

COLORADO MASSAGE THERAPY REGISTRATION

RULES AND REGULATIONS

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Basis

These rules are promulgated and adopted by the Director of the Division of Registrations pursuant to § 12-35.5-117, C.R.S.

Purpose

These rules are adopted to implement the Director's authority to register persons as massage therapists and to set forth the requirements for being so registered.

Rule 1 – Application for Registration

The purpose of this rule is to specify the form and manner of an application for massage therapy registration, as required by § 12-35.5-107(1)(c), (d) and (e), C.R.S.

- A. An applicant for registration must:
 - 1. Submit a completed application for registration on forms provided by the Director;
 - 2. Submit with the application all fees established by the Director pursuant to § 12-35.5-107(1)(d), C.R.S.;
 - 3. Sign the attestation that the information in the application is true and correct to the best of the applicant's knowledge and belief;
 - 4. Sign the attestation that the applicant has obtained, and will maintain, professional liability insurance as required by § 12-35.5-116;
 - 5. Undergo a fingerprint-based criminal history record check in accordance with procedures set forth by the Director; and
 - 6. Submit additional information as may be requested by the Director to fully and fairly evaluate the applicant's qualifications for registration and to protect the public health, safety, and welfare.
- B. Foreign-trained applicants must submit their qualifications, credentials, and work experience to a credentialing agency for review.
 - 1. The Director will designate one or more acceptable credentialing agencies.
 - 2. All expenses associated with the review by the credentialing agency are the responsibility of the applicant.
 - 3. Failure to have a review completed by the credentialing agency pursuant to the terms of this rule and the massage therapy application procedures will result in the Director denying the application.
 - 4. The Director, in her discretion, may accept or refuse any recommendation made by the credentialing agency.

Rule 2- Education and Training Requirements

- A. An applicant for registration must attain a degree, diploma, or otherwise successfully complete a massage therapy program that consists of at least five hundred (500) total hours of course work and clinical work from an approved massage school.
- B. "Approved massage school" means:
 - 1. A massage therapy educational school that has a valid certificate of approval from the Division of Private and Occupational Schools in accordance with the provisions of Article 59 of Title 12, C.R.S.; or
 - 2. A massage therapy educational program certified by the Colorado Community College System; or
 - 3. A massage therapy educational entity or program that is accredited by a nationally recognized accrediting agency.
- C. An applicant who has been certified by the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) shall be deemed to have met the education and training requirements for registration set forth in Rule 2 (A) and (B), above.

Rule 3 – Examination Requirement

The purpose of this rule is to delineate the examination requirement for registration set forth in § 12-35.5-107(1)(b), C.R.S.

An applicant for registration must pass one of the following examinations:

- (a) The massage and bodywork licensing examination offered by the Federation of State Massage Therapy Boards; or
- (b) A national certification examination offered by the National Certification Board for Therapeutic Massage & Bodywork.

Rule 4 – Registration by Endorsement

The purpose of this rule is to delineate the requirements for registration by endorsement set forth in § 12-35.5-107(5)(a) and (b), C.R.S.

An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country may be eligible for registration by endorsement, provided that:

- A. The applicant has submitted the application materials and fee set forth in Rule 1, above; and,
- B. The qualifications for massage therapy licensure or registration in the other state, territory, or foreign country are substantially equivalent to those required in Colorado, as determined by the Director.

- C. The applicant has submitted proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency either through:
1. Verification of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two years immediately preceding the date of application for registration in Colorado. The work experience shall be attested to in a manner prescribed by the Director.
- Or
2. Completion of twenty-four hours of continuing education related to the practice of massage therapy during the two years immediately preceding the date of application for registration in Colorado. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
- D. The Director finds no grounds to deny issuance of a registration under the provisions of the Massage Therapy Practice Act, § 12-35.5-101 through 120, C.R.S. Grounds for denial include, but are not limited to, disciplinary action taken against the applicant in another jurisdiction, acts or conduct that would be grounds for disciplinary action against a massage therapist in Colorado, unlawful sexual behavior, or any prostitution-related offense.

Rule 5 – Reinstatement of Expired Registration

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired registration pursuant to § 12-35.5-108, C.R.S. and § 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired registration shall complete a reinstatement application and pay a reinstatement fee.
- B. If the registration has been expired for more than two years, but less than five years, an applicant must demonstrate competency to practice as follows:
 1. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director.

Or

 2. Completion of twenty-four hours of continuing education related to the practice of massage therapy during the two years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
- C. If the registration has been expired for more than five years, an applicant must demonstrate competency to practice as follows:

1. Pass an examination approved under Rule 2 within two years immediately preceding submission of an application for reinstatement.
- Or
2. Supervised practice for a period of no less than 6 months, subject to terms established by the Director.
- Or
3. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director.
 4. By any other means approved by the Director.

