

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 20. STATE BOARD OF MASSAGE THERAPY

GENERAL PROVISIONS

GENERAL REVISIONS

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GENERAL PROVISIONS

§ 20.1 Definitions.

The following words

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Acupressure—A form of Asian bodywork therapy involving the practice of balancing the body’s energy by applying pressure to specific acupoints to release tension and increase circulation.

Asian bodywork therapy—The treatment of the human body, mind, spirit, including the electromagnetic or energetic field, performed on a clothed or appropriately draped individual, by using pressure and/or manipulation, and is based upon Chinese Medical principles for assessing and evaluating the body's energetic system.

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Breast massage—The specific and deliberate manipulation of breast tissue. The term does not include massage of the surrounding chest and shoulder muscles such as massage of the intercostal, pectoral, or axillary muscles.

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Clinical—Relating to the observation and treatment of individuals.

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Didactic—Instructive; denoting teaching by lectures or textbooks.

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Engaged within the scope of practice of a profession with established standards and ethics—To be recognized by or meet the established standards of either a recognized professional organization or credentialing agency that certifies the respective practitioner based on a minimum level of training, demonstration of competency and adherence to recognized ethical standards.

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In good standing—To hold an active unrestricted massage therapy license or a license that is active, on probation or subject to a restriction. The term does not include the holding of a license that is inactive or expired, or that is suspended or revoked.

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Instructor—One whose primary duties involve teaching, advising students and maintaining accurate academic records, and who meets at least one of the following qualifications:

- (i) A baccalaureate degree with a major in the specific field of instruction.
- (ii) At least 2 years' work experience in the specific field of instruction which is acceptable to the Board.
- (iii) Two years' teaching experience in the specific field of instruction.
- (iv) A journeyman's license relevant to the specific field of instruction.

(v) Vocational education certification in the specific field of instruction.

Polarity therapy bodywork—A therapy performed on a clothed individual whereby the practitioner places hands on various parts of the body and connects the positive and negative poles to improve the flow of energy through the body and assist healing and relaxation.

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Qi-gong (Quigon)—A form of Asian bodywork therapy involving a mind-body-spirit practice with a clothed or appropriately draped individual that improves mental and physical health by integrating manual therapy with posture, movement, breathing technique, self-massage, sound and focused intent.

Reiki—A healing technique of transmitting life energy, on a clothed individual, by placing the hands gently in specific positions either on or above the body.

Reflexology—A practice using thumbs, fingers and hand techniques, on a clothed individual, to apply specific pressure on the reflex area in the feet, hands or ears of the client.

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Sexual violation—Sexual conduct, during the professional relationship, between a massage therapist and a client, including any of the following:

- (i) Indecent exposure.
- (ii) Touching, with the massage therapist's body or an object, the genitals [or any sexualized body part] of the client [for any purpose other than appropriate examination or treatment or when the client has refused or withdrawn consent].
- (iii) Encouraging a client to masturbate in the presence of the massage therapist or masturbating while a client is present.
- (iv) Providing or offering to provide treatment in exchange for sexual favors.

Shiatsu—A form of Asian bodywork therapy involving a practice that uses pressure on specific points along the body's meridians, on a clothed or appropriately draped individual, by using the fingers, hands, elbows, knees, and sometimes feet, to unblock and stimulate the flow of energy.

Student clinical practice—The hands-on application of massage therapy while under immediate supervision by an instructor or supervisor, as a part of a massage therapy program of at least 600 hours of in-class, postsecondary education instruction approved by the Board at a regionally accredited college or university or Pennsylvania private licensed school or its equivalent as determined by the Board.

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Tuina (Tui na)—A form of Asian bodywork therapy utilizing fingers, hands, elbows, knee or feet to a clothed or appropriately draped individual to apply manual techniques along different energy channels of the body with the intent being to establish harmonious flow of energy throughout the body and bringing it back to balance.

EDUCATION

§ 20.11. Minimum hour requirements for massage therapy programs.

