

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:020. Fees.

5 RELATES TO: KRS 309.357[, 309.362(2), (3)]

6 STATUTORY AUTHORITY: KRS 309.355(3), 309.357

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board  
8 to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS  
9 309.357 requires the board to establish reasonable fees for the licensure of massage  
10 therapists. KRS 309.357[~~309.362~~](2) and (3) authorize the issuance of an inactive license  
11 and reinstatement. This administrative regulation establishes the fees relating to massage  
12 therapy (MT) licensure.

13 Section 1. Fee Payments. (1) All fees established in Section 2 of this administrative  
14 regulation shall be:

15 (a) Made payable as required by KRS 309.356 to the Kentucky State Treasurer[~~State~~  
16 ~~Treasury~~]; and

17 (b) Paid by:

18 1. Cashier's check;

19 2. Certified check;

20 3. Money order;

21 4. Personal check; or

- 1 5. Online payment by credit card, debit card, or electronic check.
- 2 (2) A payment for an application fee that is incorrect shall be returned to the applicant and
- 3 the application shall not be posted until the correct fee is received.
- 4 (3) The application fee and the initial licensure fee established in Section 2(1) of this ad-
- 5 ministrative regulation shall be nonrefundable.
- 6 (4) If it is determined that a refund of any fee is required, the refund shall be issued to the
- 7 applicant or licensee.

8 Section 2. Fees. (1) The fee for an initial massage therapist license shall be ~~\$200~~[425].

9 (2)(a) The biennial renewal fee for a massage therapist license renewed on or before the

10 renewal date shall be ~~\$200~~[400].

11 (b) If the license is renewed after the renewal date and up to sixty (60) days after expira-

12 tion of the license, the fee for late renewal shall be ~~\$225~~[450].

13 (c) If the license is renewed sixty-one (61) to ninety-one (91[90]) days after the expiration

14 of the license, the late renewal fee shall be ~~\$250~~[250].

15 (d) If a license has been expired for [~~If a license is not renewed within~~]ninety (90) days

16 or more[~~of expiration of the license~~], the licensee shall apply for reinstatement.[~~the appli-~~

17 ~~cant shall comply with KRS 309.357(6)-]~~

18 (3) The licensee may apply to reinstate the license by paying the late renewal fee of \$250

19 and the following reinstatement fee:

20 1. For applications for reinstatement submitted after ninety (90) days but before one (1)

21 year after the license expired, \$100;

22 2. For applications for reinstatement submitted after one (1) year but before two (2) years

23 after the license expired, \$150;

1 3. For applications for reinstatement submitted after two (2) years but before three (3)  
2 years after the license expired, \$200;

3 4. For applications for reinstatement submitted after three (3) years but before four (4)  
4 years after the license expired, \$250; or

5 5. For applications for reinstatement submitted after four (4) years but before five (5)  
6 years after the license expired, \$300.

7 (e) A license shall not be reinstated under Section 2 (2)(d) if more than five (5) years  
8 have passed since the license expired. A person may apply for and obtain a new license  
9 by meeting the current requirements for licensure.

10 (3) A licensee shall be in good standing with the board at the time the licensee elects  
11 inactive status.

12 (4)(a) The annual renewal date for an inactive license shall remain the original issue date  
13 of the license.

14 (b) The fee for the issuance of an inactive license shall be fifty (50) dollars.

15 (c) The annual renewal fee for an inactive license shall be fifty (50)[thirty-five (35)] dollars.

16 (5) If the inactive license is renewed after the renewal date and up to sixty (60) days after  
17 expiration of the license, the fee for late inactive renewal shall be seventy (70) dol-  
18 lars[\$52.50].

19 (6) If the inactive license is renewed sixty-one (61) to ninety (90) days after the expiration  
20 of the license, the late renewal fee shall be eighty-five (85)[seventy (70)] dollars.

21 (7) The application fee for restoring[moving] a license from inactive to active status shall  
22 be fifty (50) dollars and shall not be prorated.

