennial year, according to the fee schedule as set forth in Rule 64B7-27.007, F.A.C., and the insurance

coverage requirements of subsection 64B7-26.002(4), F.A.C. If, however, the massage establishment does not renew its license timely, the license shall be considered delinquent. If a massage establishment is operating with a delinquent license, said establishment is in violation of Section 480.047(1)(b), F.S., and is subject to the criminal penalties as provided for in Section 480.047(2), F.S. In order to renew a delinquent license, the massage establishment shall pay the late fee for delinquent renewal in the amount of seventy-five dollars (\$75.00) as set forth in Section 480.044(2), F.S., and the biennial renewal fee as specified in Rule 64B7-27.007, F.A.C.

*Specific Authority 480.035(7), 480.043(8), 480.044 FS. Law Implemented 480.043(8), 480.044(1)(e), 480.067(1)(b) FS. History—New 11-27-79, Formerly 21L-28.02, Amended 1-7-86, 1-30-90, 1-3-91, Formerly 21L-28.002, 61G11-28.002, Amended 9-21-04.*

#### **64B7-28.003 Biennial Period, Year Defined.**

Biennial period shall mean September 1 of each odd-numbered year and ending August 31 of each odd-numbered year. Biennial year shall mean every odd-numbered year.

*Specific Authority 480.035(7), 480.0415, 480.043(8) FS. Law Implemented 480.0415, 480.043(8) FS. History—New 11-27-79, Formerly 21L-28.03, Amended 1-7-86, 1-3-91, Formerly 21L-28.003, 61G11-28.003, Amended 7-30-02.*

#### **64B7-28.0041 Inactive Status and Renewal of Inactive Status.**

(1) Any licensee may elect at the time of biennial license renewal to place the license into inactive status by filing with the Department a completed application for inactive status as set forth in Section 456.036, F.S., and the appropriate fee required by Rule 64B7-27.010, F.A.C.

(2) Inactive licenses must be renewed biennially including payment of the renewal fee set forth in Rule 64B7-27.010, F.A.C.

(3) An inactive license can be reactivated at any time provided the licensee meets the requirements of Rule 64B7-28.0042, F.A.C.

(4) An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.

*Specific Authority 456.036, 480.035(7), 480.0425(2) FS. Law Implemented 456.036, 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0041.*

#### **64B7-28.0042 Requirements for Reactivation of an Inactive License.**

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B7-27.011, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, a massage therapist must submit proof of having completed the appropriate continuing education requirements as set forth in Rule 64B7-28.009, F.A.C.

(2) However, any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the licensee must:

(a) Show compliance with subsection (1) above;

(b) Account for any activities related to the practice of massage therapy in this or any other jurisdiction during the period that the license was inactive and establish an absence of malpractice or disciplinary actions pending in any jurisdiction;

(c) Prove compliance with Section 456.065, F.S., and subsection 64B7-28.001(2), F.A.C.

(3) The Department shall not reactivate the license of any massage therapist who has:

(a) Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to Section 480.046, F.S.

(b) Failed to comply with the provisions of Section 456.034, F.S., and subsections 64B7-28.001(2) and (3), F.A.C.

*Specific Authority 456.034, 456.036(9), 480.035(7), 480.0425 FS. Law Implemented 456.034, 456.036(9), (10), 480.0425 FS. History—New 9-18-95, Formerly 61G11-28.0042, 10-12-03.*

**64B7-28.0043 Delinquent Status License.**

- (1) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.
- (2) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.
- (3) The delinquent status licensee who applies for license renewal or inactive status shall:
  - (a) Apply to the department for either license renewal as required by Section 480.0415, F.S., or inactive status as required by Section 456.036, F.S.
  - (b) Pay to the Board either the license renewal fee as set forth in Rule 64B7-27.006, F.A.C., or the inactive status fee as set forth in Rule 64B7-27.010, F.A.C.; the delinquency fee as set forth in Rule 64B7-27.015, F.A.C., and the change of status fee as set forth in Rule 64B7-27.016, F.A.C., if applicable; and
  - (c) If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B7-28.009, F.A.C.

*Specific Authority 456.036(6), (7), 480.035(7), 480.0415 FS. Law Implemented 456.036(6), (7), 480.0415 FS. History--New 9-18-95, Formerly 61G11-28.0043.*

**64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions.**

A licensee who is the spouse of a member of the Armed Forces and was caused to be absent from Florida for a period of at least six consecutive months because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Massage and entitled to practice massage in Florida shall be exempt from all licensure renewal provisions under these rules. The licensee must show satisfactory proof of the absence and the spouse's military status.

*Specific Authority 456.024(2) FS. Law Implemented 456.024(2) FS. History--New 12-18-84, Formerly 21L-28.07, 21L-28.007, Formerly 61G11-28.007.*

**64B7-28.008 Display of Licenses.**

- (1) Each licensed practitioner shall conspicuously display a current license issued by the Department, or photo copy thereof, at each location at which he or she practices.
- (2) Each apprentice shall conspicuously display his or her apprentice certificate issued by the Board office, in the establishment for which it has been issued.
- (3) The owner of each massage establishment shall conspicuously display a current establishment license issued by the Department on the premises.

*Specific Authority 480.035(7) FS. Law Implemented 480.043(1) FS. History--New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended 1-26-00.*

**64B7-28.009 Continuing Education.**

- (1) Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that shall have elapsed since the issuance of the license for which renewal is sought, up to a maximum requirement of 24 hours for the renewal period. Such courses shall have been approved for continuing education credit pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the renewal period preceding the date renewal is due. Every massage practitioner must obtain the continuing education required for biennial renewal of the massage therapist's license as set forth in Rule 64B7-28.001, F.A.C. Graduates of a Board approved massage school who received two hours of education in Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C., and two (2) hours of professional ethics prior to initial licensure shall not be required to complete additional continuing education in the same subject matter for initial renewal of the license.
- (2) All continuing education requirements may be met by correspondence/home study courses, tape and/or video cassette courses, provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per

subject and must meet the requirements of Rule 64B7-28.010, F.A.C. The vendor and the licensee shall verify in writing that all requirements of paragraph 64B7-28.010(2)(c) or (d), F.A.C., have been met. Such verification/validation shall clearly indicate the course is a "correspondence/home study course/tape or videocassette course" and that the licensee passed the course in order to be accepted as proof of attendance.

