

Florida Laws and Rules Home Study Course

2 CE Hours
Text and Online Study Guide

Presented by the:
Center for Massage Therapy Continuing Education

*PO Box 117 • Elk Point, SD 57025
866-784-5940 • www.massagetherapyceu.com*

Table of Contents

INSTRUCTIONS	3
TEXT	4
EXAM (for review before taking online exam).....	34

Center for Massage Therapy Continuing Education

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PO Box 117
Elk Point, SD 57025
www.massagetherapyceu.com
Ph: 866-784-5940
info@massagetherapyceu.com

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It is the responsibility of the practitioner to determine the appropriateness of the principles presented in terms within the scope of practice. This information is in no way meant to diagnose or treat medical conditions.

Instructions for the Florida Laws and Rules Home Study Course

Thank you for investing in the Florida Laws and Rules home study course, a 2 CE hour course designed to further your knowledge in the principles and practices of The Florida Laws and Rules (Chapter 480 and 456, Florida Statutes and Rule Chapter 64B7). This course lists and outlines the Florida Laws and Rules Chapters 480 and 456 and The Florida Statutes and Rules Chapter 64B7 which govern the practice of massage therapy and massage establishments in the state of Florida. These and other governing laws and rules can be found on the State of Florida's website at: <http://floridasmassagetherapy.gov/> under the Resources link. This course has been updated to reflect new and current massage laws as of January 1, 2024.

The following will give instructions on what you will need to do to complete this course. This is a 2 CE hour course, so that means it should take you approximately 2 hours to read the text, login and complete the examination.

The following are steps to follow in completing this course:

- 1. Read the instructions and review the text and exam.**
- 2. Access the online examination in your account at www.massagetherapyceu.com.**
- 3. Complete your examination and print your certificate. The exam is open book and there is no time limit for completion.**

You must pass the exam with a 70% or better to pass this home study course. You are allowed to access and take the exam up to 3 times if needed. There is no time limit when taking the exam. Feel free to review the text while taking the exam. There are no trick questions on the exam. All of the answers are clearly found in the text. The exam is also included at the end of the text for review before taking the exam.

It is advised to answer the exam questions in the study guide before testing online. That way, when you are testing you do not have go back and forth through the online exam.

Good luck as you complete this course. If you have any questions please feel free to contact us at 866-784-5940, 712-490-8245 or info@massagetherapyceu.com. Most state boards require that you keep your "certificate of achievement" for at least four years in case of audit. Thank you for taking our Florida Laws and Rules home study course.

Table of Contents

This course outlines the current laws and rules governing the practice of massage therapy in the state of Florida.
The following table may be helpful in navigating through the text.

Chapter 480, <u>480.032</u> Purpose	Page 5
Chapter 480, <u>480.033</u> Definitions	Page 5
Chapter 480, <u>480.034</u> Exemptions	Page 6
Chapter 480, <u>480.035</u> Board of Massage Therapy	Page 6
Chapter 480, <u>480.036</u> Accountability of board members	Page 6
Chapter 480, <u>480.039</u> Investigative services	Page 6
Chapter 480, <u>480.041</u> Massage therapists; qualifications; licensure; endorsement	Page 7
Chapter 480, <u>480.0415</u> License renewal	Page 8
Chapter 480, <u>480.043</u> Massage establishments; requisites; licensure; inspection	Page 8
Chapter 480, <u>480.044</u> Fees; disposition	Page 9
Chapter 480, <u>480.046</u> Grounds for disciplinary action by the board	Page 10
Chapter 480, <u>480.0465</u> Advertisement	Page 11
Chapter 480, <u>480.047</u> Penalties	Page 11
Chapter 480, <u>480.0475</u> Massage establishments; prohibited practices	Page 12
Chapter 480, <u>480.0485</u> Sexual misconduct in the practice of massage therapy	Page 12
Chapter 480, <u>480.049</u> Civil proceedings	Page 12
Chapter 480, <u>480.052</u> Power of county or municipality to regulate massage	Page 12
Chapter 480, <u>480.0535</u> Documents required while working in a massage establishment	Page 12
Chapter 456, <u>456.002</u> Applicability	Page 13
Chapter 456, <u>456.006</u> Contacting boards through department	Page 13
Chapter 456, <u>456.029</u> Education; substituting demonstration of competency for clock-hour requirements	Page 13
Chapter 456, <u>456.032</u> Hepatitis B or HIV carriers	Page 13
Chapter 456, <u>456.033</u> Requirement for instruction for certain licensees on HIV and AIDS	Page 14
Chapter 456, <u>456.038</u> Renewal and cancellation notices	Page 14
Chapter 456, <u>456.054</u> Kickbacks prohibited	Page 14
Chapter 64B7, 25.001 Examination requirements	Page 15
Chapter 64B7, 25.004 Endorsements	Page 16
Chapter 64B7, 26.002 Licensure of massage establishments	Page 16
Chapter 64B7, 26.003 Massage establishment operations	Page 16
Chapter 64B7, 26.007 Transfer of massage establishment license	Page 17
Chapter 64B7, 26.010 Sexual activity prohibited	Page 18
Chapter 64B7, 28.002 Biennial renewal of massage establishment license	Page 18
Chapter 64B7, 28.0042 Requirements for reactivation of an inactive license	Page 18
Chapter 64B7, 28.0043 Delinquent status license	Page 19
Chapter 64B7, 28.0044 Retired status and reactivation of retired status license	Page 20
Chapter 64B7, 28.007 Exemption of spouses of members of Armed Forces from licensure renewal provisions	Page 20
Chapter 64B7, 28.009 Required continuing education for massage therapists	Page 20
Chapter 64B7, 30.002 Disciplinary guidelines	Page 21
Chapter 64B7, 30.004 Citations	Page 30
Chapter 64B7, 30.006 Notice of noncompliance	Page 31
Chapter 64B7, 30.008 Probationary conditions and definitions	Page 31
Chapter 64B7, 33.001 Advertisement	Page 32

Florida Laws and Rules Text

CHAPTER 480

MASSAGE PRACTICE

The following is the entire chapter 480 massage practice act as written by the Florida Legislature. This act outlines:

- Why the practice of massage therapy is regulated
- How the board members are selected
- The minimum qualifications needed to become a licensed massage therapist
- How license renewal is handled
- The examination process for licensure
- Regulation of massage establishments
- Fees
- Grounds for disciplinary action by the board
- Advertising of massage services
- Penalties and prohibited acts
- Required documentation

480.032 Purpose.

The Legislature recognizes that the practice of massage therapy is potentially dangerous to the public in that massage therapists must have a knowledge of anatomy and physiology and an understanding of the relationship between the structure and the function of the tissues being treated and the total function of the body. Massage therapy is a therapeutic health care practice, and regulations are necessary to protect the public from unqualified practitioners. It is therefore deemed necessary in the interest of public health, safety, and welfare to regulate the practice of massage therapy in the state; however, restrictions shall be imposed to the extent necessary to protect the public from significant and discernible danger to health and yet not in such a manner which will unreasonably affect the competitive market. Further, consumer protection for both health and economic matters shall be afforded the public through legal remedies provided for in this act.

480.033 Definitions.

As used in this act:

1. "Apprentice" means a person approved by the board to study colonic irrigation under the instruction of a licensed massage therapist practicing colonic irrigation.
2. "Board" means the Board of Massage Therapy.
3. "Board-approved massage therapy school" means a facility that meets minimum standards for training and curriculum as determined by rule of the board and that is licensed by the Department of Education pursuant to chapter 1005 or the equivalent licensing authority of another state or is within the public school system of this state or a college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program.
4. "Colonic irrigation" means a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water.
5. "Department" means the Department of Health.
6. "Designated establishment manager" means a massage therapist who holds a clear and active license without restriction, who is responsible for the operation of a massage establishment in accordance with the provisions of this chapter, and who is designated the manager by the rules or practices at the establishment.
7. "Establishment" or "massage establishment" means a site or premises, or portion thereof, wherein a massage therapist practices massage therapy.
8. "Establishment owner" means a person who has ownership interest in a massage establishment. The term includes an individual who holds a massage establishment license, a general partner of a partnership, an owner or officer of a corporation, and a member of a limited liability company and its subsidiaries who holds a massage establishment license.

