

Florida Laws and Rules Home Study Course

2 CE Credit Hours
Text and Online Study Guide

Presented by the:
Center for Massage Therapy Continuing Education

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Center for Massage Therapy Continuing Education

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Published by the Center for Massage Therapy Continuing Education

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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 credit 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, F.A.C.). This course lists and outlines the Florida Laws and Rules Chapters 480 and 456 and The Florida Statutes and Rules Chapter 64B7, F.A.C. which govern the massage therapy profession in the state of Florida. These and other governing laws and rules can be found on the State of Florida's website at:

http://www.doh.state.fl.us/mqa/massage/ma_home.html under the Laws and Rules link.

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 an 80% or better to pass this home study e-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 and risk losing your answered questions!

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 e-course.

Florida Laws and Rules Text

CHAPTER 480

MESSAGE PRACTICE

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

480.031 Short title.

This act shall be known and may be cited as the "Massage Practice Act."

480.032 Purpose.

The Legislature recognizes that the practice of massage 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 is therapeutic, 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 in this 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. "Board" means the Board of Massage Therapy.
2. "Department" means the Department of Health.
3. "Massage" means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not 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.
4. "Massage therapist" means a person licensed as required by this act, who administers massage for compensation.
5. "Apprentice" means a person approved by the board to study massage under the instruction of a licensed massage therapist.
6. "Colonic irrigation" means a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water.
7. "Establishment" means a site or premises, or portion thereof, wherein a massage therapist practices massage.
8. "Licensure" means the procedure by which a person, hereinafter referred to as a "practitioner," applies to the board for approval to practice massage or to operate an establishment.
9. "Board-approved massage school" means a facility which meets minimum standards for training and curriculum as determined by rule of the board and which 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.

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.

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 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 graduate 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 will be 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 graduate equivalency diploma;
 - b. Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and
 - c. Has received a passing grade on an examination administered by the department.
2. Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.
3. 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.
4. 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(6), 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.

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.

480.042 Examinations.

1. The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure an applicant's competency. Professional testing services may be utilized to formulate the examinations.
2. The board shall ensure that examinations comply with state and federal equal employment opportunity guidelines.
3. The department shall, in accordance with rules established by the board, examine persons who file applications for licensure under this act in all matters pertaining to the practice of massage. A written examination shall be offered at least once yearly and at such other times as the department shall deem necessary.
4. The board shall adopt rules providing for reexamination of applicants who have failed the examination.
5. All licensing examinations shall be conducted in such manner that the applicant shall be known to the department by number until her or his examination is completed and the proper grade determined. An accurate record of each examination shall be made; and that record, together with all examination papers, shall be filed with the ¹State Surgeon General and shall be kept for reference and inspection for a period of not less than 2 years immediately following the examination.

480.043 Massage establishments; requisites; licensure; inspection.

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. 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.
3. 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.
4. Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.
5. 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 (2), 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.
6. 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 2, the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.
7. a. Once issued, no license for operation of a massage establishment may be transferred from one owner to another.
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.

8. 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.
9. The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.

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 by bribery or fraudulent misrepresentation.
 - b. 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.
 - c. 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 this chapter.
 - d. False, deceptive, or misleading advertising.
 - e. Aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to the provisions of this chapter or to a rule of the department or the board.
 - f. Making deceptive, untrue, or fraudulent representations in the practice of massage.
 - g. 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. In enforcing this paragraph, the department shall have, upon probable cause, authority to 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, shall constitute 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 with reasonable skill and safety to clients.

h. 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.

i. 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.

j. 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.

k. 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.

l. Refusing to permit the department to inspect the business premises of the licensee during regular business hours.

m. Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition.

n. 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.

o. 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 have the power to revoke or suspend the license of a massage establishment licensed under this act, or to deny subsequent licensure of such an establishment, in either of the following cases:

a. Upon proof that a license has been obtained by fraud or misrepresentation.

b. Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the establishment so licensed.

4. 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 any newspaper, airwave transmission, telephone directory, or other advertising medium. Pending licensure of a new massage establishment pursuant to the provisions of s. 480.043(6), 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. 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.

480.0485 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.

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. Please note that the following is not the complete chapter. We have summarized pertinent sections for your review.

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.