(3) Effective for the biennium beginning September 1, 2001, the continuing education contact hours shall be in the following areas:

(a) At least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology.

(b) Except as provided in subsection 64B7-28.009(1), F.A.C., two hours must cover instruction in professional ethics, two hours must be in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C.

(c) The remaining hours may include courses on communications with clients and other professionals, insurance relating to third party payment or reimbursement for services, psychological dynamics of the client-therapist relationship, risk management, including charting, documentation, record keeping, or infection control (other than the HIV/AIDS course required by Section 456.034, F.S.), or massage practice management. The remaining hours may also include up to 4 hours credit for adult cardio-pulmonary resuscitation (CPR), provided the course is sponsored by the American Red Cross, the American Heart Association or the American Safety and Health Institute, or is instructed by persons certified to instruct courses for those organizations.

(4) The licensee shall retain, for not less than four years, such receipts, vouchers or certificates as are necessary to document completion of the continuing education stated on the renewal application.

(5) At the end of each biennium, the Board will audit a number of randomly selected licensees to assure that the continuing education requirements have been met. Within 21 days of a request from the Board or Department, the licensee must provide written documentation that the continuing education requirements have been met.

*Specific Authority 456.013(7), (8), (9), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (8), (9), 480.0415 FS. History--New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05.*

#### **64B7-28.0095 Continuing Education for Pro Bono Services.**

(1) Up to 6 hours of continuing education per biennium may be awarded for the performance of pro bono services to the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigence shall be that recognized by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services.

(2) In order to receive credit under this rule, the licensee must receive prior approval from the Board by submitting a formal request for approval, which must include the following information:

(a) The type, nature and extent of services to be rendered;

(b) The location where the services will be rendered;

(c) The number of patients expected to be served; and

(d) A statement indicating that the patients to be served are indigent underserved or in an area of critical need.

(3) Credit shall be given on an hour per hour basis.

(4) Approval for pro bono services is only granted for the biennium for which it is sought. The licensee must request approval for each biennium they wish to receive credit for pro bono services.

*Specific Authority 456.013, 480.0415 FS. Law Implemented 456.013, 480.0415 FS. History--New 5-5-04.*

#### **64B7-28.010 Requirements for Board Approval of Continuing Education Programs.**

(1) For the purpose of renewing or reactivating a license credit will be approved for programs which are offered by providers approved by the Board. In order to receive Board approval as a provider, an applicant shall:

(a) Submit a completed Massage Continuing Education Provider Application, BMT5, and Approved Provider Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and a non-refundable application fee of \$250. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

(b) Sign and abide by written agreement to:

1. Provide an identifiable person to be responsible for ensuring that each program presented under their Board of Massage provider number meets program requirements set forth in subsection (2) below.
2. Retain a "sign-in-sheet" with the signature of participants and copies of any promotional materials for at least 4 years following the course.
3. Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider's name and number, title of program and program number, instructor, date, number of contact hours of credit, the licensee's name and license number.
4. Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

(2) Each program presented by a Board approved provider shall:

(a) Meet the standards of subsection 64B7-28.009(2), paragraph (3)(a), (b) or (c), F.A.C.;

(b) Have stated learning objectives;

(c) Be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree 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, with a major in a subject directly related to the content of the program to be offered, or

2. Has graduated from a school of massage or an apprenticeship program which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board, and has completed three years of professional experience in the practice of massage, and

- a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

- b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

- c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or

3. Is licensed as a massage therapist in another state or foreign sovereign state having standards of education or apprenticeship training substantially similar to or more stringent than those required for licensure in Florida and has practiced massage therapy for a minimum of 10 years, and

- a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

- b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

- c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or

4. Has taught at a school of massage which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board for a minimum of two years, and

- a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

- b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

- c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(d) Provided, however, that approved courses in areas other than massage theory, history, and techniques may be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree 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, with a major in a subject directly related to the content of the program to be offered, or

2. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

3. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group, or at a massage therapy school, or

4. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(3) The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will rescind provider status or reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider has failed to conform to and abide by the written agreement and rules of the Board.

(4) One hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

(5) Presenters/moderators/instructors of courses shall not receive credit for courses they present.

(6) A Board approved provider must submit a completed application for supplemental courses, form # BMT6, to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in this rule. Whenever an instructor and his/her course have obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of form # BMT6 for approval of a course.

(7) A Board approved provider must revise and update all course materials that are affected by changes occurring during the biennial renewal period. The Board will rescind approval of any provider or course that is found to be obsolete, erroneous, and/or outside the scope of practice, or if the Board determines the provider has violated the Board's rules or Chapter 456 or 480, F.S. The revised course materials must be submitted with the biennial renewal form and renewal fee.

(8) Provider numbers must be renewed biennially on or before August 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of \$250. If the renewal form and renewal fee are not received by the department on or before August 31 of the biennial year, the provider must submit a new application and, if approved, receive a new provider number.

*Specific Authority 456.013(8), (9), 456.025(7), 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 480.0415 FS. History— New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03.*

## **CHAPTER 64B7-29 APPRENTICESHIP**

64B7-29.001 Definitions.

64B7-29.002 Qualification.

64B7-29.003 Apprenticeship Training Program.

64B7-29.004 Termination.

64B7-29.005 Extension of Apprenticeship.

64B7-29.006 Change of Sponsoring Massage Therapist.

64B7-29.007 Colonics Training through Apprenticeship.

### **64B7-29.001 Definitions.**

(1) "Apprentice" means a person meeting the qualifications stated in Rule 64B7-29.002, F.A.C., studying massage under the "direct supervision" of a "sponsoring massage therapist".