9. “Licensure” means the procedure by which a person, hereinafter referred to as a “practitioner,” applies to the board for approval to practice massage therapy or to operate an establishment.

10. “Massage therapist” means a person licensed as required by this act, who performs massage therapy, including massage therapy assessment, for compensation.

11. “Massage therapy” means the manipulation of the soft tissues of the human body with the hand, foot, knee, arm, or elbow, regardless of whether such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

12. “Massage therapy assessment” means the determination of the course of massage therapy treatment.

480.034 Exemptions.

1. Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.

2. Athletic trainers employed by or on behalf of a professional athletic team performing or training within this state shall be exempt from the provisions of this act.

3. The state and its political subdivisions are exempt from the registration requirements of this act.

4. An exemption granted is effective to the extent that an exempted person’s practice or profession overlaps with the practice of massage therapy.

480.035 Board of Massage Therapy.

1. The Board of Massage Therapy is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.

2. Five members of the board shall be licensed massage therapists and shall have been engaged in the practice of massage therapy for not less than 5 consecutive years prior to the date of appointment to the board. The Governor shall appoint each member for a term of 4 years. Two members of the board shall be laypersons. Each board member shall be a high school graduate or shall have received a high school equivalency diploma. Each board member shall be a citizen of the United States and a resident of this state for not less than 5 years. The appointments are subject to confirmation by the Senate.

3. The Governor may at any time fill vacancies on the board for the remainder of unexpired terms. Each member of the board shall hold over after the expiration of her or his term until her or his successor has been duly appointed and qualified. No board member shall serve more than two terms, whether full or partial.

4. The board shall, in the month of January, elect from its number a chair and a vice chair.

5. The board shall hold such meetings during the year as it may determine to be necessary, one of which shall be the annual meeting. The chair of the board shall have the authority to call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.

6. Board members shall receive per diem and mileage as provided in s. 112.061 from the place of residence to the place of meeting and return.

7. The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

480.036 Accountability of board members.

Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member's office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, incompetency, or permanent inability to perform official duties.

480.039 Investigative services.

The department shall provide all investigative services required in carrying out the provisions of this act.

480.041 Massage therapists; qualifications; licensure; endorsement.

1. Any person is qualified for licensure as a massage therapist under this act who:
 - a. Is at least 18 years of age or has received a high school diploma or high school equivalency diploma;
 - b. Has completed a course of study at a board-approved massage therapy school that meets standards adopted by the board; and
 - c. Has received a passing grade on a national examination designated by the board.
2. Every person desiring to be examined for licensure as a massage therapist must apply to the department in writing upon forms prepared and furnished by the department. Such applicants are subject to s. 480.046(1).
3. An applicant must submit to background screening under s. 456.0135.
4. Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage therapy.
5. The board shall adopt rules:
 - a. Establishing a minimum training program for apprentices.
 - b. Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033, by massage therapists.
 - c. Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.
6. Massage therapists who were issued a license before July 1, 2014, must submit to the background screening requirements of s. 456.0135 by January 31, 2015.
7. The board shall deny an application for a new or renewal license if an applicant has been convicted or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:
 - a. Section 787.01, relating to kidnapping.
 - b. Section 787.02, relating to false imprisonment.
 - c. Section 787.025, relating to luring or enticing a child.
 - d. Section 787.06, relating to human trafficking.
 - e. Section 787.07, relating to human smuggling.
 - f. Section 794.011, relating to sexual battery.
 - g. Section 794.08, relating to female genital mutilation.
 - h. Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
 - i. Former s. 796.035, relating to the selling or buying of minors into prostitution.
 - j. Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
 - k. Section 796.05, relating to deriving support from the proceeds of prostitution.
 - l. Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.
 - m. Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
 - n. Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
 - o. Section 827.071, relating to sexual performance by a child.
 - p. Section 847.0133, relating to the protection of minors.
 - q. Section 847.0135, relating to computer pornography.
 - r. Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.
 - s. Section 847.0145, relating to the selling or buying of minors.
8. A person issued a license as a massage apprentice before July 1, 2020, may continue that apprenticeship and perform massage therapy as authorized under that license until it expires. Upon completion of the

apprenticeship, which must occur before July 1, 2024, a massage apprentice may apply to the board for full licensure and be granted a license if all other applicable licensure requirements are met.

480.0415 License renewal.

The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed 25 classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.

1. No massage establishment shall be allowed to operate without a license granted by the department in accordance with rules adopted by the board.
2. An establishment owner shall comply with the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than \$250,000 of business assets in this state, the department shall require the establishment owner, the designated establishment manager, and each individual directly involved in the management of the establishment to comply with the background screening requirements under s. 456.0135. The board may adopt rules regarding the type of proof that may be submitted by a corporation.
3. The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.
4. Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.
5. Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.
6. If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (3), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.
7. If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (3), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.
8. The department shall deny an application for a new or renewal license if an establishment owner or a designated establishment manager or, for a corporation that has more than \$250,000 of business assets in this state, an establishment owner, a designated establishment manager, or any individual directly involved in the management of the establishment has been convicted of or entered a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07 or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:
 - a. Section 787.01, relating to kidnapping.
 - b. Section 787.02, relating to false imprisonment.
 - c. Section 787.025, relating to luring or enticing a child.
 - d. Section 787.06, relating to human trafficking.
 - e. Section 787.07, relating to human smuggling.
 - f. Section 794.011, relating to sexual battery.
 - g. Section 794.08, relating to female genital mutilation.

- h. Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
 - i. Former s. 796.035, relating to selling or buying of minors into prostitution.
 - j. Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
 - k. Section 796.05, relating to deriving support from the proceeds of prostitution.
 - l. Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
 - m. Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
 - n. Section 827.071, relating to sexual performance by a child.
 - o. Section 847.0133, relating to the protection of minors.
 - p. Section 847.0135, relating to computer pornography.
 - q. Section 847.0138, relating to the transmission of material harmful to minors to a minor by electronic device or equipment.
 - r. Section 847.0145, relating to the selling or buying of minors.
9. a. A massage establishment license issued to an individual, a partnership, a corporation, a limited liability company, or another entity may not be transferred from the licensee to another individual, partnership, corporation, limited liability company, or another entity.
- b. A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed \$125.
- c. A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed \$25.
10. Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.
11. The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.
12. As a condition of licensure, a massage establishment must have a designated establishment manager. The designated establishment manager is responsible for complying with all requirements related to operating the establishment in this section and shall practice at the establishment for which he or she has been designated. Within 10 days after termination of a designated establishment manager, the establishment owner must notify the department of the identity of another designated establishment manager. Failure to have a designated establishment manager practicing at the location of the establishment shall result in summary suspension of the establishment license as described in s. 456.073(8) or s. 120.60(6). An establishment licensed before July 1, 2019, must identify a designated establishment manager by January 1, 2020.
13. By January 1, 2021, a massage establishment shall implement a procedure for reporting suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency and shall post in a conspicuous place in the establishment which is accessible to employees a sign with the relevant provisions of the reporting procedure.
14. Except for the requirements of subsection (13), this section does not apply to a physician licensed under chapter 457, chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage therapy on the physician's patients at the physician's place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

480.044 Fees; disposition.

- 1. The board shall set fees according to the following schedule:
 - a. Massage therapist application and examination fee: not to exceed \$250.
 - b. Massage therapist initial licensure fee: not to exceed \$150.
 - c. Establishment application fee: not to exceed \$200.
 - d. Establishment licensure fee: not to exceed \$150.
 - e. Biennial establishment renewal fee: not to exceed \$150.
 - f. Biennial massage therapist licensure renewal fee: not to exceed \$200.

