

Commonwealth of Virginia



REGULATIONS
GOVERNING THE LICENSURE OF
MASSAGE THERAPISTS

VIRGINIA BOARD OF NURSING

Title of Regulations: 18 VAC 90-50-10 et seq.

Statutory Authority: §§ 54.1-2400 and Chapter 30 of Title 54.1
of the *Code of Virginia*

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Part I. General Provisions.

18VAC90-50-10. Definitions.

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3000 of the Code of Virginia:

"Board"

"Massage therapist"

"Massage therapy"

B. The following word when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

18VAC90-50-20. Operational requirements.

A. Requirements for current mailing address.

1. Each applicant or licensee shall maintain a current address of record with the board. Any change in the address of record or the public address, if different from the address of record, shall be submitted electronically or in writing to the board within 30 days of such change.
2. All required notices mailed by the board to any applicant or licensee shall be validly given when mailed to the latest address of record on file with the board.

B. A licensee who has had a change of name shall submit as legal proof to the board a copy of the marriage certificate, a certificate of naturalization, or a court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

C. Each licensed massage therapist shall conspicuously post his current Virginia license in a public area at his practice location.

18VAC90-50-30. Fees.

A. Fees listed in this section shall be payable to the Treasurer of Virginia and shall not be refunded unless otherwise provided.

B. Fees required by the board are:

- | | |
|-------------------------------------------------|-------|
| 1. Application and initial licensure | \$140 |
| 2. Biennial renewal | \$95 |
| 3. Late renewal | \$30 |
| 4. Reinstatement of licensure | \$150 |
| 5. Reinstatement after suspension or revocation | \$200 |

6. Duplicate license	\$15
7. Replacement wall certificate	\$25
8. Verification of licensure	\$35
9. Transcript of all or part of applicant/licensee records	\$35
10. Handling fee for returned check or dishonored credit card or debit card	\$50

C. For renewal of licensure from July 1, 2017 through June 30, 2019, the following fee shall be in effect:

Biennial renewal	\$71
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Part II. Requirements for Certification.

18VAC90-50-40. Initial licensure.

A. An applicant seeking initial licensure shall submit a completed application and required fee and verification of meeting the requirements of § 54.1-3029 A of the Code of Virginia as follows:

1. Is at least 18 years old;
2. Has successfully completed a massage therapy educational program that required a minimum of 500 hours of training. The massage therapy educational program shall be certified or approved by the State Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of § 23.1-226 of the Code of Virginia;
3. Has passed the Licensing Examination of the Federation of State Massage Therapy Boards, or an exam deemed acceptable to the board;
4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in § 54.1-3007 of the Code of Virginia and 18VAC90-50-90; and
5. Has completed a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia.

B. An applicant shall attest that he has read and will comply with laws and regulations and the professional code of ethics relating to massage therapy.

C. An applicant who completed a massage therapy educational program in a foreign country may apply for licensure as a massage therapist upon submission of evidence satisfactory to the board that the applicant:

1. Is at least 18 years old;
2. Has successfully completed a massage therapy educational program in a foreign country that is comparable to a massage therapy educational program required for licensure by the

board as demonstrated by submission of evidence of comparability and equivalency provided by an agency that evaluates credentials for persons who have studied outside the United States;

3. Has passed a board-approved English language proficiency examination; and

4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of licensure as set forth in Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.

The board shall issue a license to an applicant who meets the requirements in this subsection upon submission by the applicant of evidence satisfactory to the board that the applicant has completed an English version of the Licensing Examination of the Federation of State Massage Therapy Boards or a comparable examination deemed acceptable to the board.

18VAC90-50-50. Licensure by endorsement.

A. A massage therapist who has been licensed in another United States jurisdiction with requirements substantially equivalent to those stated in 18VAC90-50-40 and who is in good standing or is eligible for reinstatement, if lapsed, shall be eligible to apply for licensure by endorsement in Virginia.

B. An applicant for licensure by endorsement shall submit a completed application and required fee, including a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia, to the board and shall submit the required form to the appropriate credentialing agency in the state of original licensure or certification for verification.

18VAC90-50-60. Provisional licensure.

A. An eligible candidate who has filed a completed application for licensure in Virginia, including completion of education requirements, may engage in the provisional practice of massage therapy in Virginia while waiting to take the licensing examination for a period not to exceed 90 days from the date on the written authorization from the board. A provisional license may be issued for one 90-day period and may not be renewed.

B. The designation of "massage therapist" or "licensed massage therapist" shall not be used by the applicant during the 90 days of provisional licensure.

C. An applicant who fails the licensing examination shall have his provisional licensure withdrawn upon the receipt of the examination results and shall not be eligible for licensure until he passes such examination.

Part III. Renewal and Reinstatement.

18VAC90-50-70. Renewal of licensure.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. The licensee shall complete the renewal form and submit it with the required fee and attest that he has complied with continuing competency requirements of 18VAC90-50-75.