(2) "Sponsoring massage therapist" means a licensed massage therapist whose record with the Department indicates compliance with Chapters 456 and 480, F.S., and the rules promulgated thereunder. Further, a "sponsoring massage therapist" must have been engaged in the actual practice of massage for at least three (3) years prior to his "sponsorship".

(3) "Sponsorship" means the willingness of a "sponsoring massage therapist" to assume the responsibility for the "direct supervision" of only one apprentice by execution of the Sponsor's Apprentice Application.

(4) "Direct supervision" means the control, direction, instruction, and regulation of an apprentice at a "qualified massage establishment" during the working hours of the establishment.

(5) "Qualified massage establishment" means a licensed massage establishment which, in addition to meeting the requirements of Chapter 64B7-26, F.A.C., is equipped with the following:

- (a) Tables.
  - (b) Linen and storage areas.
  - (c) Colonic equipment (required if colonic irrigation is taught).
  - (d) Sterilization equipment if non-disposable colonic attachments are utilized.
  - (e) Hydro-therapy equipment, which must include cold packs and hot packs.
- Such equipment shall be that which is generally acceptable in the massage profession.
- (f) Textbooks and teaching materials on the following subjects:

1. Physiology,
2. Anatomy,
3. Theory of Massage,
4. Hydro-therapy,
5. Statutes and Rules on Massage Practice,
6. Colonic Irrigation (if colonic equipment is present).

*Specific Authority 480.035(7), 480.041(4)(b) FS. Law Implemented 480.041(4)(b) FS. History--New 11-27-79, Amended 12-18-84, Formerly 21L-29.01, Amended 4-7-86, 12-22-92, Formerly 21L-29.001, 61G11-29.001, Amended 10-27-99.*

#### **64B7-29.002 Qualification.**

Persons seeking to be apprentices shall meet the following requirements:

- (1) The applicant must have secured the sponsorship of a sponsoring massage therapist.
- (2) The applicant must complete the application furnished by the Department and pay the fee set forth in Rule 64B7-27.005, F.A.C.
- (3) The applicant may not be enrolled simultaneously as a student in a Board-approved massage school.

*Specific Authority 480.035(7), 480.041(4)(b) FS. Law Implemented 480.041(4)(b), 480.047(1) FS. History--New 11-27-79, Amended 7-9-80, Formerly 21L-29.02, 21L-29.002, Amended 10-20-96, Formerly 61G11-29.002, Amended 10-27-99.*

#### **64B7-29.003 Apprenticeship Training Program.**

- (1) All apprenticeship training shall be conducted by the licensed sponsoring massage therapist, in a qualified massage establishment licensed pursuant to Section 480.043, F.S.
- (2) Apprenticeship training shall be 12 months in duration and shall be completed within 24 months of commencement. The apprentice shall complete within the first quarter of the apprenticeship training program:
  - (a) 100 hours of study in Physiology,
  - (b) 100 hours of study in Anatomy, and
  - (c) 15 hours of study in Statutes and Rules of Massage Practice.
- (3) Course of Study for Apprentices, which incorporates that required in (2)(a), shall be as follows:
  - (a) 300 hours of Physiology.
  - (b) 300 hours of Anatomy.
  - (c) 20 hours of Theory and History of Massage.
  - (d) 50 hours of Theory and Practice of Hydro-Therapy.
  - (e) 5 hours of Hygiene.
  - (f) 25 hours of Statutes and Rules of Massage Practice.
  - (g) 50 hours of Introduction to Allied Modalities.
  - (h) 700 hours of Practical Massage.
  - (i) 3 hours of Board-approved HIV/AIDS instruction.
- (4) The sponsoring massage therapist shall maintain at the establishment a daily record of hours completed by the apprentice in each of the areas listed in subsection (3) above. This record shall be available for inspection during regular business hours and shall be inspected by a representative of the Department at least once within 12 months from the commencement of the apprenticeship.
- (5) The sponsoring massage therapist shall submit to the Department, quarterly, on a form furnished by the Department, the number of hours of each subject listed above taught to his apprentice. A copy of the Massage Apprenticeship Quarterly Report Hours of Training Completed Form prepared and furnished by

the Department of Health can be obtained by writing to: Department of Health, Board of Massage, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256. If quarterly reports are not submitted to the Department as required herein, the Board will review the apprenticeship and the apprenticeship shall be terminated.

(6) A graduate of a board-approved massage school who enters the apprenticeship training program, at any time after he has taken the initial licensure examination or subsequent re-examinations thereafter, must complete the entire program as required above prior to taking subsequent re-examinations. Any applicant who enters the apprenticeship training program and terminates the program is prohibited from taking the licensure examination for 1 year from the date of termination. An individual may be exempted from this provision if he terminates the apprenticeship training program and subsequently completes a program at a board-approved massage school.

*Specific Authority 480.035(7), 480.041(1)(b), (4) FS. Law Implemented 480.041(1)(b), (4) FS. History—New 11-27-79, Amended 11-25-80, 12-18-84, Formerly 21L-29.03, Amended 4-7-86, 11-4-86, 12-22-92, Formerly 21L-29.003, Amended 6-5-95, Formerly 61G11-29.003, Amended 11-21-02.*

#### **64B7-29.004 Termination.**

(1) If an apprentice terminates his apprenticeship, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days.

(2) If any violation of Chapter 480 or 456, F.S., or rules set forth in Chapter 64B7, F.A.C., is found subsequent to Department inspection of the “qualified massage establishment” as defined under Rule 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time as the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board, the Board will require that the “sponsor” and the “apprentice” appear before the Board for the purpose of determining compliance with the apprenticeship training program requirements of Rule 64B7-29.003, F.A.C.

*Specific Authority 480.035(7), 480.041(1)(b), (4) FS. Law Implemented 480.041(1)(b), (4) FS. History—New 11-27-79, Formerly 21L-29.04, 21L-29.004, 61G11-29.004, Amended 11-21-02.*

#### **64B7-29.005 Extension of Apprenticeship.**

An apprenticeship may be extended under the following conditions:

(1) Apprenticeships completed prior to an examination date may, upon notification by the sponsoring massage therapist to the Department, automatically be extended until the date examination results are released.