- g. Massage therapist reexamination fee: not to exceed \$250.
- h. Fee for apprentice: not to exceed \$100.
- i. Colonics examination fee: not to exceed \$100.
- j. Colonics reexamination fee: not to exceed \$100.
- k. Application and reactivation for inactive status of a massage therapist license fee: not to exceed \$250.
- 1. Renewal fee for inactive status: not to exceed \$250.
- 2. The department shall impose a late fee not to exceed \$150 on a delinquent renewal of a massage establishment license.
- 3. The board may establish by rule an application fee not to exceed \$100 for anyone seeking approval to provide continuing education courses and may provide by rule for a fee not to exceed \$50 for renewal of providership.
- 4. The department is authorized to charge the cost of any original license or permit, as set forth in this chapter, for the issuance of any duplicate licenses or permits requested by any massage therapist or massage establishment.
- 5. All moneys collected by the department from fees authorized by this act shall be paid into the Medical Quality Assurance Trust Fund in the department and shall be applied in accordance with the provisions of s. 456.025. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

480.046 Grounds for disciplinary action by the board.

- 1. The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):
 - a. Attempting to procure a license to practice massage therapy by bribery or fraudulent misrepresentation.
 - b. Having a license to practice massage therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
 - c. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage therapy or to the ability to practice massage therapy. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.
 - d. False, deceptive, or misleading advertising.
 - e. Advertising to induce or attempt to induce, or to engage or attempt to engage, the client in unlawful sexual misconduct as described in s. 480.0485.
 - f. Aiding, assisting, procuring, or advising any unlicensed person to practice massage therapy contrary to this chapter or to a rule of the department or the board.
 - g. Making deceptive, untrue, or fraudulent representations in the practice of massage therapy.
 - h. Being unable to practice massage therapy with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department, upon probable cause, may compel a massage therapist to submit to a mental or physical examination by physicians designated by the department. Failure of a massage therapist to submit to such examination when so directed, unless the failure was due to circumstances beyond her or his control, constitutes an admission of the allegations against her or him, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A massage therapist affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of massage therapy with reasonable skill and safety to clients.
 - i. Gross or repeated malpractice or the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.
 - j. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.
 - k. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform.
 - 1. Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

- m. Refusing to permit the department to inspect the business premises of the licensee during regular business hours.
 - n. Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.
 - o. Practicing massage therapy at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by board rule, may provide massage therapy services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.
 - p. Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.
2. The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).
 3. The board shall revoke or suspend the license of a massage establishment licensed under this act, or deny subsequent licensure of such an establishment, if any of the following occurs:
 - a. The license has been obtained by fraud or misrepresentation.
 - b. The holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of a massage establishment.
 - c. The establishment owner, the designated establishment manager, or any individual providing massage therapy services for the establishment has had the entry in any jurisdiction of:
 1. A final order or other disciplinary action taken for sexual misconduct involving prostitution;
 2. A final order or other disciplinary action taken for crimes related to the practice of massage therapy involving prostitution; or
 3. A conviction or a plea of guilty or nolo contendere to any misdemeanor or felony crime, regardless of adjudication, related to prostitution or related acts as described in s. 796.07.
 4. The establishment owner who has been the subject of disciplinary action under subsection (3) may not reapply for an establishment license and may not transfer such license pursuant to s. 480.043.
 5. A designated establishment manager who has been the subject of disciplinary action under section (3) may not reapply for a license.
 6. Disciplinary proceedings shall be conducted pursuant to the provisions of chapter 120.

480.0465 Advertisement.

Each massage therapist or massage establishment licensed under the provisions of this act shall include the number of the license in any advertisement of massage services appearing in a newspaper, airwave transmission, telephone directory, or other advertising medium. Pending licensure of a new massage establishment pursuant to the provisions of s. 480.043(7), the license number of a licensed massage therapist who is an owner or principal officer of the establishment may be used in lieu of the license number for the establishment.

480.047 Penalties.

1. It is unlawful for any person to:
 - a. Hold himself or herself out as a massage therapist or to practice massage unless duly licensed under this chapter or unless otherwise specifically exempted from licensure under this chapter.
 - b. Operate any massage establishment unless it has been duly licensed as provided herein, except that nothing herein shall be construed to prevent the teaching of massage in this state at a board-approved massage school.
 - c. Permit an employed person to practice massage unless duly licensed as provided herein.
 - d. Present as his or her own the license of another.
 - e. Allow the use of his or her license by an unlicensed person.
 - f. Give false or forged evidence to the department in obtaining any license provided for herein.
 - g. Falsely impersonate any other license holder of like or different name.
 - h. Use or attempt to use a license that has been revoked.
 - i. Otherwise violate any of the provisions of this act.
2. Except as otherwise provided in this chapter, any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

480.0475 Massage establishments; prohibited practices.

1. A person may not operate a massage establishment between the hours of midnight and 5 a.m. This subsection does not apply to a massage establishment:

a. Located on the premises of a health care facility as defined in s. 408.07; a health care clinic as defined in s. 400.9905(4); a hotel, motel, or bed and breakfast inn, as those terms are defined in s. 509.242; a timeshare property as defined in s. 721.05; a public airport as defined in s. 330.27; or a pari-mutuel facility as defined in s. 550.002;

b. In which every massage performed between the hours of midnight and 5 a.m. is performed by a massage therapist acting under the prescription of a physician or physician assistant licensed under chapter 458, an osteopathic physician or physician assistant licensed under chapter 459, a chiropractic physician licensed under chapter 460, a podiatric physician licensed under chapter 461, an advanced registered nurse practitioner licensed under part I of chapter 464, or a dentist licensed under chapter 466; or

c. Operating during a special event if the county or municipality in which the establishment operates has approved such operation during the special event.

2. A person operating a massage establishment may not use or permit the establishment to be used as a principal domicile unless the establishment is zoned for residential use under a local ordinance.

3. A person violating the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

480.0485 Sexual misconduct in the practice of massage therapy.

The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of massage therapy is prohibited.

480.049 Civil proceedings.

As cumulative to any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the department.

480.052 Power of county or municipality to regulate massage.

A county or municipality, within its jurisdiction, may regulate persons and establishments licensed under this chapter. Such regulation shall not exceed the powers of the state under this act or be inconsistent with this act. This section shall not be construed to prohibit a county or municipality from enacting any regulation of persons or establishments not licensed pursuant to this act.

480.0535 Documents required while working in a massage establishment.

1. In order to provide the department and law enforcement agencies the means to more effectively identify, investigate, and arrest persons engaging in human trafficking, a person employed by a massage establishment and any person performing massage therapy therein must immediately present, upon the request of an investigator of the department or a law enforcement officer, valid government identification while in the establishment. A valid government identification for the purposes of this section is:

- a. A valid, unexpired driver license issued by any state, territory, or district of the United States;
- b. A valid, unexpired identification card issued by any state, territory, or district of the United States;
- c. A valid, unexpired United States passport;
- d. A naturalization certificate issued by the United States Department of Homeland Security;
- e. A valid, unexpired alien registration receipt card (green card); or
- f. A valid, unexpired employment authorization card issued by the United States Department of Homeland Security.

2. A person operating a massage establishment must:
 - a. Immediately present, upon the request of an investigator of the department or a law enforcement officer:
 1. Valid government identification while in the establishment.
 2. A copy of the documentation specified in paragraph
 - a. for each employee and any person performing massage therapy in the establishment.
 - b. Ensure that each employee and any person performing massage therapy in the massage establishment is able to immediately present, upon the request of an investigator of the department or a law enforcement officer, valid government identification while in the establishment.
 3. A person who violates any provision of this section commits:
 - a. For a first violation, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
 - b. For a second violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 - c. For a third or subsequent violation, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

CHAPTER 456

HEALTH PROFESSIONS AND OCCUPATIONS: GENERAL PROVISIONS

Chapter 456 of the Florida Law describes and governing rules of the Department of Health and the boards within it. Much of this information does not pertain to massage therapists specifically. With that in mind, please note that the following is not the complete chapter. We have summarized pertinent sections which apply to massage therapists and massage therapy establishments.

456.002 Applicability.

This chapter applies only to the regulation by the department of professions.

456.006 Contacting boards through department.

Each board under the jurisdiction of the department may be contacted through the headquarters of the department in the City of Tallahassee.

456.029 Education; substituting demonstration of competency for clock-hour requirements.

Any board, or the department when there is no board, that requires student completion of a specific number of clock hours of classroom instruction for initial licensure purposes shall establish the minimal competencies that such students must demonstrate in order to be licensed. The demonstration of such competencies may be substituted for specific classroom clock-hour requirements established in statute or rule which are related to instructional programs for licensure purposes. Student demonstration of the established minimum competencies shall be certified by the educational institution. The provisions of this section shall not apply to boards for which federal licensure standards are more restrictive or stringent than the standards prescribed in statute.