- (a) Massage therapy programs must provide at least 600 hours of in-class, postsecondary education instruction, including:
- (1) At least 175 contact hours of in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks.
 - (2) At least 250 contact hours in massage therapy and bodywork assessment, theory and practice including sanitation, safety and hygiene.
 - (3) At least [25] 20 contact hours in professional ethics[, and business, and law] related to a massage therapy business.

- (4) At least [150] 125 contact hours in [related] courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation.
- (5) At least 25 hours of student clinical practice within a clinical training program that is part of the massage therapy program.
- (6) At least 5 contact hours of didactic and clinical courses in business and law related to a massage therapy business.
- (b) Massage therapy programs [may] shall meet the 600-hour requirement through [both] a combination of didactic and clinical courses.
- (c) Externship or internship hours may not be included in the 600-hour minimum education instruction. For purposes of this section, [an externship is] the terms “externship” and “internship” are defined as an offsite practical technique learning experience where the student's supervision is provided by a licensed massage therapist, supervisor or other appropriate licensed health professional.
- (d) Hours for practicing assigned techniques under indirect supervision may not be included in the 600-hour minimum education instruction.

§ 20.12. Information that must be provided to prospective students.

Massage therapy schools shall inform prospective students, in writing, prior to enrollment, of the annual passing rate of the school's graduates on [each of the approved examinations] the approved examination for licensure for the past 2 years. Furthermore, massage therapy schools shall inform prospective students, in writing, prior to enrollment, of the school's current accreditation(s), or lack thereof. Any licensee employed by a massage therapy school who knows or has reason to know that the school is not abiding by this provision will be subject to discipline

under section 9(a)(7) of the act (63 P. S. § 627.9(a)(7)). In addition, the Board will report the failure of a massage therapy school to conform to this section to the school's approving or accrediting body.

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§ 20.15. Board-approved massage therapy education programs.

(a) Effective January 1, 2023, all applicants for initial licensure by examination shall have graduated from a Board-approved massage therapy program.

(b) For the purposes of this section, "Board-approved" is defined as satisfying one or more of the following requirements:

(1) The program is offered at a regionally accredited college or university.

(2) The program is offered at a state licensed school, or private licensed school, authorized by the state's department of education, or its equivalent as determined by the Board, and possesses one of the following:

(i) State or regional accreditation.

(ii) Accreditation by a National accrediting agency recognized by the United States Department of Education.

(iii) Program accreditation by a National accrediting agency recognized by the United States Department of Education for a massage therapy program, to include one or more of the following:

(A) The Commission on Massage Therapy Accreditation.

(B) The National Accrediting Commission of Arts and Sciences.

(C) The Accrediting Commission of Career Schools and Colleges.

(D) The Accrediting Bureau of Health Education Schools.

(E) Any equivalent National accrediting agency, as determined by the Board.

(iv) A current National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) School Provider Code.

LICENSURE

§ 20.21. Application for temporary practice permit, initial licensure by examination and licensure by reciprocity.

(a) [Application forms may be obtained from the Board and are posted on the Board’s web site] Applications must be submitted to the Board in a manner and format approved by the Board.

(b) An applicant for licensure shall submit to the Board a completed and signed application form, the application fee as set forth in § 20.3 (relating to fees) and the following documents:

(1) A copy of a legal form of identification, such as a valid driver’s license, a current passport, or a valid State identification card.

(2) An official Criminal History Record Information check from the State Police or other state agency for every state in which the candidate has [resided] lived, worked, or completed professional training or studies during the past [5] 10 years. The reports must be dated within [6 months] 90 days of the date of application.

(3) Proof of current CPR certification[, that is valid for at least 6 months following the date of application]. A list of Board-approved CPR providers will be posted on the Board’s web site.

(4) Proof of graduation from high school or the equivalent.

(c) An applicant shall request that the applicant’s massage therapy school send directly to the Board the applicant’s official transcript showing successful completion of a Board-approved massage therapy program in the subject matter and hours required by the act and this chapter. If a school is no longer in operation, the Board may accept a copy of the official transcript from the school’s record depository. Massage therapy programs must be Board-approved in accordance with § 20.15(a) and proof of accreditation must be provided to the Board at the time of application.