23 (8) A licensee who elects inactive status or an inactive licensee electing to activate his or

1 her license shall complete and submit an Application for Inactive or Return to Active Sta-  
2 tus in addition to the fee referenced in subsection (7) of this section. An applicant shall  
3 affix a two (2) inch by two (2) inch or larger passport quality color photograph of the ap-  
4 plicant to the Application for Inactive or Return to Active Status.

5 (9) A licensee who elects to give notice of the licensee's retirement and voluntarily sur-  
6 render his or her massage therapy license shall complete and submit a notarized Volun-  
7 tary Retirement Non-Renewal form.

8 (10) The fee for an initial Certificate of Good Standing for a program of massage therapy  
9 instruction in accordance with 201 KAR 42:080 Section 2, shall be \$125.

10 (11) The annual fee for renewal of a Certificate of Good Standing for a program of mas-  
11 sage therapy instruction in accordance with 201 KAR 42:080 Section 3, shall be seventy-  
12 five (75) dollars.

13 (12) The fee for a one-time Certificate of Good Standing shall be fifty (50) dollars. This  
14 is only applicable to: out-of-state schools who have a graduate applying to the Board for  
15 licensure as a massage therapist and therefore complete the Certificate of Good Stand-  
16 ing application for the period of time in which the graduate was in attendance.

17 Section 3. Incorporation by Reference. (1) The ~~[following material is incorporated by~~  
18 ~~reference:~~

19 ~~(a) "Application for Inactive Status, Renewal of Inactive Status, or Return to Active Sta-~~  
20 ~~tus", June 2021 is incorporated by reference.~~[October 2016; and~~~~

21 ~~(b) "Voluntary Retirement Non-Renewal", October 2016.]~~

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23 law, at the Department of Professional Licensing, 500 Mero Street~~[Division of~~

1 ~~Occupations and Professions, 911 Leawood Drive~~, Frankfort, Kentucky 40601, Monday  
2 through Friday, 8:00 a.m. to 4:30 p.m. The board's web site address is:  
3 <https://bmt.ky.gov/>.

201 KAR 42:020

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding".

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:035. Application process, exam, and curriculum requirements.

5 RELATES TO: KRS 309.358, 309.359, 309.362, 309.363

6 STATUTORY AUTHORITY: KRS 309.355(1), (3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board  
8 to administer and enforce the provisions of KRS 309.350 to 309.364 and to evaluate the  
9 qualifications of applicants for licensure. KRS 309.355(3) requires the board to promul-  
10 gate administrative regulations to implement KRS 309.350 to 309.364, including educa-  
11 tional program curriculum. The board may issue a license to an applicant meeting the  
12 standards established in KRS 309.358 or 309.359. This administrative regulation estab-  
13 lishes the application process and curriculum requirements for licensure.

14 Section 1. An applicant for licensure as a massage therapist shall:

15 (1) File a completed, signed, and dated Application for Licensure as a Massage Thera-  
16 pist, and the required documentation with the board, meeting the requirements estab-  
17 lished in KRS 309.358;

18 (2) Pay the application fee as established in 201 KAR 42:020; and

19 (3) Affix a two (2) inch by two (2) inch or larger passport quality color head shot photo-  
20 graph of only the applicant to the application form. The photograph submitted with the  
21 application shall be taken within the previous six (6) months to reflect the current ap

1 pearance of the applicant.

2 Section 2. (1) To comply with KRS 309.358(1)(f)~~[(4)]~~, an applicant shall submit to the  
3 board, upon application, an official transcript or certificate that:

4 (a) Shows the completion of at least 600 classroom hours earned at a board approved  
5 massage therapy program; and

6 (b) Itemizes compliance with the clock hour requirements established in KRS  
7 309.363(1)(b).

8 (2) Board approved massage therapy programs include only those programs holding a  
9 C[ertificate of G[ood S]tanding issued pursuant to KRS 309.363, KRS 309.3631,  
10 and 201 KAR 42:080.