456.032 Hepatitis B or HIV carriers.

1. The department and each appropriate board within the Division of Medical Quality Assurance shall have the authority to establish procedures to handle, counsel, and provide other services to health care professionals within their respective boards who are infected with hepatitis B or the human immunodeficiency virus.
2. Any person licensed by the department and any other person employed by a health care facility who contracts a blood-borne infection shall have a rebuttable presumption that the illness was contracted in the course and scope of his or her employment, provided that the person, as soon as practicable, reports to the person's supervisor or the facility's risk manager any significant exposure, as that term is defined in s. 381.004(1)(c), to blood or body fluids. The employer may test the blood or body fluid to determine if it is infected with the same disease contracted by the employee. The employer may rebut the presumption by the preponderance of the evidence. Except as expressly provided in this subsection, there shall be no presumption that a blood-borne infection is a job-related injury or illness.

456.033 Requirement for instruction for certain licensees on HIV and AIDS.

The following requirements apply to each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486:

1. Each person shall be required by the appropriate board to complete no later than upon first renewal a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.
2. Each person shall submit confirmation of having completed the course required under subsection (1), on a form as provided by the board, when submitting fees for first renewal.
3. The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.
4. Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of relicensure or recertification for additional licenses.
5. Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 456.072(1)(e). In addition to discipline by the board, the licensee shall be required to complete the course.

456.038 Renewal and cancellation notices.

1. At least 90 days before the end of a licensure cycle, the department shall:
 - a. Forward a licensure renewal notification to an active or inactive status licensee at the licensee's last known address of record with the department.
 - b. Forward a notice of pending cancellation of licensure to a delinquent licensee at the licensee's last known address of record with the department.
2. Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department if there is no board.

456.054 Kickbacks prohibited.

1. As used in this section, the term “kickback” means a remuneration or payment, by or on behalf of a provider of health care services or items, to any person as an incentive or inducement to refer patients for past or future services or items, when the payment is not tax deductible as an ordinary and necessary expense.
2. It is unlawful for any health care provider or any provider of health care services to offer, pay, solicit, or receive a kickback, directly or indirectly, overtly or covertly, in cash or in kind, for referring or soliciting patients.
3. a. It is unlawful for any person or any entity to pay or receive, directly or indirectly, a commission, bonus, kickback, or rebate from, or to engage in any form of a split-fee arrangement with, a dialysis facility, health care practitioner, surgeon, person, or entity for referring patients to a clinical laboratory as defined in s. 483.803.
 - b. It is unlawful for any clinical laboratory to:
 1. Provide personnel to perform any functions or duties in a health care practitioner’s office or dialysis facility for any purpose, including for the collection or handling of specimens, directly or indirectly through an

employee, contractor, independent staffing company, lease agreement, or otherwise, unless the laboratory and the practitioner's office, or dialysis facility, are wholly owned and operated by the same entity.

2. Lease space within any part of a health care practitioner's office or dialysis facility for any purpose, including for the purpose of establishing a collection station where materials or specimens are collected or drawn from patients.

4. Violations of this section shall be considered patient brokering and shall be punishable as provided in s. 817.505.

FLORIDA STATUTES AND RULE CHAPTER 64B7

The following list and outline the pertinent sections of the Florida Statutes and Rules Chapter 64B7 which apply to the massage therapy profession. Please note that we have not listed the entire chapter, only the sections which directly apply to massage therapists and massage therapy establishments.

EXAMINATION

64B7-25.001 Examination requirements.

1. The Department shall issue a license by examination to a person who:
 - a. Pays to the Department the initial licensure fee set forth in Rule 64B7-27.100, F.A.C.;
 - b. Submits a completed application on form DH-MQA 1115, "Application for Massage Therapist License" (07/2022). The form is incorporated herein by reference and may be obtained from the board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-app.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-14940>. To apply on-line, visit <https://flhealthsource.gov/mqa-services>;
 - c. Provides proof of graduation per Rule 64B7-32.002, F.A.C., from a board-approved massage therapy school as defined in Section 480.033(9), F.S.;
 - d. Presents certification to the Board of successful completion of an approved examination for licensure; and,
 - e. Submits to the background screening provisions as set forth in Section 456.0135, F.S.
2. Prior to the practice of colonic irrigation, any licensed massage therapist must be certified. The Department shall issue certification to practice colonic irrigation to a person who:
 - a. Pays to the Department the certification fee set forth in Rule 64B7-27.100, F.A.C.;
 - b. Submits a completed application on form DH-MQA 1247 "Application for Colonic Irrigation Certification" (Rev. 07/2022). The form is incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/massage-colon-certification.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-14943>. To apply on-line, visit <http://flhealthsource.gov/mqa-services>;
 - c. Provides proof of completion of a training program in colonic irrigation at a board-approved massage therapy school pursuant to Rule 64B7-32.005, F.A.C., or a training program equal to or more stringent than the colonic irrigation requirements of subsection 64B7-32.005(2), F.A.C., with an approved provider or school in another state, territory, or jurisdiction, or a colonic irrigation apprenticeship per Rule 64B7-29.007, F.A.C.; and,
 - d. Presents certification to the board of successful completion of an approved examination for colonic irrigation.
3. The board approves the following examinations for licensure:
 - a. The Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards;
 - b. National Certification Board for Therapeutic Massage and Bodywork Examination;
 - c. National Certification Examination for Therapeutic Massage;
 - d. National Exam for State Licensure option administered by the National Certification Board for Therapeutic Massage and Bodywork; and
 - e. The state examination in Florida, offered prior to 1996.

4. The Board approves the following examination for certification in colonic irrigation: The National Board for Colon Hydrotherapy Examination (NBCHE).

64B7-25.004 Endorsements.

The Department shall issue a license by endorsement to a person who:

1. Pays to the Department the initial licensure fee set forth in Rule 64B7-27.100, F.A.C.;
2. Submits a completed application on form DH-MQA 1115, "Application for Massage Therapist License" (07/2022), adopted and incorporated by reference in Rule 64B7-25.001, F.A.C.;
3. 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 Chapters 456, 480, F.S., and rule Division 64B7, F.A.C.
4. Demonstrates that the out-of-state license was issued upon the satisfactory completion of an examination comparable to the examination approved by the board or presents certification to the board of successful completion of an approved examination for licensure subsequent to the issuance of the out-of-state license;
5. Has no outstanding or unresolved complaints filed in any jurisdiction where licensure is held; and,
6. Completes a 10 hour Florida Laws and Rules course offered by a board approved massage therapy school or board approved continuing education provider.

MESSAGE ESTABLISHMENTS

64B7-26.002 Licensure of massage establishments.

1. Each massage establishment shall obtain a license from the Department as required by Section 480.043(1), F.S., by submitting a completed form DH-MQA 1263, "Application for Massage Establishment License" (Rev. 01/2021), incorporated herein by reference, together with the fee set forth in subsection 64B7-27.100(2), F.A.C. The form may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/mt-establishment-app.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-13316>. To apply online, visit <https://flehealthsource.gov/mqa-services>.
2. A massage establishment license may not be issued until a passing inspection result is received by the department which demonstrates that the proposed massage establishment is to be used for "massage" as defined in Section 480.033(3), F.S. and that the proposed massage establishment is in compliance with Chapters 456 and 480, F.S. and related rules.
3. The massage establishment applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed massage establishment.

64B7-26.003 Massage establishment operations.

1. General Requirements. Each establishment must:
 - a. Carry current property damage and bodily injury liability insurance. A copy of the current insurance policy must be kept at the establishment.
 - b. Comply with all municipal building and zoning requirements.
 - c. Conspicuously display the current massage establishment license in the establishment in open public view.
 - d. Conspicuously display, in open public view, the license or a photocopy thereof, of each massage therapist practicing in the establishment.
 - e. Conspicuously display the required human trafficking signage in compliance with Sections 456.0341(3) and 480.043(13), F.S.
 - f. Ensure all advertisement meets the requirements of Rule 64B7-33.001, F.A.C., and Section 480.0465, F.S.
2. Facility Requirements. Each establishment must:
 - a. Provide restroom facilities. This requirement may be met by centralized restroom facilities within three hundred feet of the massage establishment for establishments which reside in buildings that are so equipped. Restroom facilities must include:
 1. One functioning toilet and one sink with running water.