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(g) Applicants shall supply the missing documentation within [6] 12 months from the date the application is executed by the applicant. After that time, if the documentation has not been submitted, the application will be denied and the application fee forfeited. An applicant who wishes to reapply shall submit a new application and application fee.

(h) An applicant whose name changes during the application process or whose name has changed since the applicant completed massage therapy school shall, within 30 days, notify the Board in writing and submit, with the notification of name change, the appropriate supporting documentation (such as, marriage certificate, divorce decree, court documents showing a legal name change).

(i) An applicant whose address changes shall, within 30 days, notify the Board in writing and submit both the old and new address to the Board.

(j) If any other information requested on the application changes after the date the applicant submits the application to the Board for licensure, the applicant shall, within 30 days, [immediately] notify the Board, in writing, of the change. Failure to update an application may

subject an applicant to refusal of the license or a licensee to discipline under section 9(a)(4) of the act (63 P. S. § 627.9(a)(4)).

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§ 20.23. Licensure examinations.

(a) The Board adopts the [NCETM and NCETMB, including the NESL option, and MBLEx as approved examinations] MBLEx as the approved examination for initial licensure under section 7 of the act (63 P. S. § 627.7).

(b) An individual who plans to take the MBLEx shall contact the FSMTB directly to apply for examination. The FSMTB will issue the candidate an Authorization to Test, which the candidate may use to schedule the examination. Candidates are responsible for registering for the licensure examination date and site. Candidates who are unable to test within 90 days of the date the FSMTB issued the candidate's Authorization to Test will be required to reapply as a new candidate subject to all application and fee requirements in place at that time.

(c) [An individual who plans to take the NCETM or NCETMB examinations, including the NESL option offered by the NCBTMB, shall contact the NCBTMB directly to apply for examination. The NCBTMB will issue the candidate an Authorization to Test, which the candidate may use to schedule the examination. Candidates are responsible for registering for the licensure examination date and site. Candidates who are unable to test within 90 days of the date the NCBTMB issued the candidate's Authorization to Test will be required to reapply as a new candidate subject to all application and fee requirements in place at that time.]

An applicant for licensure by examination shall provide evidence that the applicant has done one of the following within 5 years of the date of application:

- (1) Passed the MBLEx.

(2) Passed the NCETM or NCETMB prior to February 1, 2015.

(3) Passed an equivalent exam, as determined by the Board.

(d) An applicant for licensure by examination shall have the official licensing authority of every state or jurisdiction in which the applicant holds or has ever held a license to practice a profession or occupation provide the Board with verification that the applicant is, or was at the time, a licensee in good standing.

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§ 20.25. Additional application requirements for applicants for licensure by reciprocity.

(a) An applicant for licensure by reciprocity must possess an active massage therapy license in good standing in another state or jurisdiction and demonstrate that the applicant has qualifications which equal or exceed those required for licensure under the act, in the determination of the Board.

(b) An applicant for licensure by reciprocity shall apply in a manner and format approved by the Board and shall provide the Board with all information required under [§ 20.21(b)(1)—(3) and (c)] § 20.21 (relating to application for temporary practice permit, initial licensure by examination and licensure by reciprocity)[, and shall be subject to the provisions of § 20.21(d) and (e)].

[(b)] (c) An applicant for licensure by reciprocity shall have the official licensing authority of every jurisdiction in which the applicant holds, or has ever held, a license to practice massage therapy or any other health-related profession or occupation provide the Board with verification that the applicant is, or was at the time, a licensee in good standing and documentation of any disciplinary action taken by the jurisdiction’s licensing authority.

[(c)] (d) An applicant for licensure by reciprocity shall request that the applicant's massage therapy school provide the Board with the applicant's official transcript and verification that the school is recognized by the jurisdiction's licensing authority, accredited by a National accrediting organization, or authorized to operate by the jurisdiction's Department of Education.

[(d)] (e) An applicant for licensure by reciprocity shall provide evidence that the applicant passed the MBLEx, the NCETM, NCETMB or successfully completed the NESL option, or evidence that the applicant obtained original licensure through qualifications equivalent to those for existing practitioners under section 5(b) of the act (63 P.S. § 627.5(b)).

§ 20.26. Application requirements for temporary practice permits.