11 (3) A massage therapy school which has registered and obtained a school code as-  
12 signment with the National Certification Board for Therapeutic Massage and Bodywork  
13 (NCBTMB) shall maintain good standing with the NCBTMB during the entire period the  
14 applicant attended the school. Suspension or revocation of the NCBTMB school code at  
15 any time during that period shall constitute grounds for:

16 (a) Denial of an application for licensure by graduates of that school; and

17 (b) Revocation of a Certificate of Good Standing held by the massage therapy school.

18 (4) A school's non-renewal of an NCBTMB code while in good standing shall not pre-  
19 clude an applicant from obtaining licensure.

20 Section 3. Examinations. (1) An applicant shall successfully pass an examination:

21 (a) Listed in KRS 309.358(1)(g)~~[(5)]~~; or

22 (b) Approved by the board pursuant to KRS 309.358(1)(g)~~[(5)]~~ and listed in subsection  
23 (4) of this section.



1 (2) An examination shall be approved by the board as meeting the standard established  
2 in KRS 309.358(1)(g)~~[(5)]~~ if the board finds that the examination:

- 3 (a) Has been scientifically constructed to be valid and objective;
- 4 (b) Reflects the curriculum content established in KRS 309.363(1);
- 5 (c) Has security procedures to protect the exam content; and
- 6 (d) Has clear application, reporting, and appeal procedures.

7 (3) Approval of exams shall be noted in the board minutes and on the board Web site at  
8 <http://bmt.ky.gov>.

9 (4) The following examinations have been approved by the board pursuant to KRS  
10 309.358(1)(g)~~[(5)]~~:

11 (a) The Massage and Bodywork Licensing Examination (MBLE~~x~~) or other exam admin-  
12 istered by the Federation of State Massage Therapy Boards (FSMTB);

13 (b) An entry level examination administered by the National Certification Board for  
14 Therapeutic Massage and Bodywork (NCBTMB);

15 (c) Any examination of a certifying agency approved by National Commission on Certify-  
16 ing Agencies (NCCA);

17 (d) An entry level massage therapy examination administered by the National Board  
18 Certification Agency (NBCA);

19 (e) The State of Ohio Massage Therapy Licensing Exam; and

20 ~~(f)~~[(e)] The State of New York Massage Therapy Licensing Exam.~~]; or~~

21 ~~(d) The National Board Certification Agency (NBCA) Massage Therapy Certification Ex-~~  
22 ~~am, Level One.~~];

23 Section 4. (1) An applicant with a criminal history, excluding minor traffic violations,

1 may be required to~~shall~~ participate in an in-person interview with~~be interviewed by~~  
2 the board's Application Committee prior to licensure. The purpose of this interview~~with~~  
3 ~~the board's application committee~~ shall be to find if the applicant meets~~complies with~~  
4 the requirement for good moral character established in KRS 309.358(1)(c).~~(3) and~~  
5 ~~335B.040, and the~~ The interview shall be conducted pursuant to the board's authority  
6 under KRS 309.355(2),~~KRS~~ 309.362(1)(b), and 309.362(2) and in accordance with  
7 KRS 335B.010 to 335B.070.

8 (2) All applicants shall submit a recent fingerprint-supported background check per-  
9 formed by the Kentucky State Police and the Federal Bureau of Investigation. The re-  
10 quired background check shall be applied for within the ninety (90) days preceding the  
11 date of submission of the application for licensure to the board.

12 Section 5. Appeals. (1) ~~Upon initial review, the board shall make a prelimi-~~  
13 ~~nary determination with respect to an application.~~ An applicant may appeal the denial  
14 ~~of a preliminary determination denying~~ his or her licensure application by requesting a  
15 hearing in accordance with KRS 309.362(2).~~(4)~~. In order to request a hearing, the ap-  
16 plicant shall file a notice of appeal in writing~~by certified mail that is received by the~~  
17 ~~board~~ within thirty (30) days of the date of the letter informing the applicant of the ~~pre-~~  
18 ~~liminary determination of~~ denial.