(2) If an applicant fails the first examination after his apprenticeship is completed, the Department may grant an extension of the apprenticeship with the concurrence of the sponsoring massage therapist.

(a) The apprentice must appear at the next scheduled examination for licensure.

(b) The extension of the apprenticeship shall expire upon written notification by the Department that the apprentice has failed the re-examination or on the date of the scheduled examination, should the applicant fail to appear.

*Specific Authority 480.035(7), 480.041(5)(a) FS. Law Implemented 480.032, 480.041(1)(b), (5)(a) FS. History—New 11-27-79, Amended 11-11-82, Formerly 21L-29.05, Amended 11-4-86, Formerly 21L-29.005, 61G11-29.005.*

#### **64B7-29.006 Change of Sponsoring Massage Therapist.**

If for any reason the sponsoring massage therapist is no longer able to sponsor an apprentice, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days. If the apprentice desires to remain in the apprenticeship program he or she must secure the sponsorship of another sponsoring massage therapist. The apprentice shall receive credit for training received from the prior sponsoring massage therapist.

*Specific Authority 480.041(5)(a) FS. Law Implemented 480.041(1)(b), (5)(a) FS. History—New 11-27-79, Formerly 21L-29.06, 21L-29.006, 61G11-29.006.*

#### **64B7-29.007 Colonics Training through Apprenticeship.**

A massage practitioner shall instruct another individual in colonics only under the following conditions:

- (1) The trainee must be either:
  - (a) Licensed to practice massage under Chapter 480, F.S.,
  - (b) Approved as an apprentice under Chapter 64B7-29, F.A.C., or
  - (c) A student in a Board-approved massage school.
- (2) The instructor, hereafter called sponsor, must be currently licensed under Chapter 480, F.S., and authorized to practice colonics under Chapter 64B7-31, F.A.C. The sponsor must have been actively engaged in the practice of colonics for a minimum of 3 years.
- (3) The training shall take place in a massage establishment licensed under Chapter 480, F.S., which contains the following equipment:
  - (a) Colonic equipment.
  - (b) Disposable colonic attachments or sterilization equipment for non-disposable attachments.
- (4) The licensee or apprentice who will receive colonics instruction must receive advance approval for such instruction from the Department. Such approval may be obtained in the following manner:
  - (a) If the applicant is a currently licensed massage practitioner or a student at a Board-approved massage school, application for "colonics only" apprenticeship on forms provided by the Department must be submitted. The applicant will be required to submit the apprentice fee as set forth in Rule 64B7-27.005, F.A.C.
  - (b) An unlicensed applicant for apprenticeship training may apply for colonics training approval, in addition to course work required under Rule 64B7-29.003, F.A.C.
- (5) The apprentice shall complete colonics training within 24 months of approval by the Department.
- (6) The sponsor shall certify training is complete on a Colonics Apprenticeship Report form provided by the Department when the apprentice has completed 100 hours of training in the subject, including 45 hours of clinical practicum as required by subsection 64B7-31.001(2), F.A.C. The form BOM-1 is hereby incorporated by reference and will be effective 7-3-97, copies of which may be obtained from the Board office at the 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256.

*Specific Authority 480.035(7), 480.041(5)(c) FS. Law Implemented 480.041(5)(c) FS. History—New 4-21-86, Formerly 21L-29.007, Amended 7-3-97, Formerly 61G11-29.007.*

## **CHAPTER 64B7-30 DISCIPLINE**

- 64B7-30.001 Misconduct and Negligence in the Practice of Massage Therapy.
- 64B7-30.002 Disciplinary Guidelines.
- 64B7-30.004 Citations.
- 64B7-30.005 Mediation.
- 64B7-30.006 Notice of Noncompliance.
- 64B7-30.007 Probable Cause Panel.
- 64B7-30.008 Probationary Conditions and Definitions.

### **64B7-30.001 Misconduct and Negligence in the Practice of Massage Therapy.**

The following acts shall constitute the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar massage therapist as being acceptable under similar conditions and circumstances:

- (1) Administering treatment in a negligent manner.
- (2) Violating the confidentiality of information or knowledge concerning a client.
- (3) Offering massage therapy at a sports event, convention or trade show without obtaining the written approval of the owner or property manager of the site at which the sports event, convention or trade show is held.
- (4) Failure to explain expected draping techniques to a client. As used in this rule, draping means towels, gowns, sheets or clothing.
- (5) Failure to appropriately drape a client. Appropriate draping of a client shall include draping of the buttocks and genitalia of all clients, and breasts of female clients, unless the client gives specific informed consent to be undraped.

*Specific Authority 480.035(7), 480.046(1)(h) FS. Law Implemented 480.032, 480.046(1), (1)(h), (2) FS. History–New 9-5-84, Amended 9-25-85, 1-1-86, Formerly 21L-30.01, Amended 3-26-87, 1-29-89, 11-15-92, Formerly 21L-30.001, Amended 2-13-95, Formerly 61G11-30.001, Amended 9-14-98.*

**64B7-30.002 Disciplinary Guidelines.**

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection (3) of this rule:

