

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REGISTRATIONS
OFFICE OF MASSAGE THERAPIST REGISTRATION
EMERGENCY RULE**

3CCR 722-1

**“GOOD FAITH” PROVISIONAL MASSAGE THERAPIST REGISTRATION
RULE 10**

Section 1. Authority

Section 2. Scope and Purpose

Section 3. Applicability

Section 4. Rules Regarding a Provisional Massage Therapist Registration

Section 5. Enforcement

Section 6. Effective Date

Section 1. Authority

The Director of the Division of Registrations adopts the following emergency rule entitled “*Good Faith*” *Provisional Massage Therapist Registration* according to authority in C.R.S. §12-35.5-117.

Section 2. Scope and Purpose

(1) The Director finds that immediate adoption of this rule is imperatively necessary for the preservation of public health, safety, or welfare and that compliance with the rulemaking requirements of C.R.S. §24-4-103, applicable to non-emergency rules, would be contrary to the public interest.

(2) On June 2, 2008, Governor Bill Ritter Jr. signed the Massage Therapy Practice Act, C.R.S. §12-35.5-101, (“Act”) into law. The Act states that, effective April 1, 2009, anyone who practices massage therapy or represents oneself as being able to practice massage therapy in this state must possess a valid registration issued by the Director. The Act requires all applicants to submit fingerprints in order to obtain a state and federal background check.

(3) Because of the volume of applications and additional requirements to become registered, many massage therapists’ applications have been delayed. Accordingly, the Director adopts this rule that allows the Director to provisionally register qualified individuals who applied for registration prior to April 1, 2009 to practice massage therapy or represent themselves as being able to practice massage therapy in this state through June 30, 2009.

(4) Without the immediate adoption of this emergency rule, the public’s interest is not served. Wherefore, the Director, pursuant to C.R.S. §24-4-103(6), has an obvious and stated need to adopt this rule.

Section 3. Applicability

This rule applies to all individuals practicing massage therapy as defined by the Act or individuals who represent themselves as being able to practice massage therapy as defined by the Act in this state as of April 1, 2009.

Section 4. Rules Regarding A Provisional Massage Therapists Registration

(1) As of April 1, 2009, individuals who practice massage therapy or who represent themselves as being able to practice massage therapy in this state shall either be:

- a. registered as a massage therapist in this state pursuant to the Act, or
- b. provisionally registered as a massage therapist in this state as pursuant to part (2) of this section.

(2) Provisional registration may be offered to individuals who meet the following requirements:

- a. submitted an application and fee to the Division of Registrations prior to April 1, 2009;
- b. are qualified pursuant to the Act; and
- c. submitted a fingerprint card to the Colorado Bureau of Investigations for the purpose of a massage-therapist-registration background check prior to April 1, 2009.

(3) Individuals who fail to meet one of the requirements of section 4(1) of this rule shall not be permitted to practice massage therapy or represent themselves as being able to practice massage therapy in this state on or after April 1, 2009.

(4) Individuals who apply for a massage therapist registration on or after April 1, 2009 shall not be permitted to practice massage therapy or represents themselves as being able to practice massage therapy in this state until they are registered as a massage therapist in this state.

(5) Provisional registrations shall expire on either June 30, 2009 or on such a date that the Director makes a determination regarding issuing a registration, whichever date is earlier. Individuals with a provisional registration who fail to obtain a massage therapist registration by June 30, 2009 shall, thereafter, not be permitted to practice massage therapy or represent themselves as being able to practice massage therapy in this state.

Section 5. Enforcement

(1) The Director is authorized to take disciplinary action pursuant to C.R.S. §12-35.5-112 against any person provisionally registered at any time for violations of the Act, including immediate suspension, denial, or withdraw of a provisional registration upon finding that an individual with a provisional registration does not meet the requirements of the Act or is otherwise ineligible for registration.

(2) Individuals who violate this rule or the Act shall be subject to disciplinary action pursuant to C.R.S. §12-35.5-111.

Section 6. Effective Date

This emergency rule shall be effective April 1, 2009 through June 30, 2009.