19 Section 6. Incorporation by Reference. (1) The "Application for Licensure as a Mas-  
20 sager Therapist", June 2021~~September 2015~~, is incorporated by reference.

21 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
22 law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, KY  
23 40601~~Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Ken-~~

- 1 ~~tucky 40601~~, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's web site ad-
- 2 dress is: <https://bmt.ky.gov/>.

201 KAR 42:035

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding". The ink is a light grey or blue color.

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:040. Renewal and reinstatement.

5 RELATES TO: KRS 309.357(1)(a)~~[(3), (4), (5), (6)]~~, 309.361, 309.362

6 STATUTORY AUTHORITY: KRS 309.355(1), (3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board  
8 to administer and enforce the provisions of KRS 309.350 to 309.364 and authorizes li-  
9 censure renewal. KRS 309.355(3) requires the board to promulgate administrative regu-  
10 lations to implement KRS 309.350 to 309.364. KRS 309.357(1)(a) requires the board to  
11 establish a schedule of fees for the renewal of licenses, the reinstatement of licenses,  
12 and establishes requirements for placing licenses in inactive status and for restoring li-  
13 icensing to active status.~~[(3) requires all licenses to be renewed.]~~ KRS 309.361(1) desig-  
14 nates a two (2) year renewal period. This administrative regulation establishes the re-  
15 quirements for renewal of licenses and the reinstatement of expired licenses that have  
16 been expired for less than five (5) years' time.

17 Section 1. (1) A license to practice massage therapy shall be renewed upon:

18 (a) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2),  
19 on or before the anniversary date of issue of license;

20 (b) Submission to the board of a completed~~[the]~~ Application for Renewal form and the  
21 following written information:

- 1 1. Current complete home address, email address~~[to receive communications from the~~  
2 ~~board]~~, and telephone number, to receive communications from the board;
- 3 2. Current complete name, address, and telephone number of each location in which  
4 massage therapy service is provided by the licensee;
- 5 3. A list indicating completion of the continuing education hours~~[units taken during the~~  
6 ~~licensure renewal period]~~ as required by 201 KAR 42:110. The list shall:
- 7 a. Itemize the number of clock hours credited for each course; and
- 8 b. Designate the courses that fulfill the three (3) required hours of ethics training; and
- 9 4. Confirmation that, since the license was issued or renewed, the licensee has not:
- 10 a. Been convicted of a felony; or
- 11 b. Had his or her license disciplined and is not currently under disciplinary review in an  
12 other state;~~;~~~~or~~
- 13 ~~c. Defaulted on the repayment obligation of financial aid programs administered by the~~  
14 ~~Kentucky Higher Education Assistance Authority (KHEAA) pursuant to KRS 164.772;~~
- 15 and
- 16 (c) Submission of a two (2) inch by two (2) inch or larger passport quality color head shot  
17 photograph of only the applicant to the board affixed to the Application for Renewal form.  
18 The photograph submitted with the application shall be taken within the previous six (6)  
19 months to reflect the current appearance of the applicant.
- 20 (2)(a) A licensee who has been convicted of a crime or who has been disciplined or is  
21 currently under disciplinary investigation or review by the board of another jurisdiction  
22 during the licensure period immediately preceding the submission of the Application for  
23 Renewal may be required to~~[shall]~~ participate in an in-person interview with the board's

1 Application Committee prior to renewal of the license. The purpose of this interview~~[with~~  
2 ~~the board's application committee]~~ shall be to find if the licensee ~~[met]~~meets the require-  
3 ment of good moral character established in KRS 309.358(1)(c)~~[(3) and 335B.040]~~. The  
4 interview shall be conducted pursuant to the board's authority under KRS 309.355(2)~~[(3)]~~,  
5 309.362(1)(b), and 309.362(2)~~[(4)]~~, and in accordance with KRS 335B.010 to 335B.070.