(a) An applicant for a temporary practice permit shall [submit an application form provided] apply in a manner and format approved by the Board.

(b) In addition to the completed application [form], an applicant for a temporary practice permit shall comply with the application procedures under [§ 20.21(b)(1)—(3) and (c)] § 20.21 (relating to application for temporary practice permit, initial licensure by examination and licensure by reciprocity), and shall be subject to the provisions of § 20.21(d) and (e).

(c) A temporary practice permit will expire on the earlier of 6 months from the date of issuance or on the date the candidate fails the licensure examination.

(d) Individuals who have been issued a temporary practice permit will be considered licensees for purposes of applying section 9 of the act, pertaining to refusal, suspension and revocation of licenses.

(e) Individuals who have been issued a temporary practice permit may not hold themselves out as a licensed massage therapist, use the initials L.M.T. or advertise their practice of massage therapy.

(f) Individuals who have been issued a temporary practice permit shall work only under the direct, on-premises supervision of a licensed massage therapist with at least 2 years of experience.

(g) Temporary practice permit holders who wish to obtain a massage therapy license shall submit an application for initial licensure by examination in accordance with § 20.21 and pay the application for licensure fee as set forth in § 20.3 (relating to fees).

LICENSURE RENEWAL AND REACTIVATION

§ 20.31. Expiration, renewal and reactivation of license.

(a) *Expiration of license.* Licenses expire on January 31 of each odd-numbered year [beginning in 2013], regardless of the date of issuance, and are renewable for a 2-year period. [Licenses are renewable for a 2-year period beginning each October 31 of each even-numbered year beginning in 2012.]

(b) *Practice prohibited.* A licensee may not practice massage therapy in this Commonwealth after the last day of January of the renewal year unless the license has been renewed.

(c) *Renewal application.* A licensee shall:

- (1) Apply for licensure renewal online[or on the form provided by the Board].
- (2) Pay the biennial renewal fee as set forth in § 20.3 (relating to fees).
- (3) Submit proof of current certification in CPR.
- (4) Submit verification of completion of at least 24 hours of Board-approved continuing education.

[(5) Submit verification that the licensee has read, understood and will comply with the act and this chapter.]

(d) *Reporting requirements.*

- (1) Disclosure of licensure or discipline in another jurisdiction. A licensee who becomes licensed to practice massage therapy in another jurisdiction shall report this information on the biennial renewal form or within 90 days of licensure, whichever occurs sooner. Disciplinary action taken in another jurisdiction shall be reported to the Board on the biennial renewal form or within 90 days, whichever is sooner.
 - (2) Disclosure of the filing of formal criminal charges (information or indictment). A licensee shall report, on the biennial renewal form or within 30 days, whichever occurs sooner, the filing of any criminal charges, the licensee's sentencing on any criminal charges or the licensee's admission into an accelerated rehabilitative disposition program.
 - (3) Disclosure of change in contact information. A licensee shall notify the Board within 30 days of a change of mailing address, email address or telephone number.
- (e) *Licensure documentation.* Upon renewing a license, a licensee will receive an updated license and wallet-size card that will show the next expiration date of the license. [A licensee who renews online may print a temporary license that may be used until the biennial license is received.]
- (f) *Inactive status.* A license may be placed on inactive status by the licensee notifying the Board [during the online renewal process or in a notarized] via the PA Licensing System (PALS) or via a written statement that the licensee wishes to have the license marked inactive. The licensee shall immediately return all licensure documents to the Board and may not practice massage therapy in this Commonwealth until the licensee's license is reactivated and renewed.
- (g) *Reactivation.* The holder of an inactive or expired license to practice massage therapy may reactivate and renew the license within 5 years from the date of its expiration by submitting:
- (1) An application to the Board.