- |   |  |
|---|--|
| (a) 480.046(1)(a)   | First offense: Suspension and \$250.00 fine. Subsequent offense: \$1,000.00 fine Licensee and revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine and suspension of license; subsequent offense: \$10,000.00 fine and revocation of the license  |
| Applicant   | Denial of licensure. If the offense is for fraud or making a false or fraudulent representation, denial of licensure and a \$10,000.00 fine.   |
| 456.072(1)(h)   | Revocation through error of Department or Board.   |
| (b) 480.046(1)(b) or 456.072(1)(f)  | Licensee: Impose discipline consistent with penalty or actions imposed in other jurisdiction. Applicant: Deny licensure.   |
| (c) 480.046(1)(c) or<br>Misdemeanors  | First offense: \$250.00 fine; second offense: \$500.00 456.072(1)(c) fine and probation; third offense: \$500.00 fine and suspension.  |
| Felonies  | First offense: \$500.00 fine and probation; second offense: \$500.00 fine and suspension; third offense: \$1,000.00 fine and suspension.   |
| Crimes relating to<br>assault, battery,<br>abuse or which<br>otherwise cause<br>bodily harm,<br>prostitution or<br>solicitation for<br>prostitution | \$1,000.00 fine and revocation.  |
| (d) 480.046(1)(d)   | First offense: \$500.00 fine and reprimand;<br>second offense: \$750.00 fine and probation;<br>third offense: \$1,000.00 fine and suspension.<br>If the offense is for fraud or making a false or fraudulent representation,<br>first offense: \$10,000.00 fine and reprimand;<br>second offense: \$10,000.00 fine and probation;<br>third offense: \$10,000.00 fine and suspension.   |
| (e) 480.046(1)(e) or<br>456.072(1)(j)   | First offense: \$1,000.00 fine and suspension;<br>second offense: \$1,000.00 fine and revocation for a minimum of two (2) years;<br>third offense: permanent revocation.<br>If the offense is for fraud or making a false or fraudulent representation,<br>first offense: \$10,000.00 fine and suspension;<br>second offense: \$10,000.00 fine and revocation for a minimum of two (2) years;<br>third offense: \$10,000.00 fine and permanent revocation. |
| (f) 480.046(1)(f) or  | First offense: \$500.00 fine and reprimand;  |

456.072(1)(a) or (m)	second offense: \$500.00 fine and probation; third offense: \$1,000.00 fine and suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; subsequent offense: \$10,000.00 fine and revocation
(g) 480.046(1)(g)	first offense: probation; second offense: suspension; third offense: revocation.
(h) 480.046(1)(h)	First offense: \$1,000.00 fine and probation; second offense: \$1,000.00 fine and suspension; third offense: \$1,000.00 fine and revocation.
(i) 480.046(1)(i) or 456.072(1)(o)	First offense: \$1,000.00 fine and probation; second offense: \$1,000.00 fine and suspension; third offense: \$1,000.00 fine and revocation.
(j) 480.046(1)(j) or 456.072(1)(p)	First offense: \$250.00 fine and probation; second offense: \$500.00 fine and suspension; third offense: \$1,000.00 fine and revocation.
(k) 480.046(1)(o) or 456.072(1)(cc)	Unless an offense specifically set forth below, first offense: \$250.00 fine; subsequent offense: \$250.00 fine and probation.
1. 480.0485	\$1,000.00 fine and revocation.
2. 480.047(1)(a) – violator’s license delinquent	\$100.00 fine for first month and \$50.00 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
3. 480.047(1)(a) – violator’s license	Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspended or inactive revocation of license.
4. 480.047(1)(b) – violator’s license delinquent	\$100.00 fine for first month and \$50.00 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
5. 480.047(1)(b) – violator’s license suspended	Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation or inactive
6. 480.047(1)(c)	First offense: \$1,000.00 fine and revocation; subsequent offense: \$1000.00 fine and revocation for minimum of two (2) years.
7. 480.047(1)(d)	Licensee First offense: \$1,000.00 fine; second offense: \$1,000.00 fine and revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine and revocation.
Applicant	First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and denial of licensure; subsequent offense: \$10,000.00 fine and denial of licensure and prohibition on reapplication for 2-5 years.
8. 480.047(1)(e)	\$1,000.00 fine and revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation of license.
9. 480.047(1)(f) Licensee	First offense: \$1,000.00 fine and probation; second offense: \$1,000.00 fine and suspension; third offense: \$1,000.00 fine and revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00

Applicant	fine and probation; second offense: \$10,000.00 fine and suspension; third offense: \$10,000.00 fine and revocation. First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and denial of licensure; subsequent offense: \$10,000.00 fine, denial of licensure and prohibition on reapplication for 2-5 years.
10. 480.047(1)(g) Licensee	First offense: \$1,000.00 fine and probation; subsequent offense: \$1,000.00 fine and revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and probation; subsequent offense: \$10,000.00 fine and revocation.
Applicant	First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication or 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine, denial of licensure and prohibition on reapplication for 2-5 years.
11. Failure to respond to continuing education audit	First offense: \$500.00 fine and suspension; subsequent offense: \$500.00 fine and revocation.
12. Any violation of	First Offense: \$1000.00 fine and probation to \$2,500.00 fine and revocation.
Rule 64B7-26.010, F.A.C. (l) 480.046(1)(1)	Second offense: \$5,000.00 fine and revocation. First offense: \$500 fine and suspension; second offense: \$1,000.00 fine and suspension; suspension; third offense: \$1,000.00 fine and revocation.
(m) 480.046(1)(m)	First offense: \$250.00 fine and reprimand; second offense: \$500.00 fine and suspension; third offense: \$1,000.00 fine and revocation.
(n) 480.046(1)(n)	
1. Establishment license	\$100.00 fine for the first month and \$50.00 for each succeeding delinquent month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the penalty is \$10,000.00 fine and reprimand.
2. Establishment license suspended – site owned by massage therapist	First offense: Suspension of owner’s massage therapy license; subsequent offense: revocation of licensed owner’s massage therapy license. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and suspension of owner’s massage therapy license; subsequent offense: \$10,000.00 fine and revocation of the owner’s massage therapy license.
(o) 456.072(1)(g) – false report to Department regarding violation	First offense: \$500.00 fine and suspension; subsequent offense: \$1,000.00 fine and revocation. If the offense is for fraud or making a false or fraudulent representation: first offense: \$10,000.00 fine and suspension; subsequent offense: \$10,000.00 fine and revocation.
(p) 456.072(1)(i) – failure to report violator	First offense: \$500.00 fine and reprimand; subsequent offense: \$1,000.00 fine and suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and reprimand; subsequent offense: \$10,000.00 fine and suspension.
(q) 456.072(1)(l) – filing a false report	First offense: \$500.00 fine and probation; subsequent offense: \$1,000.00 fine and revocation. If the offense is for fraud or