C. Failure to receive the application for renewal shall not relieve the licensed massage therapist of the responsibility for renewing the license by the expiration date.

D. The license shall automatically lapse by the last day of the birth month if not renewed, and the practice of massage therapy or use of the title "massage therapist" or "licensed massage therapist" is prohibited.

18VAC90-50-75. Continuing competency requirements.

A. In order to renew a license biennially, a licensed massage therapist shall:

1. Hold current certification by the NCBTMB; or

2. Complete at least 24 hours of continuing education or learning activities with at least one hour in professional ethics. Hours chosen shall be those that enhance and expand the skills and knowledge related to the clinical practice of massage therapy and may be distributed as follows:

a. A minimum of 12 of the 24 hours shall be in activities or courses provided by one of the following providers and may include seminars, workshops, home study courses, and continuing education courses.

(1) NCBTMB;

(2) Federation of State Massage Therapy Boards (FSMTB);

(3) American Massage Therapy Association (AMTA);

(4) Associated Bodywork and Massage Professionals (ABMP);

(5) Commission on Massage Therapy Accreditation (COMTA);

(6) A nationally or regionally accredited school or program of massage therapy; or

(7) A school of massage therapy approved by the State Council of Higher Education for Virginia.

b. No more than 12 of the 24 hours may be activities or courses that may include consultation, independent reading or research, preparation for a presentation, a course in cardiopulmonary resuscitation, or other such experiences that promote continued learning.

B. A massage therapist shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The massage therapist shall retain in his records the completed form with all supporting documentation for a period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of licensees to determine compliance. The persons selected for the audit shall provide evidence of current NCBTMB certification or the completed continued competency form provided by the board and all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the massage therapist to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18VAC90-50-80. Reinstatement of licensure.

A. A massage therapist whose license has lapsed may reinstate licensure within one renewal period by attesting to completion of continuing competency requirements for the period and payment of the current renewal fee and the late renewal fee.

B. A massage therapist whose license has lapsed for more than one renewal period shall file a reinstatement application, attest to completion of continuing competency requirements for the period in which the license has been lapsed, not to exceed four years, and pay the reinstatement fee.

C. A massage therapist whose license has been suspended or revoked may apply for reinstatement by filing a reinstatement application meeting the requirements of subsection B of this section, and paying the fee for reinstatement after suspension or revocation.

D. The board may require evidence that the massage therapist is prepared to resume practice in a competent manner.

Part IV. Disciplinary Provisions.

18VAC90-50-90. Disciplinary provisions.

The board has the authority to deny, revoke, or suspend a license issued by it or to otherwise discipline a licensee upon proof that the practitioner has violated any of the provisions of § 54.1-3007 of the Code of Virginia or of this chapter or has engaged in the following:

1. Fraud or deceit which shall mean, but shall not be limited to:

- a. Filing false credentials;
- b. Falsely representing facts on an application for initial licensure, or reinstatement or renewal of a license; or
- c. Misrepresenting one's qualifications including scope of practice.

2. Unprofessional conduct which shall mean, but shall not be limited to:

- a. Performing acts that constitute the practice of any other health care profession for which a license or a certificate is required or acts that are beyond the limits of the practice of massage therapy as defined in § 54.1-3000 of the Code of Virginia;
- b. Assuming duties and responsibilities within the practice of massage therapy without adequate training or when competency has not been maintained;
- c. Failing to acknowledge the limitations of and contraindications for massage and bodywork or failing to refer patients to appropriate health care professionals when indicated;
- d. Entering into a relationship with a patient or client that constitutes a professional boundary violation in which the massage therapist uses his professional position to take advantage of the vulnerability of a patient, a client, or his family, to include but not be limited to actions that result in personal gain at the expense of the patient or client, a nontherapeutic personal involvement or sexual conduct with a patient or client;
- e. Falsifying or otherwise altering patient or employer records;
- f. Violating the privacy of patients or the confidentiality of patient information unless required to do so by law;
- g. Employing or assigning unqualified persons to practice under the title of "massage therapist" or "licensed massage therapist";
- h. Engaging in any material misrepresentation in the course of one's practice as a massage therapist;
- i. Obtaining money or property of a patient or client by fraud, misrepresentation or duress;
- j. Violating state laws relating to the privacy of patient information, including §32.1-127.1:03 of the Code of Virginia;
- k. Providing false information to staff or board members in the course of an investigation or proceeding;
- l. Failing to report evidence of child abuse or neglect as required in § 63.2-1509 of the Code of Virginia or elder abuse or neglect as required in § 63.2-1606 of the Code of Virginia;
- m. Violating any provision of this chapter; or

n. Failing to practice in a manner consistent with the code of ethics of the NCBTMB, as incorporated by reference into this chapter with the exception of the requirement to follow all policies, procedures, guidelines, regulations, codes, and requirements promulgated by the NCBTMB.