456.034 Athletic trainers and massage therapists; requirement for instruction on HIV and AIDS.

1. The board, or the department where there is no board, shall require each person licensed or certified under part XIII of chapter 468 or chapter 480 to complete a continuing educational course approved by the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial re-licensure or recertification. The course shall consist of education on modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency

- virus and acquired immune deficiency syndrome, with an emphasis on appropriate behavior and attitude change.
2. When filing fees for each biennial renewal, each licensee shall submit confirmation of having completed the course, on a form provided by the board or by the department if there is no board. At the time of the subsequent biennial renewal when coursework is to be completed, if the licensee has not submitted confirmation which has been received and recorded by the board, or department if there is no board, the department shall not renew the license.
 3. The board, or the department where there is no board, shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1).
 4. The board, or the department where there is no board, shall require, as a condition of granting a license under any of the chapters or parts thereof specified in subsection (1), that an applicant making initial application for licensure complete an educational course acceptable to the board, or the department where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken a course at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.
 5. The board, or the department where there is no board, shall have the authority to adopt rules to carry out the provisions of this section.
 6. The board, or the department where there is no board, shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.
 7. Any professional 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, or one department-approved course where there is no board, on human immunodeficiency virus and acquired immune deficiency syndrome, for purposes of re-licensure or recertification for additional licenses.

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. 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, F.A.C.

The following are pertinent sections of the Florida Statutes and Rules Chapter 64B7, F.A.C.

Examination

64B7-25.001 Examination Requirements.

1. The Department shall issue a license to a person who:

- a. Pays to the Department the fee set out in subsection 64B7-27.002(1), F.A.C.;
 - b. Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;
 - c. Completes the HIV/AIDS course requirement in Rule 64B7-25.0012, F.A.C.;
 - d. Passes a national examination approved by the Board;
 - e. Completes a course relating to the prevention of medical errors as required by subsection 456.013(7), F.S.
2. The Board approves the National Certification Board for Therapeutic Massage and Bodywork examination.

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

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

64B7-25.004 Endorsements.

1. The Department shall issue a license by endorsement to a person who:
- a. Pays to the Department the initial licensure fee set forth in subsection 64B7-27.008(2), F.A.C.; and
 - b. Is currently licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; and
 - c. Demonstrates that his out-of-state license was issued upon the satisfactory completion of an examination comparable to the examination approved by the Board; and
 - d. Has no outstanding or unresolved complaints filed against him or her in the jurisdiction of licensure.
 - e. Completes a current curriculum course from a Board approved school covering the Florida Statutes and rules related to massage therapy.
 - f. Completes the HIV/AIDS course requirement in Rule 64B7-25.0012, F.A.C.
 - g. Completes a course relating to the prevention of medical errors as required by Section 456.013(7), F.S.
2. The Department may interview an applicant for licensure by endorsement to determine whether he qualifies for such endorsement.

64B7-25.006 Expiration of Incomplete Applications.

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

Massage Establishments

64B7-26.002 Licensure of Massage Establishments.

- 1. Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 7/97) Application for License Massage Establishment, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C.
- 2. The application for licensure shall be submitted in the name of the owner or owners of the establishment. If the owner is a corporation, the application shall be submitted in the name of the corporation and shall be signed by an authorized corporate representative.
- 3. An owner may operate an establishment under a name other than the name of the owner, provided such name is submitted to the Board on the application for licensure. Any advertisement by the establishment of massage therapy must include the business name, and must comply with Rule 64B7-33.001, F.A.C.
- 4. The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment. If the establishment is operated under a business name, the proof of insurance shall include both the name of the owner and the business name.

64B7-26.003 Massage Establishment Operations.

1. Facilities, Each establishment shall meet the following facility requirements:
 - a. Comply with all local building code requirements.
 - b. Provide for the use of clients a bathroom with at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle.
 - c. Maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.
 - d. If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.
2. Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.
3. Safety and sanitary requirements. Each establishment shall:
 - a. Provide for safe and unobstructed human passage in the public areas of the premises; provide for removal of garbage and refuse; and provide for safe storage or removal of flammable materials.
 - b. Maintain a fire extinguisher in good working condition on the premises. As used herein “good working condition” means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in Chapter 69A-21, F.A.C.
 - c. Exterminate all vermin, insects, termites, and rodents on the premises.
 - d. Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table. Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, “regular application,” as used herein, means after the massage of each client. If clean coverings are used for each client, then “regular application” shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.
 - e. Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens. As used herein “drapes” means towels, gowns, or sheets.
 - f. Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.
 - g. Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated.
4. Financial responsibility and insurance coverage. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.

64B7-26.005 Periodic Inspections.

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

64B7-26.007 Transfer of Massage Establishment License.