required by law	making a false or fraudulent representation, first offense: \$10,000.00 fine and probation; subsequent offense: \$10,000.00 fine and revocation.
(r) 456.072(1)(n) – influencing client for financial gain	First offense: \$500.00 fine and probation; subsequent offense \$1,000.00 fine and revocation.
(s) 456.072(1)(r) – interfering with an investigation or inspection	First offense: \$500.00 fine and probation; subsequent offense: \$1,000.00 fine and revocation.
(t) 456.072(1)(b) – intentionally violating a rule of the Board or Department	First offense: \$1,000.00 fine and suspension; subsequent offense: \$1,000.00 fine and revocation.
(u) 456.072(1)(k) – failure to perform any legal obligation placed on licensee	First offense; \$250.00 fine; second offense: \$500.00 fine; subsequent offense: \$1,000.00 fine.
(v)1. 456.072(1)(q) or 480.046(1)(k) – violating any Board or Department order or failure to comply with a lawfully issued subpoena of the Department.	First offense: \$250.00 fine and probation; Second offense: \$500.00 fine and probation; Third offense: \$1,000.00 fine and suspension.
2. Violation of a Board order entered in a previous disciplinary case, including citation final orders.	\$1000.00 fine and suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with the previous final order.
(w) 456.072(1)(u) engaging or attempting to engage a patient or client in verbal or physical sexual activity.	Verbal first offense: \$1,000.00 fine and probation; subsequent offense: verbal or physical, \$1,000.00 fine and revocation. Physical: \$1,000.00 fine and revocation.
(x) 456.072(1)(w) failing to report to the Board within thirty (30) days after the licensee has been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction	First offense: \$500.00 fine if non-violent, non-sexual and non-felony; second offense: \$5,000.00 fine and suspension; third offense: \$1,000.00 fine and revocation. If a crime of violence, sexual crime or felony, first offense: \$1,000.00 fine and suspension; subsequent offense: \$1,000.00 fine and revocation.
(y) 456.072(1)(w) failing to report to the and Board in writing on or before October 1, 2001, any convictions, findings of guilt or pleas of nolo contendere that occurred prior to July 1, 1999, and not previously reported to the Board	If the crime is non-violent, non-sexual non-felony: \$500.00 fine. If a crime of violence, sexual crime, or felony: \$1,000.00 fine and revocation.
(z) 456.072(1)(x) using information about people involved in motor	First offense: \$500.00 fine and probation; second offense: \$500.00 fine and suspension; third offense: \$500.00 fine and revocation.

vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports for the purpose of commercial or any other solicitation whatsoever of the people involved in such accidents.

(2) If an establishment licensed pursuant to Chapter 480, F.S., is found to have obtained such license by fraud or misrepresentation, the usual action of the Board shall be revocation of the license and prohibition of reapplication by the holder of the license for a period of two years.

(3) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties for the violations charged. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the violation;
- (c) The number of times the licensee has been previously disciplined by the Board;
- (d) The length of time licensee has practiced;
- (e) The actual damage, physical or otherwise, caused by the violation;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any effort of rehabilitation by the licensee;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;
- (k) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Actual negligence of the licensee pertaining to any violation;
- (m) Penalties imposed for related offenses under subsections (1) and (2) above;
- (n) Any other mitigating or aggravating circumstances.

(4) When the Board finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it shall enter an order imposing one or more of the following penalties:

- (a) Refusal to certify, or to certify with restrictions, an application for a license.
- (b) Suspension or permanent revocation of a license.
- (c) Restriction of practice.
- (d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.
- (e) Issuance of a reprimand.
- (f) Placement of the licensee on probation for a period of time and subject to such conditions as the Board may specify. Those conditions shall include requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.
- (g) Corrective action.

(5) The provisions of subsections (1) through (4) above are not intended and shall not be construed to limit the ability of the Board to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(6) The provisions of subsections (1) through (4) above are not intended and shall not be construed to limit the ability of the Board to pursue or recommend the Department pursue collateral, civil or criminal actions when appropriate.

(7) Whenever the Board, in accordance with this rule, imposes a monetary fine against a respondent in an Administrative Complaint, it shall also impose a suspension of the respondent's license until the fine is paid. However, to enable the respondent to pay the fine, the Board shall stay the imposition of the suspension for the same time period as specified, in accordance with Rule 64B7-24.016, F.A.C., for payment of the fine. If the fine is paid within the specified time, then the order of suspension shall not take effect; if the fine is paid after the order of suspension has taken effect, then the suspension shall be lifted.

(8) For the purposes of Sections 480.033(4) and 480.047(1)(a), F.S., "Compensation" is defined as the payment of money or its equivalent; the receipt or delivery of property; the performance of a service; or the receipt or delivery of anything of value, to the person giving a massage in exchange for massage services.

*Specific Authority 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.035(7) FS. Law Implemented 456.072(2), 456.073(4), 456.079(1), (3), (4), 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, 1-26-00, 10-7-02, 10-12-03.*

#### **64B7-30.004 Citations.**

(1) Definitions. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject in the manner provided in Section 456.077, F.S., for the purpose of assessing a penalty in an amount established by this rule;

(b) "Subject" means the licensee, applicant, person, partnership, corporation, or other entity alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.072, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The Board hereby designates the following as citation violations, which shall result in a penalty as specified below:

(a) Refusing to allow the department to inspect the business premises of the licensee during regular business hours as required by Section 480.046(1)(l), F.S., shall result in a penalty of \$500.00.

(b) Failing to display a license or certificate as required by Rule 64B7-28.008, F.A.C., shall result in a penalty of \$250.00.

(c) Failing to keep the equipment and premises of a massage establishment in a clean and sanitary condition as required by Section 480.046(1)(m), F.S., shall result in a penalty of \$250.00.

(d) Failing to maintain property damage and bodily injury liability insurance coverage as required by subsection

64B7-26.003(4), F.A.C., shall result in a penalty of \$250.00.

(e) Failure to include the license number of either the massage therapist or the massage establishment in advertisements as required by Section 480.0465, F.S., shall result in a penalty of \$250.00.