6 (b) Each applicant for renewal who has been convicted of a crime or who has been dis-  
7 ciplined by the board of another jurisdiction during the licensure period immediately pre-  
8 ceding the submission of the Application for Renewal shall submit a recent fingerprint  
9 supported background check performed by the Kentucky State Police and the Federal  
10 Bureau of Investigation. The required background check shall be applied for within the  
11 ninety (90) days preceding the date the Application for Renewal is submitted.

12 (3) If~~[, upon a preliminary review,]~~ the board~~[determines that]~~ denies an Application for  
13 Renewal~~[shall be denied]~~, notice~~[of the preliminary decision]~~ shall be sent to the licensee  
14 and the licensee shall have thirty (30) days from the date of the notice~~[letter]~~ to request  
15 an Administrative Hearing in accordance with KRS Chapter 13B by filing a written request  
16 for an appeal ~~[a hearing in writing by certified mail]~~with the board. ~~[If a written [a]request~~  
17 ~~for an appeal[hearing] by the licensee is not received by the board within thirty (30) days~~  
18 ~~of the notice of the board's preliminary decision[letter], the licensee shall be found to have~~  
19 ~~voluntarily withdrawn his or her Application for Renewal.]~~

20 (4) A revoked license shall not be renewed.

21 Section 2. A licensee convicted of a felony or disciplined by the board of another juris-  
22 diction~~[in the interim period between issuance and renewal of the license, or between~~  
23 ~~renewal periods]~~, shall submit notice of the conviction or discipline to the board within

1 sixty (60) days of the discipline or conviction.

2 Section 3. If payment and complete information are not received by the board on or  
3 before the anniversary date of the issuance of the license, the license shall expire and  
4 the person shall not practice nor represent himself or herself as a massage therapist in  
5 Kentucky.

6 Section 4. (1) An expired license shall be renewed within ninety (90) days of expiration  
7 if the applicant submits:

8 (a) A completed Application for Renewal form;

9 (b) Documentation of successful completion of twelve (12)~~twenty-four (24)~~ hours of con-  
10 tinuing professional education, which:

11 1. Includes studies in ethics, business practices, science, and techniques related to mas-  
12 sage therapy;

13 2. Have been credited within two (2) years prior to the renewal deadline; and

14 3. Have not been previously used within the same renewal period to satisfy Kentucky  
15 license renewal requirements; and

16 (c) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2), (5), or  
17 (6).

18 (2) If ninety-one (91) days or more, but less than five (5) years, have elapsed since the  
19 license expiration, the licensee shall file an Application for Reinstatement.~~[(a) A written~~  
20 ~~request for an extension of time to file a completed Application for Renewal form shall be~~  
21 ~~submitted to the board no later than ninety (90) days after the expiration of the license.~~

22 ~~(b) An applicant submitting an Application for Renewal form later than ninety (90) days~~  
23 ~~after the expiration date shall attach a written explanation for the late filing to the form. An~~



1 ~~Application for Renewal submitted later than ninety (90) days without a written explana-~~  
2 ~~tion for the late filing shall be considered incomplete.~~

3 ~~(c) The board shall permit late renewal beyond ninety (90) days after the expiration of the~~  
4 ~~license for an applicant submitting documented proof of a medical disability or illness, or~~  
5 ~~active military service that precluded the timely submission of an Application for Renewal~~  
6 ~~form.~~

7 ~~(d) The board shall not waive the late renewal fee required by KRS 309.357(6)(a).]~~

8 Section 5. (1) A licensee shall at all times display a copy of the licensee's current  
9 license certificate at the primary massage therapy service location. A digital copy of the  
10 licensee's certificate shall be provided to the licensee upon initial licensing and renewal  
11 and available for download by the licensee.

12 (2) A licensee shall provide verification of current licensure upon request if he or she is  
13 currently engaged in the practice of massage therapy, intends to engage within a reason-  
14 able time in the practice of massage therapy, or has engaged in the practice of massage  
15 therapy immediately prior to the request.

16 (3) Official verification of licensure status shall be available on the board's Web site at  
17 <http://bmt.ky.gov>.