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

one location to another. The owner shall apply for a change of location by submitting a completed Application for Licensure-Massage Establishment, accompanied by the application fee provided in subsection 64B7-27.003(3), F.A.C. A massage establishment license may not be transferred from one location to another until after inspection by the department.

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

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

1. All license renewals for massage therapists shall meet the requirements as set forth in Chapters 456 and 480, F.S., these rules, and the rules of the Department of Health. All massage therapists shall renew their licenses on or before August 31, of each biennial year, according to the fee schedule as set forth in Chapter 64B7-27, F.A.C.
2. No license shall be renewed unless the licensee submits confirmation on a department form that the licensee has completed an education course on HIV/AIDS which meets the requirements of Section 456.034, F.S. If the licensee has not submitted confirmation which has been received and recorded by the Board, the department shall not renew the license. The Board approves courses that have been approved by regulatory Boards or Councils under the Division of Medical Quality Assurance, the Agency for Health Care Administration, the Department of Health, the American Red Cross, or directly by the Board, and courses sponsored or presented by Board-approved Massage Schools.
3. No license shall be renewed unless the licensee submits confirmation in writing to the Florida Board of Massage Therapy that the licensee has completed an education course of at least 2 hours relating to prevention of medical errors as part of the licensure and renewal process. The course must include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count toward the total number of continuing education hours required for renewal.

64B7-28.002 Biennial Renewal of Massage Establishment License.

All license renewals for massage establishments shall meet the requirements as set forth in Chapter 480, F.S., and these rules. All massage establishments shall renew their licenses on or before August 31 of each biennial year, according to the fee schedule as set forth in Rule 64B7-27.007, F.A.C., and the insurance coverage requirements of subsection 64B7-26.002(4), F.A.C. If, however, the massage establishment does not renew its license timely, the license shall be considered delinquent. If a massage establishment is operating with a delinquent license, said establishment is in violation of Section 480.047(1)(b), F.S., and is subject to the criminal penalties as provided for in Section 480.047(2), F.S. In order to renew a delinquent license, the massage establishment shall pay the late fee for delinquent renewal in the amount of seventy-five dollars (\$75.00) as set forth in Section 480.044(2), F.S., and the biennial renewal fee as specified in Rule 64B7-27.007, F.A.C.

64B7-28.003 Biennial Period, Year Defined.

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

Biennial year shall mean every odd-numbered year.

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

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

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

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

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

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

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

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

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

a. Show compliance with subsection (1) above;

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

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

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

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

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

64B7-28.009 Continuing Education.

1. Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that shall have elapsed since the issuance of the license for which renewal is sought, up to a maximum requirement of 24 hours for the renewal period. Such courses shall have been approved for continuing education credit pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the renewal period preceding the date renewal is due. Every massage practitioner must obtain the continuing education required for biennial renewal of the massage therapist's license as set forth in Rule 64B7-28.001, F.A.C. Graduates of a Board approved massage school who received two hours of education in Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C., and two (2) hours of professional ethics prior to initial licensure shall not be required to complete additional continuing education in the same subject matter for initial renewal of the license.

2. All continuing education requirements may be met by correspondence/home study courses, tape and/or video cassette courses, provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must meet

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

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

a. At least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration, 6 hours of which may be performed as pro bono services pursuant to Rule 64B7-28.0095, F.A.C.

b. Except as provided in subsection 64B7-28.009(1), F.A.C., two hours must be obtained in a course relating to the prevention of medical errors, two hours must cover instruction in professional ethics and two hours must cover instruction in the laws and rules of massage therapy, including Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C. Up to 4 hours of continuing education credit for professional ethics and laws and rules may be earned on an hour for hour basis by physically attending Board meetings, provided that:

1. The licensee signs in with the Executive Director of the Board prior to the beginning of the meeting;

2. The licensee remains in continuous attendance at the meeting;

3. The licensee signs out of the meeting with the Executive Director of the Board in a pre-arranged time and manner.

4. The licensee does not have a related discipline or licensure matter on the agenda for the same meeting day.

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

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

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

Discipline

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

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

1. Administering treatment in a negligent manner.

2. Violating the confidentiality of information or knowledge concerning a client.

3. Offering massage therapy at a sports event, convention or trade show without obtaining the written approval of the owner or property manager of the site at which the sports event, convention or trade show is held.

4. Failure to explain expected draping techniques to a client. As used in this rule, draping means towels, gowns, sheets or clothing.

5. Failure to appropriately drape a client. Appropriate draping of a client shall include draping of the buttocks and genitalia of all clients, and breasts of female clients, unless the client gives specific informed consent to be undraped.

64B7-30.006 Notice of Noncompliance.