(f) Practicing with a delinquent license in violation of Section 480.047(1)(a), F.S., when the license, has become delinquent automatically for failure to renew, so long as the license is reactivated within 30 days of becoming delinquent, shall result in a penalty of \$250.00. Practice for more than 30 days after a license has become delinquent shall not be a citation violation.

(g) Violations of Rule 64B7-28.009, F.A.C., by licensees provided that the violation did not involve bribery or fraudulent misrepresentation, shall result in a penalty of \$25.00 per hour for each hour of deficit of the continuing education hour requirement, and completion of the required continuing education.

(h) First-time failure of the licensee to satisfy continuing education requirements established by the Board; Fine of \$250.00, and one hour of continuing education for each hour not completed or completed late.

These continuing education hours are to be completed within three months of the date of citation issuance.

(i) Failure of a massage therapist to notify the Board of a change of address as required by Section 456.035(1), F.S., shall result in a penalty of \$250.00.

(j) False, misleading or deceptive advertising by advertising massage therapy services under a name under which a license has not been issued in violation of Section 480.046(1)(d), F.S., shall result in a penalty of \$250.00.

(k) Violating Section 456.072(1)(h), F.S., by tendering a check that is dishonored by the institution upon which it is drawn shall result in a penalty of \$250.00.

(1) First time failure to comply with the HIV/AIDS continuing education requirements of Section 456.034, F.S., or the medical errors continuing education requirements of Section 456.013(7), F.S., shall result in a penalty of \$250.00 for each deficient course requirement, in addition to the requirement to make up the coursework within 90 days of the date the citation is filed.

(4) In addition to the fines imposed herein, the costs of investigation and prosecution for each offense shall be assessed in the citation.

(5) All fines and costs imposed in a citation shall be paid within 30 days of the date the citation is filed.

*Specific Authority 456.072, 456.077 FS. Law Implemented 4456.072, 456.077 FS. History–New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00, 10-12-03, 8-9-04.*

#### **64B7-30.005 Mediation.**

Pursuant to Section 456.078, F.S., the Board designates first time violations of the following as appropriate for mediation:

(1) Violation of Section 480.047(1)(a), F.S., by practicing on a delinquent license.

(2) Failure to timely respond to a continuing education audit in violation of subsection 64B7-28.009(5), F.A.C.

*Specific Authority 456.078 FS. Law Implemented 456.078 FS. History–New 1-2-95, Amended 4-21-97, Formerly 61G11-30.005, Amended 12-19-04*

#### **64B7-30.006 Notice of Noncompliance.**

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) Failure to provide written notice of licensee's current mailing address and place of practice in violation of Rule 64B7-28.015, F.A.C.

(2) Failure to obtain continuing education in HIV/AIDS in violation of Section 456.034, F.S.

(3) Failure to have proof of insurance available at an establishment as required by subsection 64B7-26.003(4), F.A.C.

(4) Failure to include license number or numbers in any advertisement as required by Section 480.0465, F.S.

*Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History–New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98, 10-12-03, 12-19-04.*

#### **64B7-30.007 Probable Cause Panel.**

The determination of probable cause shall be made by the probable cause panel of the board. The probable cause panel shall consist of two members, and may include a former board member. The chair of the board shall appoint the panel members.

*Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History–New 1-26-00.*

#### **64B7-30.008 Probationary Conditions and Definitions.**

(1) Indirect Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under indirect supervision, the term indirect supervision does not require that the monitoring practitioner practice on the same premises as the respondent; however, the monitor shall practice within a reasonable geographic proximity to the respondent, which shall be within 20 miles unless otherwise authorized by the Board, and shall be readily available for consultation.

(2) Direct Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under direct supervision, the term direct supervision requires that the respondent practice only if the supervisor is on the premises.

(3) Provisions governing all supervised or monitored practitioners.

(a) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(b) The respondent shall not practice without a supervisor/monitor unless otherwise ordered. The respondent shall appear at the next meeting of the Board with his proposed supervisor/monitor unless otherwise ordered.

(c) After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, the respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Board shall approve a temporary supervisor/monitor who shall serve in that capacity until the next meeting of the Board, at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.

(d) The supervisor/monitor must be a licensee under Chapter 480, F.S., in good standing and without restriction or limitation on his license. In addition, the Board shall reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board's rules or Chapter 456 or 480, F.S.

(4) For purpose of determining the dates when reports are due, the date the Final Order is filed shall constitute the beginning of the quarter.

(a) All quarterly reports shall be provided to the Board office no later than three months from the filing date of the Final Order.

(b) All semiannual reports shall be provided to the Board office no later than six months from the filing date of the Final Order.

(c) All annual reports shall be provided to the Board office no later than twelve months from the filing date of the Final Order.

*Specific Authority 456.072(3), 480.035(7), 480.046 FS. Law Implemented 456.072(3), 480.046 FS. History—New 11-28-02.*

## **CHAPTER 64B7-31 COLONIC IRRIGATION**

64B7-31.001 Colonic Irrigation.

### **64B7-31.001 Colonic Irrigation.**

(1) Intent

(a) The Board of Massage finds that the colonic irrigation procedures, while falling directly within the scope of Chapter 480, Florida Statutes, presents a substantial danger to the public if performed by incompetent practitioners.

(b) The Board of Massage further finds that a significant proportion of licensees do not perform the colonic procedure and further that a significant proportion of those desiring to enter the profession do not intend to engage in the practice of colonics.

(c) This rule is promulgated to ensure that only those who have been determined duly qualified to practice colonic irrigation may do so in an effort to protect the health, safety and welfare of the public.

(2) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to present certification to the Board of successful completion of examination by a Board approved massage school after completion of a supervised classroom course of study in colonic irrigation or in the case of a duly authorized apprenticeship training program, evidence of having completed 100 hours of colonic irrigation training, including a minimum of 45 hours of clinical practicum with a minimum of 20 treatments given.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to successfully complete and pass the colonic irrigation examination administered by the Department of Health.

(4) Any licensed massage therapist whose license has been in an inactive status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the colonic irrigation examination administered by the Department prior to resuming the practice of colonic irrigation.

(5) Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colonics, shall be required to successfully complete and pass the colonics examination administered by the Department prior to practicing colonic irrigation.