2. Toilet tissue.
 3. Soap dispenser with soap or other hand sanitizing agent.
 4. Sanitary towels for hand drying, or another hand drying device, such as a wall-mounted electric blow dryer.
 5. One waste receptacle.
- b. If the establishment is equipped with a whirlpool bath, sauna, steam cabinet or steam room, (including wet, dry and infrared), shower facilities must be provided, including:
 1. One shower with running hot and cold water.
 2. Separation of shower facility from other facilities by means of a curtain or other visual divider.
 - c. Provide lavatory facilities within twenty feet of each treatment room which include either:
 1. A sink with running water, soap dispenser with soap, and sanitary towels for hand drying or another hand drying device, such as a wall-mounted electric blow dryer, or
 2. Hand sanitizer or another chemical germicidal designed to disinfect without the use of running water.
 - d. Keep facilities in good repair, well-lighted and properly ventilated.
3. Safety Requirements. Each establishment must:
 - a. Maintain a fire extinguisher on premises, which meets standards for inspection and maintenance as required by Rule 69A-21.237, F.A.C., effective October 20, 1993, incorporated by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-11510>.
 - b. Provide for safe storage and removal of flammable materials.
 4. Sanitary Requirements. Each establishment must:
 - a. Provide for the removal of refuse.
 - b. Use effective control measures to prevent entry and harborage of vermin and pests.
 5. Requirements for Equipment and Supplies. Each establishment must:
 - a. Maintain all equipment used to administer massage therapy treatment in a safe and sanitary condition.
 - b. Maintain massage table surfaces. Massage table surfaces must be made of, or covered by, a non-porous, non-absorbent material that is free from rips or tears.
 - c. Disinfect massage table surfaces after each patient.
 - d. Change table coverings after each patient, if the massage table surface is additionally covered by sheets, towels, or any other absorbant covering.
 - e. Maintain a sufficient supply of clean drapes for each patient receiving massage therapy treatment.
 - f. Launder all drapes and other materials used before reuse.
 6. Colonic Irrigation Requirements. Establishments which provide colonic irrigation must:
 - a. Maintain colonic irrigation equipment in safe and sanitary condition.
 - b. Maintain sterilization equipment if non-disposable colonic attachments are used.

64B7-26.007 Transfer of massage establishment license.

If there is no transfer of ownership of the establishment license pursuant to Section 480.043(9)(a), F.S., an establishment owner may transfer the business name of the establishment pursuant to Section 480.043(9)(c), F.S. or transfer the location of the establishment, pursuant to Section 480.043(9)(b), F.S.

1. To transfer only the business name of an establishment, the establishment owner must:
 - a. Pay to the Department the fee provided in paragraph 64B7-27.001(2)(d), F.A.C.;
 - b. Submit a completed application on Form DH-MQA 1264 “Application for Massage Establishment Change of Name/Location” (07/2022), incorporated herein by reference. The form may be obtained from the board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <https://floridamassagetherapy.gov/applications/massage-app-estab-change-location-name.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-14941>. To submit a change of name online, visit <https://flhealthsource.gov/mqa-services>.
 - c. An inspection is not required when only transferring an establishment name.
2. To transfer only the location of the establishment, the establishment owner must:
 - a. Pay to the Department the fee provided in paragraph 64B7-27.001(2)(e), F.A.C.; and,

- b. Submit a completed application on Form DH-MQA 1264 “Application for Massage Establishment Change of Name/Location” (07/2022).
- c. The massage establishment may not operate in the new location until:
 1. An inspection is completed pursuant to Section 480.043(9)(b), F.S.;
 2. A passing inspection result is received which demonstrates that the new location of the establishment is to be used for “massage therapy” as defined in Section 480.033(11), F.S., and that the new location is in compliance with Chapters 456 and 480, F.S. and related rules; and,
 3. The transfer of location is approved by the Department.
3. To transfer the location and business name of the establishment, the establishment owner must:
 - a. Pay to the Department the fee provided in paragraph 64B7-27.001(2)(e), F.A.C.; and,
 - b. Submit a completed application on Form DH-MQA 1264 “Application for Massage Establishment Change of Name/Location” (07/2022).
- c. The establishment may not operate in the new location until:
 1. An inspection is completed pursuant to Section 480.043(9)(b), F.S.;
 2. A passing inspection result is received which demonstrates that the new location of the establishment is to be used for “massage therapy” as defined in Section 480.033(11), F.S., and that the new location is in compliance with Chapters 456 and 480, F.S.; and,
 3. The transfer of location is approved by the Department.

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.

BIENNIAL LICENSE RENEWAL

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 64B7-27.100, 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 64B7-27.100, F.A.C.

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 paragraph 64B7-27.100(1)(f), 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 456.036, F.S., and subsections 64B7-28.001(2) and (3), F.A.C.

4. Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT, 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 colonic irrigation, shall be required to successfully complete and pass the NBCHT prior to practicing colon hydrotherapy.

64B7-28.0043 Delinquent status license.

Each massage therapist must renew their license on or before August 31 of every odd year in accordance with subsection 64B-9.001(4), F.A.C.

1. To renew a massage therapist license, the licensee must:

- a. Have completed the continuing education which was required during each biennial cycle as specified in Rule 64B7-28.009, F.A.C., or elect inactive status at the time of renewal, or hold a license that is already in inactive status, and
- b. Submit the appropriate form as required by subsection 64B-9.001(1), F.A.C., and
- c. Submit the renewal fee for massage therapists specified in Rule 64B7-27.100, F.A.C.

2. A license that is not renewed in accordance with subsection 64B-9.001(4), F.A.C., and these rules shall be considered delinquent as provided in Section 456.036(5), F.S.

3. A license that is not renewed in accordance with subsection 64B-9.001(4), F.A.C., and these rules for two consecutive biennial cycles shall be considered null and void without further action by the Board as provided in Section 456.036(6), F.S.

4. A licensee whose license is in active status may choose inactive status as provided in Section 456.036(4)(a), F.S.

- a. To choose inactive status at the time of renewal, the licensee must submit the appropriate form as required by subsection 64B-9.001(1), F.A.C., the renewal fee, and if delinquent, the delinquent license fee specified in Rule 64B7-27.100, F.A.C.

- b. To choose inactive status at any other time, the licensee must submit a written request, along with the change in status fee and if delinquent, the delinquent license fee specified in Rule 64B7-27.100, F.A.C.

5. A licensee may choose retired status as provided in Section 456.036(4)(b), F.S.

- a. To choose retired status at the time of renewal, the licensee must submit the appropriate form as required by subsection 64B-9.001(1), F.A.C., and the retired status fee specified in Rule 64B7-27.100, F.A.C.

- b. To choose retired status at any other time, the licensee must submit a written request, along with the retired status fee and change in the status fee specified in Rule 64B7-27.100, F.A.C.

64B7-28.0044 Retired status and reactivation of retired status license.

1. A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee set forth in Rule 64B7-27.100, F.A.C. If the licensee chooses to place the license in retired status at any time other than at the time of license renewal the licensee shall pay a change of status processing fee of \$50.00 and the retired status fee.
2. A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:
 - a. Paying the reactivation fee described at Rule 64B7-27.100, F.A.C.;
 - b. Demonstrating satisfaction of the continuing education requirements that would have been imposed on an active status licensee under this title for each licensure biennial period in which the licensee was on retired status.

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.

64B7-28.009 Required continuing education for massage therapists.