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

1. Failure to provide written notice of licensee's current mailing address and place of practice in violation of Rule 64B7-28.015, F.A.C.
2. Failure to obtain continuing education in HIV/AIDS in violation of Section 456.034, F.S.
3. Failure to have proof of insurance available at an establishment as required by subsection 64B7-26.003(4), F.A.C.
4. Failure to include license number or numbers in any advertisement as required by Section 480.0465, F.S.

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.

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 protect the public from unqualified practitioners
 - b. To ensure that massage therapists have knowledge of anatomy and physiology
 - c. To ensure that massage therapists have an understanding of the functions of the body
 - d. All of the above

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

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

4. Why is an examination given by the department for initial licensure?
 - a. In order to ensure that the applicant has passed the NCBTMB examination
 - b. In order to measure the applicant's competency in the massage therapy field
 - c. In order to ensure that the applicant has completed a bachelor's degree
 - d. All of the above

5. A massage therapy establishment license may be transferred from one location to another after inspection as long as the license remains in the same individual's name.
 - a. True
 - b. False

6. A massage therapy establishment license may be transferred from one owner to another only after inspection.
 - a. True
 - b. False

7. Which of the following would be grounds for disciplinary action by the board?
 - a. Displaying a current massage therapy establishment license in your place of business that was issued to you and is in your name
 - b. Practicing massage at an on site location which is a duly licensed massage establishment
 - c. Practicing and advertising massage therapy services after your license has lapsed
 - d. All of the above

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

Chapter 456

General Provisions

9. Which of the following is a definition of the term “kickback”, which is prohibited by Chapter 456 section 456.054?
 - a. Receiving payment by or on behalf of a provider to a person as incentive for a patient referral
 - b. Receiving a tax deductible donation for providing volunteer services for another provider
 - c. Working for an hourly wage for another provider of healthcare services
 - d. All of the above

Florida Statutes and Rule

Chapter 64B7, F.A.C.

10. The board approves the National Certification Board for Therapeutic Massage and Bodywork’s examination?
 - a. True
 - b. False
11. The completion of an HIV/AIDS course in the State of Florida is required for initial licensure and required for renewal each biennium.
 - a. True
 - b. False
12. In order to obtain a massage establishment license, an applicant must have:
 - a. Proof of additional education from an approved provider
 - b. Proof of property damage and bodily injury liability insurance
 - c. Proof of flood and fire insurance
 - d. All of the above
13. How often could you expect your massage establishment to be inspected for compliance with Rule 64B7-26.003?
 - a. Twice a year
 - b. One time every two years
 - c. No less than once a year
 - d. No less than once every renewal period
14. In which of the following situations would it be appropriate for you to transfer your massage establishment license?
 - a. You sell your business and transfer your establishment license to the new owners
 - b. You change your practice location with no change of ownership and apply for a change of location
 - c. Both of the above situations are within Florida Rule guidelines
 - d. Neither of the above situations are within Florida Rule guidelines
15. The definition of sexual activity, which is prohibited by Florida law, includes:
 - 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 any device or object intended to erotically stimulate either person
 - c. Intercourse, fellatio, cunnilingus, masturbation or anal intercourse
 - d. All of the above

16. Continuing education requirements for biennial renewal of a Florida license include:
 - a. At least 1 CE hour of approved education covering HIV/AIDS
 - b. At least 2 CE hours of approved education covering prevention of medical errors
 - c. At least 6 hours of approved education covering business practices
 - d. Both A and B

17. If you elect to place your license into inactive status at the time of renewal, what should you do?
 - a. You should not do anything
 - b. You should write in to the board letting them know what you would like to do
 - c. You should file with the department a completed application for inactive status and pay the appropriate fee
 - d. You should mail in your current license to the board after it expires

18. Which of the following are acceptable forms of education to satisfy the continuing education requirement of the State of Florida?
 - a. Approved home study courses
 - b. Approved courses that focus on massage therapy techniques
 - c. Approved hands on courses via live classroom instruction
 - d. All of the above

19. How long are you required to keep your vouchers, receipts and/or certificates of completion for continuing education?
 - a. No longer than 2 years
 - b. No less than 7 years
 - c. No less than 4 years
 - d. No longer than 4 years

20. Which of the following is an example of misconduct and/or negligence in the practice of massage therapy?
 - a. Offering massage therapy at a trade show without obtaining permission
 - b. Failure to explain expected draping techniques to a client
 - c. Violating confidentiality of a client
 - d. All of the above

This completes the Florida Laws and Rules Examination.