*Specific Authority 480.035(7), 480.041(4) FS. Law Implemented 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04.*

## **CHAPTER 64B7-32 BOARD APPROVED MASSAGE SCHOOL**

64B7-32.001 Definitions.

64B7-32.002 Documentation of Graduation from a Board Approved Massage School.

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval.

64B7-32.004 Standards for Transfer of Credit.

64B7-32.005 Minimum Standards for Colonics Training.

### **64B7-32.001 Definitions.**

For the purposes of this rule chapter a “classroom hour” shall be defined as no less than 50 minutes of any one clock hour during which the student participates in a learning activity in the physical presence of a member of the faculty of the school.

*Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.001, 61G11-32.001.*

### **64B7-32.002 Documentation of Graduation from a Board Approved Massage School.**

In order to be acknowledged as a graduate of a Board approved massage school as referred to in subsection 480.033(9), Florida Statutes, the Board’s administrative office must receive an official transcript documenting the applicant’s training. Such transcript must document to the satisfaction of the Board that the applicant has successfully completed a course of study in massage which met the minimum standards for training and curriculum as delineated in this rule chapter. A transcript indicating passing grades in all courses, and including dates of attendance, and stating the date of successful completion of the entire course of study, is evidence of successful completion. If the transcript does not specifically state that the student successfully completed the entire course of study, the transcript must be accompanied by a diploma or certificate of completion indicating the dates of attendance and completion.

*Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.002, Amended 2-13-95, 2-21-96, 61G11-32.002.*

### **64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval.**

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 246, Florida Statutes, or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:

Course of Study Classroom Hours

Anatomy and Physiology 150

Basic Massage Theory and 225

Clinical Practicum

Florida Statutes/Rules and 10

History of Massage

Theory and Practice of 15

Hydrotherapy

Allied Modalities 97

HIV/AIDS Education 3

(c) Apply directly to the Board of Massage Therapy and provide the following information:

1. Sample transcript and diploma;
2. Copy of curriculum, catalog or other course descriptions;
3. Faculty credentials; and
4. Proof of licensure by the Department of Education.

- (2) All faculty members of the massage therapy school must meet the minimum requirements of the Department of Education.
- (3) Board of Massage Therapy approval shall be withdrawn if the massage school:
- (a) Modifies its curriculum to fall below the minimum standards set out in this rule, or fails to require its students to complete the minimum standards in order to graduate;
  - (b) Submits to the Board of Massage Therapy on behalf of an applicant for licensure documents containing information the school, through its owner, manager, instructors, or other employees or agents, knows to be false;
  - (c) Violates any standard applicable to the school pursuant to licensure by the Department of Education;
  - (d) Violates any applicable rule herein.
- (4) A Board of Massage Therapy-approved school must notify the Board of Massage Therapy within 90 days of:
- (a) Changes in curriculum;
  - (b) Changes in faculty or staff, including submission of the credentials of new faculty; and
  - (c) Changes in address.
- (5) Any change in ownership of a Board of Massage Therapy approved school must be approved by the Board of Massage Therapy.

*Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History--New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98.*

#### **64B7-32.004 Standards for Transfer of Credit.**

Hours credited through transfer credit will not be recognized by the Board unless the following transfer standards are met:

- (1) The school shall be provided with a certified transcript from a school licensed or approved according to subsection 64B7-32.003(1), F.A.C., above.
- (2) Courses for which credit is granted shall parallel in content and intensity to the courses presently offered by the school.
- (3) Documentation of previous training shall be included in each student's permanent file.

*Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History--New 3-25-86, Formerly 21L-32.004, Amended 9-30-93, Formerly 61G11-32.004.*

#### **64B7-32.005 Minimum Standards for Colonics Training.**

- (1) Any course of study in colonics shall be in addition to the minimum 500 classroom hours provided in Rule 64B7-32.003, F.A.C., above. The course must include a minimum of 100 classroom hours of colonics training and may only follow completion of the 500 hour requirement except that Board approved massage schools may include the additional 100 hours of colonic training at any time during the basic course curriculum.
- (2) No course of study in colonics shall be offered except by a Board approved massage school, or an independent provider approved by the Board for colonics training only.
- (3) Applicants for licensure as a colonics provider shall meet the criteria established by Rule 64B7-28.010, F.A.C.
- (4) Prior to licensure as a colonics provider applicants shall submit a proposed curriculum to the Board for approval. Such curriculum shall include but not be limited to:
  - (a) 50 hours of classroom theory, anatomy, physiology, pathology of the colon and digestive system and principles of colon hygiene.
  - (b) 45 hours of practical experience, including procedure, history, clinical records and contra-indication.
  - (c) 5 hours of sterilization techniques and familiarization with the types and makes of colonic irrigation equipment commonly used in the trade.
- (5) Colonics training shall be conducted only at a licensed massage establishment or Board approved school.
- (6) Providers approved by the Board for colonics training only shall meet the criteria established by paragraph 64B7-32.003(1)(a), F.A.C.

*Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b), (5)(c) FS. History--New 3-25-86, Amended 4-26-87, 1-31-90, 2-7-91, Formerly 21L-32.005, 61G11-32.005.*

## **CHAPTER 64B7-33 ADVERTISEMENT**

64B7-33.001 Advertisement.

### **64B7-33.001 Advertisement.**

(1) Any advertisement of massage services in any advertising medium as defined herein shall include the license number of each licensed massage therapist and each licensed massage establishment whose name appears in the advertisement. The license numbers and names shall be legible and shall appear in the advertisement exactly as they appear on the license of the therapist or establishment.

(2) For purposes of this rule, "advertising medium" means: any newspaper, airwave or computer transmission, telephone directory listing other than a listing for which no additional advertising charge is made, business card, handbill, flier, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

*Specific Authority 480.035(7) FS. Law Implemented 480.046(1)(d), (f), 480.0465 FS. History--New 12-7-92, Formerly 21L-33.001, Amended 2-13-95, 7-13-97, Formerly 61G11-33.001, Amended 11-21-02.*