- (2) Payment of the reactivation fee and the current biennial renewal fee as set forth in § 20.3.
- (3) Certificates of attendance at continuing education courses required under § 20.32 (relating to continuing education hours; maintenance of certificates of completion) for the [previous biennial renewal] preceding 2-year period. Continuing education used to justify reactivation may not be used to justify a subsequent biennial renewal.
- (4) Current CPR certification.
- (5) An affidavit of nonpractice within this Commonwealth.
- (h) *Late fees.* A licensee who practiced massage therapy on an inactive or expired license will be subject to late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § § 1401-101—1401-501) upon renewal.
- (i) *Disciplinary action authorized.* A licensee who practiced massage therapy on an inactive or expired license may be subject to discipline by the Board under section 9(a)(7) of the act.
- (j) *Demonstration of competence after 5 years.* [The holder of an inactive or expired license to practice massage therapy will not be reactivated and renewed if more than 5 years have passed from the date of the license expiration] A license to practice massage therapy that has been inactive or expired for a period of more than 5 years will not be reactivated unless the licensee has demonstrated current competence to practice and submitted the materials required in subsection (g). To demonstrate current competence to practice, a licensee must either prove continuous active practice in another jurisdiction during the past 5 years or achieve a passing score on [a licensure examination approved for entry into practice in this Commonwealth] the MBLEx. Licensees submitting MBLEx results under this section shall have achieved a passing

score on the MBLEx no more than 5 years prior to the date of licensee's application for reactivation.

§ 20.32. Continuing education hours, maintenance of certificates of completion.

- (a) Licensees shall complete a minimum of 24 hours of continuing education in the field of massage therapy as set forth in section 4(6) of the act (63 P. S. § 627.4(6)) and § 20.33 (related to continuing education content and providers) in the 2-year period immediately preceding the application for license renewal. To be creditable, continuing education must meet the requirements for Board approval set forth in this section and § 20.33. A licensee is exempt from complying with this subsection for the first biennial renewal following initial licensure.
- (b) Licensees shall complete a minimum of 4 hours of continuing education in professional ethics in each biennial renewal period.
- (c) A minimum of 16 hours of continuing education shall be earned through contact hours, of which, at least half of those hours must include palpatory demonstration with physical participation by students.
- (d) A maximum of 8 hours of continuing education may be earned by a licensee during each biennial renewal period by completing courses related to the following:
- (1) Reflexology.
 - (2) The practice of using touch, words and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement.
 - (3) The practice of using touch to affect the energy systems, acupoints, Qi meridians or channels of energy of the human body, including, acupressure, Asian bodywork therapy, polarity therapy bodywork, quigon, reiki, shiatsu and tui na.

(e) Courses for the renewal of the licensee’s CPR certification shall be earned through contact hours and may not be used to meet the biennial continuing education requirement.

(f) Licensees shall retain the certificates of completion from continuing education courses for a minimum of 5 years.

(g) A licensee who is unable to complete the required continuing education shall request a waiver or extension from the Board at least [60] 90 days prior to the expiration of the license. The request must include details about the licensee’s illness, emergency or hardship, including documentation such as a letter from the licensee’s physician or a copy of the licensee’s military orders. The Board will respond in writing either granting or denying a request for waiver or extension.

(h) Licensees may be audited to ensure their compliance with the continuing education requirements.

§ 20.33. Continuing education content and providers.

(a) Continuing education must be designed to advance the licensee’s professional knowledge and skills related to the practice of massage therapy as defined in section 2 of the act (63 P. S. § 627.2).

(b) The following continuing education providers are approved to offer creditable continuing education provided they comply with subsections (a), (c) and (d):

(1) Schools of massage therapy in this Commonwealth operating under section 5(a)(3) of the act (63 P. S. § 627.5(a)(3)).

(2) Schools of massage therapy approved by the Board or accredited by a National accrediting agency recognized by the United States Department of Education.

- (3) The American Massage Therapy Association and its state chapters.
- (4) NCBTMB-approved providers.
- (5) Associated Bodywork and Massage Professionals.
- (6) FSMTB.

(c) Continuing education providers shall provide certificates of completion to massage therapists that include the name of the massage therapist, name of the course provider, title of the course, date of the course, and number of hours, and shall specify whether the course was live or online.

(d) Continuing education providers shall retain documentation of the participants in their continuing education programs for at least 5 years.

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§ 20.34. Penalty for failure to complete continuing education.