1. For the purposes of this chapter an instruction hour shall be defined as no less than 50 minutes of any one clock hour during which the student participates in an approved course offered by an approved provider.
2. For the purposes of this chapter a classroom hour shall be defined as no less than 50 minutes of any one clock hour during which the student participates in an approved course offered by an approved provider in the physical presence of an approved instructor.
3. During the first biennial renewal cycle, the licensee shall complete:
 - a. Two instruction hours in prevention of medical errors, pursuant to Section 456.013(7), F.S.
 - b. One hour in human trafficking awareness.
 - c. One instruction hour for each month or partial month licensed. The overall number of required hours for renewal in the first biennial renewal cycle shall include the required hours of instruction in prevention of medical errors and human trafficking awareness.
4. During each subsequent biennial renewal cycle, the licensee shall complete:
 - a. Two instruction hours in prevention of medical errors, pursuant to Section 456.013(7), F.S.
 - b. Two instruction hours in the laws and rules which govern the practice of massage therapy, including Chapters 456 and 480, F.S., and Division 64B7, F.A.C.
 - c. Two instruction hours in professional ethics.
 - d. One hour in human trafficking awareness.
 - e. Twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in Rule 64B7-32.003, F.A.C. Courses completed during the 2024-2025 and 2021-2024 Biennial Renewal periods to meet this requirement may be offered as instruction hours.
 - f. Five additional instruction hours, including but not limited to courses in communication with clients and other professionals, psychological dynamics of the client-therapist relations, risk management, charting, documentation, record keeping, infection control, or massage practice management.
5. All continuing education must be completed with an approved provider.
6. A licensee may substitute the following activities for the requirements above:
 - a. Up to two hours of instruction in laws and rules may be substituted for two hours of continuous attendance at an in-person meeting of the Board, provided that the licensee signs in to demonstrate attendance and does not have an item scheduled on the agenda.
 - b. Up to two hours of instruction in professional ethics may be substituted for two hours of continuous attendance at an in-person meeting of the Board, provided that the licensee signs in to demonstrate attendance

and does not have an item scheduled on the agenda.

c. Up to six hours of classroom instruction which is relevant to and focused on massage therapy techniques, skills, and protocols as defined in Section 480.033(3), F.S., or up to six hours of general instruction may be substituted for the performance of pro-bono services, on an hour-for-hour basis, provided that:

1. The proposed services are to be performed for indigent or underserved populations or in areas of critical need within the state of Florida as recognize by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services (01/2020), 12159

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12158>,

<https://www.federalregister.gov/documents/2020/01/17/2020-00858/annual-update-of-the-hhs-poverty-guidelines> hereby adopted and incorporated by reference, in connection with a tax-exempt organization under s. 501(c) of the Internal Revenue Code, in response to a disaster as defined in Section 252.34(2), F.S., for first responders as defined in Section 196.091(6)(c)1., or

2. The licensee submits DH-MQA 1243 Request for Approval of Continuing Education for Pro Bono Services For the Biennial Renewal Period of _____ (10/2019) at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12159>, hereby adopted and incorporated by reference, and is approved to offer the pro bono services specified therein during the biennial cycle in which the form is submitted.

3. The licensee submits DH-MQA 1244 Statement of Performance of Continuing Education Credits for Preapproved Pro Bono Services for the Biennial Renewal Period of (10/2019) at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-12162>, hereby adopted and incorporated by reference, demonstrating performance of approved pro bono services.

7. A licensee shall be exempt from all licensure renewal provisions under this section during an absence from the state due to their spouse's duties with the armed forces if the licensee:

a. Presents satisfactory proof that they are the spouse of a member of the Armed Forces; a copy of the spouse's military orders and marriage certificate, and that they were caused to be absent from Florida for a period of at least six consecutive months because of the spouse's duties, and

b. Was in good standing with the Board of Massage and entitled to practice massage in Florida when the absence began.

8. A licensee shall not receive credit for courses they offer as an approved provider or approved instructor.

DISCIPLINE

647B-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 480.041, 480.043, 480.0485, 480.046, and 456.072, F.S., and/or Division 64B7, F.A.C., 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 (4) of this rule. Discipline may include any of the following: letter of concern, reprimand, license with conditions, probation, suspension, revocation and/or fines.

2. Disciplinary Guidelines:

RECOMMENDED RANGE OF PENALTY				
VIOLATION	FLORIDA LICENSES		TELEHEALTH REGISTRANTS	
	FIRST OFFENSE	ADDITIONAL OFFENSE	FIRST OFFENSE	ADDITIONAL OFFENSE
(a) Section 480.046(1)(a), F.S. Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation or Section 456.072(1)(h), F.S. Attempting to obtain, obtaining, or renewing a license to practice a profession through an error of the department or the board. If bribery or fraudulent representation is found.	Denial of application, or reprimand, \$250 to \$1,500 fine, continuing education.	\$10,000 fine and revocation	Reprimand to suspension and corrective action plan	Revocation
	Denial of application and \$10,000 fine.	Denial of application and \$10,000 fine.	Revocation	Revocation
(b) Section 480.046(1)(b), F.S. Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. Section 456.072(1)(f), F.S. Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.	Up to the comparable penalty or action imposed in other jurisdiction.	Suspension to revocation	Letter of Concern to Suspension and Corrective Action Plan	Suspension to Revocation

<p>(c) Section 480.046(1)(c), F.S. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of Chapter 480, F.S.</p> <p>Section 456.072(1)(c), F.S. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.</p> <p>Misdemeanors</p> <p>Felonies</p> <p>Crimes having a factual basis related to prostitution, or solicitation for prostitution, or assault, battery, abuse, or which otherwise caused bodily harm.</p> <p>Crimes involving fraudulent misrepresentation.</p>	<p>Reprimand and \$250 fine</p> <p>\$500 fine and probation</p> <p>\$1,000 fine and revocation</p> <p>\$10,000 fine and suspension</p>	<p>\$500 fine and probation or suspension</p> <p>\$500 fine and suspension</p> <p>n/a</p> <p>\$10,000 fine and revocation</p>	<p>Reprimand</p> <p>Suspension and corrective action plan</p> <p>Revocation</p> <p>Suspension and corrective action plan</p>	<p>Suspension and corrective action plan</p> <p>Suspension and corrective action plan to revocation</p> <p>n/a</p> <p>Suspension and corrective action plan to revocation</p>
<p>(d) Section 480.046(1)(d), F.S. False, deceptive, or misleading advertising.</p>	<p>Reprimand and \$500 fine to probation and \$750 fine</p>	<p>Suspension and \$1,000 fine to revocation and \$1,000 fine</p>	<p>Letter of concern to suspension</p>	<p>Suspension and corrective action plan to revocation</p>
<p>(e) Section 480.046(1)(e), F.S. Advertising to induce or attempt to induce, or to engage or attempt to engage, the client in unlawful sexual misconduct as described in Section 480.0485, F.S.</p>	<p>Reprimand and \$1,000 fine or suspension up to revocation</p>	<p>Revocation</p>	<p>Reprimand</p>	<p>Suspension and corrective action plan</p>

<p>(f) Section 480.046(1)(f), F.S. Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of Chapter 480, F.S. or to a rule of the department or the board.</p> <p>Section 456.072(1)(j), F.S. Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to Chapters 456 and 480, F.S. or the rules of the department or the board.</p>	Suspension	Suspension and \$2,500 fine to revocation and \$2,500 fine	Suspension and corrective action plan	Revocation
<p>(g) Section 480.046(1)(g), F.S. Making deceptive, untrue, or fraudulent representations in the practice of massage.</p> <p>Section 456.072(1)(a), F.S. Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee’s profession.</p> <p>Section 456.072(1)(m), F.S. Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</p> <p>If fraudulent representation found.</p>	<p>Reprimand and \$500 to \$1,000 fine</p> <p>Suspension and \$10,000 fine</p>	<p>Suspension and \$2,500 fine to revocation and \$2,500 fine</p> <p>Revocation and \$10,000 fine</p>	<p>Reprimand</p> <p>Suspension and corrective action plan</p>	<p>Suspension and corrective action plan</p> <p>Revocation</p>
<p>(h) Section 480.046(1)(h), F.S. Being unable to practice massage with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.</p> <p>Section 456.072(1)(z), F.S. Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.</p>	Suspension until ability to practice with reasonable skill and safely shown to Board through evaluation by a licensed health care practitioner qualified by skill and training to address respondent’s mental or physical condition	Revocation	Suspension and corrective action plan	Revocation