An applicant for reinstatement who has actively practiced in Colorado with an expired registration in violation of § 12-35.5-108, C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the Massage Therapy Practice Act at § 12-35.5-101 et seq., C.R.S., and in accordance with § 24-34-102 et seq., C.R.S.

Rule 6 – Supervision of Student Massage Therapists

The purpose of this rule is to clarify the supervision requirements for students enrolled in a massage therapy program at an approved massage therapy school, as authorized by § 12-35.5-110(1)(a), and § 12-35.5-103(3), C.R.S.

- A. Students enrolled in such programs must be identified as “student massage therapists” and shall not hold themselves out as registered massage therapists.
- B. Student massage therapists may practice massage therapy only under the immediate supervision of a massage therapist holding a valid and current registration.
- C. For purposes of this rule, “immediate supervision” means the supervising massage therapist (a) is present on the premises where the services are being performed; and (b) is available for immediate consultation and to assist the person being supervised in the services being performed.
- D. For purposes of this rule, “premises” means within the same building, massage therapy facility, or massage therapy training area and within close enough proximity to respond in a timely manner to an emergency or the need for assistance.
- E. Faculty members teaching nonclinical aspects of massage therapy are not required to be registered massage therapists.

Rule 7 – The Authorized Practice of Massage Therapy by A Person Not Registered in Colorado

The purpose of this rule is to outline the conditions under which a person not registered in Colorado may practice massage therapy for a limited period of time under § 12-35.5-110(1)(c)(IV), C.R.S.

A resident of another state, territory, or foreign country who does not hold massage therapy registration in Colorado may engage in massage therapy for a limited period of time in this state if:

- A. The person is participating as a student or instructor of an educational program; and,
- B. The program does not exceed sixteen days in duration during any twelve month period; or
- C. The program exceeds sixteen days in duration and the person obtains a grant of an extension from the Director five (5) working days prior to the seventeenth day; and
- D. A person requesting an extension does so at least five (5) working days prior to the seventeenth day, in accordance with procedures prescribed by the Director.

Rule 8 – Declaratory Orders

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedure Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that she will not rule upon such a petition, the Director shall promptly notify the petitioner of her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
 - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
 - 2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
 - 3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.

4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

D. Any petition filed pursuant to this rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 35.5.
2. The statute, rule, or order to which the petition relates.
3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.

E. If the Director determines that she will rule on the petition, the following procedures shall apply:

1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
 - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
 - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
 - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
 - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
 - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize her experience, technical competence, and specialized knowledge in the disposition of the petition.
2. If the Director rules upon the petition without a hearing, she shall promptly notify the petitioner of her decision.
3. The Director may, at her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Director intends to inquire.

For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at § 24-4-106, C.R.S.

Rule 9 -Reporting Convictions, Judgments and Administrative Proceedings

The purpose of this rule is to clarify the procedures for reporting convictions, judgments and administrative proceedings pursuant to § 12-35.5-111 (1)(i) and (j) C.R.S.

A registrant as defined in § 12-35.5-103 (10), C.R.S., shall inform the Director, in a manner set forth by the Director, within ninety (90) days of any of the following events:

- A. The conviction of the registrant of a felony under the laws of any state or of the United States, which would be a violation of §12-35.5-111 (1) C.R.S. A guilty verdict, a plea of guilty or a plea of nolo contendere (no contest) accepted by the court is considered a conviction;
- B. A disciplinary action imposed upon the registrant by another jurisdiction that registers or licenses massage therapists, which would be a violation of § 12-35.5-111 (1), C.R.S., including, but not limited to, a citation, sanction, probation, civil penalty, or a denial, suspension, revocation, or modification of a license or registration whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license or registration fee by the due date or failure to meet continuing professional education requirements;
- C. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or registration, other than a license or registration for massage therapy as described in § 12-35.5-111, C.R.S.;
- D. Any judgment, award or settlement of a civil action or arbitration in which there was a final judgment or settlement against the registrant for malpractice of massage therapy.
- E. The notice to the Director shall include the following information;
 - 1. If the event is an action by a governmental agency (as described above), the name of the agency, its jurisdiction, the case name, and the docket, proceeding or case number by which the event

is designated, and a copy of the consent decree, order or decision;

2. If the event is a felony conviction, the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. The registrant shall also provide to the Director a copy of the imposition of sentence related to the felony conviction and the completion of all terms of the sentence with ninety (90) days of such action;
 3. If the event concerns a civil action or arbitration proceeding, the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal;
- F. The registrant notifying the Director may submit a written statement with the notice to be included with the registrant records.