(a) [Applicants for license renewal shall provide, on forms provided by the Board, a signed statement verifying whether continuing education requirements have been met.] Failure to complete a minimum of 24 hours of continuing education in a biennial period may subject a licensee to discipline under section 9(a)(7) of the act (63 P. S. § 627.9(a)(7)) in accordance with the schedule of civil penalties at § 43b.23 (relating to schedule of civil penalties—massage therapists).

(b) Within 6 months after the issuance of a citation for failure to complete the required amount of continuing education in accordance with the schedule of civil penalties at § 43b.23, the licensee shall make up the deficiency and provide proof of completion of the entire amount of continuing education required under § 20.32(a). In addition to a civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide

the Board with proof of completion of the required amount of continuing education within 6 months after the issuance of a citation will subject the licensee to further disciplinary action.

SCOPE AND STANDARDS OF PRACTICE

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§ 20.42. Standards of professional conduct.

(a) A massage therapist shall:

(1) Maintain current knowledge of the application of massage therapy, including indications, contraindications and precautions.

(2) Undertake a specific technique, to include the techniques or modalities exempted from licensure under Section 13 (4)—(6) of the act (63 P.S. § 627.13 (4)—(6)), or use a product or equipment only if the massage therapist has the necessary knowledge, training or skill to competently execute, or use, the technique, modality, product or equipment.

(3) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice.

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(6) Discuss with clients which massage therapy modalities and techniques will be utilized and the benefits of these modalities and techniques, the objectives, and that participation is voluntary and that consent to treatment or participation may be withdrawn at any time.

(7) Obtain written consent, on a form provided by the Board, available on the Board's website, prior to performing breast massage on an adult client. Massage therapists may not perform breast massage on an individual under the age of 18.

- (8) [Modify] Provide written notice to the client that the client may modify or terminate the massage therapy session at any time [upon request of the client].
- (9) [Keep client] Provide written notice to the client that the massage therapist will keep the client's information private and confidential. This standard does not prohibit or affect reporting mandated under State or Federal law to protect children, older adults, or others.
- (10) Use safe and functional coverage/draping practices during the practice of massage therapy when the client is disrobed. Safe and functional coverage/draping means that the client's genitals and gluteal cleft and the breast area of female clients are not exposed and that massage or movement of the body does not expose genitals, gluteal cleft or breast area. With voluntary and informed consent of the client, the gluteal and breast drapes may be temporarily moved in order to perform treatment of the area.
- (11) Act to safeguard clients from incompetent, abusive or illegal practices of other massage therapists or caregivers.
- (12) Continuously maintain current CPR certification.
- (13) Be clean, fully-clothed and professional in dress and appearance. A massage therapist shall wash the massage therapist's hands immediately before, and after, massaging each client.
- (14) Display the massage therapist's current license with expiration date in a location clearly visible to clients or, when practicing offsite, display the massage therapist's wallet card.
- (15) [Include the massage therapist's license number in all advertisements.]
[Reserved].

- (16) Conspicuously display the massage therapist’s name and the title L.M.T. or the words “Licensed Massage Therapist” on an identification badge or directly on clothing worn in the public areas where massage therapy services are being provided.
- (17) Cooperate with the Board, the Department of State or the Bureau of Enforcement and Investigation in the investigation of complaints filed under the act.
- (18) [Provide] Document, in writing, the treatment approach utilized based on the initial intake form and health history, document results and any unusual findings, and provide massage therapy records immediately upon demand of the Board or its authorized agents, including the information and documentation listed in paragraphs (7)—(9) and (21) of this subsection, if applicable.
- (19) Maintain massage therapy records for at least 3 years from the last date that services were provided to the client.
- (20) Educate clients about maintaining the beneficial effects of massage therapy treatment when indicated by a massage therapy treatment plan.
- (21) Obtain the written permission of a parent or guardian, or their adult representative, prior to providing massage therapy services to [a minor] an individual under the age of 18.
- (22) Require that a parent or guardian, or their adult representative, be physically present in the room during treatment of a [minor] an individual under the age of 18.
- (23) Comply with section 9.3 of the act of May 3, 1933 (P.L. 242, No. 86) (referred to as the Cosmetology Law) (63 P.S. § 515.3), and the regulations of the State Board of Cosmetology at § 7.150 (relating to practice of massage therapy in cosmetology or

esthetician salons) when providing massage therapy services in a cosmetology or esthetician salon.