(i) Section 480.046(1)(i), F.S. Gross or repeated malpractice or the failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.	Suspension, \$1,000 fine, and continuing education	Revocation and \$2,500 fine	Suspension and corrective action plan	Revocation
(j) Sections 480.046(1)(j), 456.072(1)(o), F.S. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent to perform.	Reprimand, \$1,000 fine, and continuing education	Suspension and \$2,500 fine to revocation and \$2,500 fine	Letter of Concern to Reprimand	Suspension and corrective action plan to revocation
(k) Sections 480.046(1)(k), 456.072(1)(p), F.S. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them.	Suspension and \$1,000 to \$2,500 fine, and continuing education	Revocation and \$2,500 fine	Suspension and corrective action plan	Revocation
(l) Section 480.046(1)(l), F.S. Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department. Section 456.072(1)(q), F.S. Violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.	\$250 fine and suspension until compliant, and continuing education	\$500 fine and suspension until compliant to revocation, and \$500 fine	Suspension and corrective action plan	Suspension and corrective action plan to revocation
(m) Section 480.046(1)(m), F.S. Refusing to permit the department to inspect the business premises of the licensee during regular business hours. Section 456.072(1)(r), F.S. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	\$500 to \$1,000 fine, suspension until compliant	Suspension until compliant and \$500 fine to revocation and \$500 fine	Suspension and corrective action plan	Suspension and corrective action plan to revocation
(n) Section 480.046(1)(n), F.S. Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.	Reprimand, \$250 to \$1,000 fine, suspension until satisfactory re-inspection	Suspension until satisfactory re-inspection and \$2,500 fine to revocation and \$2,500 fine	Reprimand	Suspension and corrective action plan

<p>(o) Section 480.046(1)(o), F.S. Practicing massage at a site, location, or place which is not duly licensed as a massage establishment, except that a massage therapist, as provided by rules adopted by the board, may provide massage services, excluding colonic irrigation, at the residence of a client, at the office of the client, at a sports event, at a convention, or at a trade show.</p>	<p>Reprimand, \$250 to \$750 fine, reprimand and continuing education</p>	<p>Suspension and \$2,500 fine to revocation and \$2,500 fine</p>	<p>Letter of concern to Reprimand</p>	<p>Suspension and corrective action plan</p>
<p>(p) Section 480.046(1)(p), F.S. Violating any provision of Chapter 480 or Chapter 456, F.S. or any rules adopted pursuant thereto. Section 456.072(1)(b), F.S. Intentionally violating any rule adopted by the board or the department, as appropriate. Section 456.072(1)(dd), F.S. Violating any provision of Chapter 480, F.S. the applicable practice act, or any rules adopted pursuant thereto.</p>	<p>Reprimand, \$250 to \$1,000 fine, and continuing education</p>	<p>Suspension and \$1,000 to \$2,500 fine to revocation and \$2,500 fine</p>	<p>Suspension and corrective action plan</p>	<p>Suspension and corrective action plan to revocation</p>
<p>1. Section 480.0465, F.S. Each massage therapist or massage establishment licensed under the provisions of Chapter 480, F.S. shall include the number of the license in any advertisement of massage services appearing in a newspaper, airwave transmission, telephone directory, or other advertising medium.</p>	<p>Reprimand and \$250 fine</p>	<p>Suspension until compliant and \$1,500 fine</p>	<p>Letter of concern to reprimand</p>	<p>Suspension and corrective action plan</p>
<p>2. Section 480.0485, F.S. Sexual misconduct in the practice of massage therapy. Section 456.072(1)(v), F.S. Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S., or Rule 64B7-26.010, F.A.C., Sexual Activity Prohibited.</p>	<p>\$2,500 fine and revocation</p>	<p>n/a</p>	<p>Revocation</p>	<p>n/a</p>
<p>3. Section 456.036(1), F.S. Practicing with an inactive status license, a retired status license, a delinquent or suspended license.</p>	<p>Reprimand, \$250 to \$1,000 fine, and continuing education</p>	<p>Suspension until compliant and \$2,500 fine to revocation and \$2,500 fine</p>	<p>Letter of Concern</p>	<p>Suspension and corrective action plan</p>

(q) Section 456.072(1)(g), F.S. Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.	Reprimand and \$500 to \$1,000 fine	\$1,500 fine and suspension to revocation	Reprimand	Suspension and corrective action plan
If fraudulent representation is found.	\$10,000 fine and revocation	\$10,000 fine and revocation	Revocation	n/a
(r) Section 456.072(1)(i), F.S. Failing to report to the department any person who the licensee knows is in violation of Chapter 456 or 480, F.S.	Reprimand and \$250 to \$1,000 fine and suspension	Suspension and \$1,500 fine to revocation and \$1,500 fine	Reprimand	Suspension and corrective action plan
(s) Section 456.072(1)(k), F.S. Failing to perform any statutory or legal obligation placed upon a license.	Reprimand and \$250.00 to \$1,000 fine and continuing education	Suspension and \$1,000 to \$2,500 fine, and continuing education to revocation and \$2,500 fine	Reprimand	Suspension and corrective action plan
(t) Section 456.072(1)(l), F.S. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so.	Reprimand and \$500 to \$1,000 fine to probation and \$1,000 fine	Suspension and \$2,500 fine to revocation and \$2,500 fine	Reprimand	Suspension and corrective action plan
If fraudulent misrepresentation found.	Reprimand and \$10,000 fine	\$10,000 fine and revocation	Revocation	n/a
(u) Section 456.072(1)(n), F.S. Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.	Suspension and \$1,000 to \$2,500 fine to revocation and \$1,000 to \$2,500 fine	Revocation and \$2,500 fine	Suspension and corrective action plan	Revocation
(v) Section 456.072(1)(t), F.S. Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must identify the type of license the practitioner holds.	Reprimand and \$250 fine	\$1,000 fine and reprimand	Letter of Concern to Reprimand	Suspension and corrective action plan
(w) Section 456.072(1)(x), F.S. Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.	Reprimand and \$250 fine and continuing education	Suspension and \$1,000 fine to revocation and \$1,500 fine	Letter of Concern to Reprimand	Suspension and corrective action plan

(x) Section 456.072(1)(y), F.S. Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents under Section <u>316.066</u> , F.S. 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 purposes of commercial or any other solicitation whatsoever of the people involved in the accidents.	Suspension and \$500 to \$1,000 fine	Revocation and \$1,500 fine	Suspension and corrective action plan	Revocation
(y) Section 456.072(1)(aa), F.S. Testing positive for any drug, as defined in Section <u>112.0455</u> , F.S. on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug.	Suspension until evaluation by a licensed health care practitioner qualified by skill and training to address respondent's condition, compliance with all recommendations to revocation	\$500 fine and suspension until PRN evaluation, compliance with all recommendations to revocation	Suspension and corrective action plan	Suspension and corrective action plan to revocation
(z) Section 456.072(1)(bb), F.S. Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.	Reprimand and \$500 fine, and continuing education	Revocation and \$1,000 fine	Letter of Concern to reprimand	Revocation
(aa) Section 456.072(1)(cc), F.S. Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures.	Reprimand and \$1,000 fine to revocation and \$1,000 fine	Revocation and \$1,000 fine	Letter of Concern to Reprimand	Revocation

<p>(bb) Section 456.072(1)(ee), F.S. With respect to making a personal injury protection claim as required by Section <u>627.736</u>, F.S., intentionally submitting a claim, statement, or bill that has been “upcoded” as defined in Section <u>627.732</u>, F.S..</p> <p>Section 456.072(1)(ff), F.S. With respect to making a personal injury claim as required by Section <u>627.736</u>, F.S., intentionally submitting a claim, statement, or bill for payment of services that were not rendered.</p>	<p>Revocation and \$2,000 fine</p>	<p>n/a</p>	<p>Revocation</p>	<p>n/a</p>
<p>(cc) Section 456.072(1)(hh), F.S. Being terminated from an impaired practitioner program that is overseen by a consultant as described in Section <u>456.076</u>, F.S. for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.</p>	<p>Suspension until ability to practice with reasonable skill and safety shown to Board through evaluation by a licensed health care practitioner qualified by skill and training to address respondent’s condition</p>	<p>Revocation</p>	<p>Suspension and corrective action plan</p>	<p>Revocation</p>
<p>(dd) Section 456.072(1)(ii), F.S. Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, related to the Medicaid program.</p> <p>Section 456.072(1)(ll), F.S. Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.</p>	<p>Revocation and \$10,000 fine</p>	<p>n/a</p>	<p>Revocation</p>	<p>n/a</p>

(ee) Section 456.072(pp), F.S. Providing information, including written documentation, indicating that a person has a disability or supporting a person’s need for an emotional support animal under Section 760.27, F.S. without personal knowledge of the person’s disability or disability-related need for the specific emotional support animal.	Citation	Reprimand and \$1,000 fine, continuing education, to suspension	Letter of concern	Reprimand to suspension and corrective action plan
(ff) Section 456.072(1)(rr), F.S. Except as otherwise provided by law, failing to comply with the parental consent requirements of Section 1014.06 F.S.	Reprimand and \$2,000 to \$5,000 fine and continuing education	Revocation and \$10,000 fine	Reprimand and corrective action plan	Revocation
(gg) Section 456.072(1)(ss), F.S. Being convicted or found guilty of, entering a plea of guilty or nolo contendere to, regardless of adjudication, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in Section 456.074(5), F.S. or a similar offense in another jurisdiction.	Revocation	n/a	Revocation	n/a

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 potential 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 or potential harm, physical or otherwise, caused by the violation;
- f. The deterrent effect of the penalty imposed;
- g. The potential effect of the penalty upon the licensees’ 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. Evidence of fraud or misrepresentation;
 - n. Damage to the reputation of the profession of massage therapy;
 - o. Penalties imposed for related offenses under subsections (1) and (2), above.

64B7-30.004 Citations.

1. Definitions. As used in this rule:

- a. “Citation” means a document 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)(m), 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)(n), 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 massage therapist license in violation of Section 480.047(1)(a), F.S., or operating a massage establishment with a delinquent massage establishment license in violation of Section 480.047(1)(b), F.S., when the license has become delinquent automatically for failure to renew, so long as the license is reinstated within 90 days of becoming delinquent, shall result in a penalty of \$250.00. Practice for more than 90 days after a license has become delinquent shall not be a citation violation.
 - g. 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.
 - f. 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.
 - i. 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.
 - j. Failing to identify to a patient verbally or in writing, which may include wearing of a name tag, that a licensee is practicing as a licensed massage therapist, in violation of Section 456.072(1)(t), F.S., shall result in a penalty of \$100.00.
 - k. A first-time violation of 456.072(1)(pp) for providing information indicating supporting a person's need for an emotional support animal under s.760.27 without personal knowledge of the need for the specific emotional support animal, shall result in a penalty of \$250.00.
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 90 days of the date the citation is filed.

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 have proof of active insurance available at an establishment as required by subsection 64B7-26.003(4), F.A.C.
- 3. Failure to include license number or numbers in any advertisement as required by Section 480.0465, F.S.

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.

ADVERTISEMENT

64B7-33.001 Advertisement.

1. Each massage therapist or massage establishment licensed under the provisions of this act shall include the number of the license in any advertisement of massage services.

2. 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.

3. For purposes of this rule, "advertising medium" means: any newspaper, airwave or computer transmission, telephone directory listing other than an in-column listing consisting only of a name, address, and telephone number, business card, handbill, flyer, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

4. No provision herein shall be construed to prohibit the use of a properly registered corporate or fictitious name, if registered according to Florida Law.

RESOURCES:

<https://floridasmassagetherapy.gov/>

<http://floridasmassagetherapy.gov/resources/>

<https://floridasmassagetherapy.gov/renewals/massage-therapist/#tab-statutes-rules>

http://www.leg.state.fl.us/Statutes/index.cfm/Repealed/Ch0914/index.cfm?App_mode=Display_Statute&URL=0400-0499/0456/0456ContentsIndex.html&StatuteYear=2022&Title=-%3E2022-%3EChapter%20456

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0480/0480ContentsIndex.html&StatuteYear=2022&Title=-%3E2022-%3EChapter%20480

Florida Laws and Rules Examination

Chapter 480

Massage Practice Act

1. Why is the practice of massage therapy governed by the State of Florida?
 - a. To ensure that massage therapists have knowledge of anatomy and physiology
 - b. To ensure that massage therapists have an understanding of the relationship between the structure and the function of the tissues being treated and the total function of the body
 - c. To protect the public from unqualified practitioners
 - d. All of the above

2. Which of the following must a person possess in order to qualify for a massage therapy license?
 - a. Age of at least 16 years
 - b. A bachelor's degree in a related health field
 - c. A passing grade on a national examination designated by the department
 - d. A license in a health field related to massage

3. How many continuing education hours must a licensed massage therapist complete for license renewal?
 - a. Not to exceed 15 classroom hours per biennium
 - b. Not to exceed 20 classroom hours per biennium
 - c. Not to exceed 25 classroom hours per biennium
 - d. Not to exceed 28 classroom hours per biennium

4. A massage therapy establishment license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed _____.
 - a. \$125
 - b. \$100
 - c. \$50
 - d. \$25

5. Which of the following would be grounds for disciplinary action by the board?
 - a. Having a current license to practice massage therapy in good standing
 - b. False, deceptive, or misleading advertising
 - c. Practicing within the scope permitted by law
 - d. Practicing massage at an on-site location which is a duly licensed massage establishment

6. What is the penalty for violating the laws and provisions of the board stated in section 480.047?
 - a. A felony charge
 - b. A misdemeanor of the third degree
 - c. A misdemeanor of the first degree
 - d. A citation

Chapter 456

General Provisions

7. Which of the following is a definition of the term “kickback”, which is prohibited by Chapter 456 section 456.054?
 - a. Receiving a tax deductible donation for providing volunteer services for another provider
 - b. A remuneration or payment, by or on behalf of a provider of health care services or items, to any person as incentive or inducement to refer patients for past or future services or items
 - c. Working for an hourly wage for another provider of healthcare services
 - d. Providing massages as an independent contractor for an employer

Florida Statutes and Rule

Chapter 64B7

8. The board approves all of the following examinations for massage therapy EXCEPT:
 - a. The Massage and Bodywork Licensing Exam (MBLEEx) administered by the Federation of State Massage Therapy Boards
 - b. National Aromatherapy Association Examination
 - c. National Certification Board for Therapeutic Massage and Bodywork Examination
 - d. National Certification Examination for Therapeutic Massage
9. In order to obtain a massage establishment license, an applicant must have:
 - a. Proof confirming property damage and bodily injury liability insurance coverage
 - b. Proof of additional education from a board approved provider
 - c. Proof of flood and fire insurance
 - d. Proof of durable power of attorney
10. In which of the following situations would it be appropriate for you to apply to the board to transfer your massage establishment license?
 - a. If there is a transfer in ownership of your business and give your license to the new owners
 - b. You hire new employees but the business name or location does not change
 - c. If there is no transfer in ownership, but the location changes
 - d. Your massage license is revoked due to non-compliance
11. All of the following are considered sexual acts and prohibited by the board EXCEPT:
 - a. Any direct or indirect physical contact by a person or between persons that is intended to erotically stimulate either person
 - b. The use of a massage tool on the shoulder to release the trapezius muscle
 - c. The use of any device or object intended to erotically stimulate either person
 - d. Intercourse, fellatio, cunnilingus, masturbation, or anal intercourse
12. Continuing education requirements for licensees not renewing for the first time, shall include:
 - a. Two instruction hours in prevention of medical errors, pursuant to Section 456.013(7), F.S.
 - b. Two instruction hours in the laws and rules which govern the practice of massage therapy, including Chapters 456 and 480, F.S., and Division 64B7, F.A.C.
 - c. Two instruction hours in professional ethics and one hour in human trafficking awareness
 - d. All of the above

13. When the board finds an applicant, apprentice, or licensee in violation of current massage laws, discipline may include all of the following EXCEPT:
 - a. Letter of concern
 - b. License with conditions
 - c. License set to inactive status
 - d. Fines

14. What would the expected penalty be for a first offense violation of section 480.046 (1)(d), F. S.?
 - a. Suspension and \$1000 fine to revocation and \$100 fine
 - b. Letter of concern to suspension
 - c. Reprimand and \$100 fine to probation and \$250 fine
 - d. Reprimand and \$500 fine to probation and \$750 fine

15. You may be issued a citation for which of the following activities?
 - a. Allowing the department to inspect the business premises of the licensee during regular business hours
 - b. Including the license number of either the massage therapist or the massage establishment in advertisements
 - c. Failure of a massage therapist to notify the board of a change of address
 - d. Proper, ethical advertising

This completes the Florida Laws and Rules Examination.