(b) A massage therapist may not:

(1) Psychologically or physically abuse a client.

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(12) Refuse a client's request for a refund for the unearned portion of prepaid or packaged massage therapy services. This provision does not apply to gift certificate purchases.

(13) Touch a client's nipples or areolas during a breast massage or perform a breast massage for any purpose other than an appropriate, healthcare-related service.

§ 20.43. Disciplinary procedures.

(a) A massage therapist whose conduct constitutes a sexual violation or sexual abuse is considered an immediate and clear danger to the public health and safety and will be subject to immediate temporary suspension in accordance with section 9(d) of the act (63 P. S. § 627.9(d)).

(b) The consent of an individual to engage in conduct defined herein as sexual harassment, sexual impropriety, sexual violation or sexual abuse with a massage therapist is not a defense in any disciplinary action brought under this section.

(c) With the exception of information contained in a professional record, neither opinion evidence, reputation evidence nor specific instances of the past sexual conduct of a client is admissible in a disciplinary action brought under this section.

§ 20.44. Violation of related laws.

A massage therapist who knowingly employs or permits the employment of a victim of human trafficking, as defined by 18 Pa. C.S. § 3001, shall be suspended for a minimum period of 1 year, in accordance with 18 Pa. C.S. § 3022(a).

SANITATION, FACILITY AND EQUIPMENT REQUIREMENTS

§ 20.51. Massage therapy treatment areas.

[Massage therapists] A massage therapist shall maintain [their] a treatment [spaces] space to:

- (1) Provide for client privacy when clients disrobe.
- (2) Provide for heating, cooling and ventilation to enhance client comfort.
- (3) Provide illumination for cleaning.
- (4) Be clean, sanitary and free from mold and contaminants.
- (5) Ensure client safety.

§ 20.52. Massage therapy equipment.

- (a) [Massage therapists] A massage therapist shall maintain equipment used in the practice of massage therapy in working order[.] and shall not use equipment in any way that is contrary to the manufacturer's instructions or design.
- (b) [Massage therapists] A massage therapist shall disinfect [clean] equipment that comes into direct contact with a client's skin between each use.
- (c) [Massage therapists] A massage therapist shall cover with impervious material and regularly clean cushions on massage tables and massage chairs, as well as bolsters and pillows.
- (d) [Massage therapists] A massage therapist shall clean face rests, whether covered or uncovered, between each use.

(e) A massage therapist may not place equipment directly on a client's skin if the temperature of that equipment exceeds 130 degrees Fahrenheit.

§ 20.53. Topical preparations.

(a) [Massage therapists] A massage therapist shall store topical preparations in a manner that maintains the integrity of the product and prevents spoilage and contamination.

(b) [Massage therapists] A massage therapist shall dispense topical preparations in a manner that prevents contamination of the unused portion and that prevents cross-contamination between clients. Creams and other semisolid substances shall be removed from their containers with a pump, clean spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin of another client until it is properly disinfected.

(c) [Massage therapists] A massage therapist shall use topical preparations that come into contact with a client, such as ice cubes, plasters, herbs, seaweed, muds, scrubs, paraffin or any other similar products only once and shall then dispose of the topical preparations in a sanitary manner. Preparations that are not washed away must be placed in a covered receptacle that is emptied at least daily.

§ 20.54. Linens.

(a) [Massage therapists] A massage therapist shall store single-service materials, including clean linens, in a manner that maintains their cleanliness.

(b) [Massage therapists shall furnish clean and fresh for the use of each individual client single-service materials, linens and any other items, materials or tools that come into contact with a client's body.] A massage therapist shall furnish, sanitized for the use of each individual client, single service materials, linens and any other items, materials and equipment that come into contact with a client's body.

(c) [Massage therapists] A massage therapist shall place soiled linens in a covered receptacle [or washing machine], or shall remove soiled linens from the room, after use.

(d) [Massage therapists] A massage therapist shall wash soiled linens in a clothes washing machine in hot water with detergent [and bleach] after every use, or use a cleaning service.

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