18 Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Be-  
19 fore the expiration of five (5) years of inactive status, a licensee [~~requesting to return~~]seek-  
20 ing restoration to active status shall:

21 1. Provide proof to the board of completion of~~continuing education required by KRS~~  
22 ~~309.362(3)]~~ one (1) hour of continuing professional education for every six (6) months the  
23 license has been in an inactive state, not to exceed five (5) years, in accordance with

1 309.357(3). If an applicant obtained inactive status within ninety (90) days of a biennial  
2 renewal date, the applicant shall also provide proof of the twelve (12) required CE hours  
3 for renewal and pay the renewal fee~~[-At least three (3) of the continuing education hours~~  
4 ~~submitted shall be focused on the area of ethics];~~

5 2. Complete the Application for Inactive Status, Renewal of Inactive Status, or Return to  
6 Active Status, as required by 201 KAR 42:020, Section 2(8); and

7 3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).

8 (b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection  
9 may be counted toward continuing education requirements~~[used]~~ for the next regular re-  
10 newal period.

11 (2) After more than five (5) years of inactive status, a person requesting to return to active  
12 status shall reapply as required by KRS 309.~~357(1)(d)~~~~[362(3)]~~.

13 Section 7. (1) A former licensee whose license has been expired for less than five (5)  
14 years shall apply for reinstatement of the license by:

15 (a) Submitting a completed "Application for Reinstatement";

16 (b) Submitting proof of completion of a total of credit hours of continuing professional  
17 education determined at the rate of one-half (1/2) credit hour for each month having  
18 passed since the license expired; and

19 (c) Paying the applicable fee set forth in 201 KAR 42:020 Section 2(3).

20 (2) Continuing professional education credit hours completed by an applicant for rein-  
21 statement:

22 (a) May have been obtained by the applicant at any time after the license expired, but  
23 must have been obtained prior to submitting the Application for Reinstatement; and

1 (b) Must meet the requirements for board-approved continuing education courses set  
2 forth at 201 KAR 42:110 Section 3.

3 (3) A license shall not be reinstated if more than five (5) years have passed since the  
4 license expired pursuant to Section 3. A person may apply for and obtain a new license  
5 by meeting the current requirements for licensure.

6 (4)(a) Each applicant for reinstatement who has been convicted of a crime since the li-  
7 cence expired shall submit a fingerprint supported background check performed by the  
8 Kentucky State Police and the Federal Bureau of Investigation. The background check  
9 shall be applied for within the ninety (90) days preceding the date the Application for  
10 Reinstatement is submitted.

11 (b) If an applicant for reinstatement has been convicted of a crime or has been disciplined  
12 or is currently under disciplinary investigation or review by the board of another jurisdic-  
13 tion, the applicant shall include a written explanation of the charges and proof of disposi-  
14 tions with the application, and the board may require the applicant to participate in an in-  
15 person interview with the board's Application Committee prior to reinstatement of the li-  
16 cence. The purpose of this interview shall be to find if the licensee meets the requirement  
17 of good moral character established in KRS 309.358(1)(c). The interview shall be con-  
18 ducted pursuant to the board's authority under KRS 309.355(2), 309.362(1)(b), and  
19 309.362(2), and in accordance with KRS 335B.010 to 335B.070.

20 (5) If the board denies an Application for Reinstatement, notice of the decision shall be  
21 sent to the applicant for reinstatement and the applicant shall have thirty (30) days from  
22 the date of the notice to request an Administrative Hearing in accordance with KRS Chap-  
23 ter 13B by filing a written request for an appeal with the board.

1 (6) A revoked license shall not be reinstated.

2 Section 8[7]. Incorporation by Reference.(1) The following forms are incorporated by  
3 reference:

4 (a) "Application for Renewal", June 2021; and

5 (b) "Application for Reinstatement", June 2021~~[October 2016, is incorporated by refer-~~  
6 ~~ence.]~~

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9 40601~~[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Ken-~~  
10 ~~tucky 40601]~~, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's web site ad-  
11 dress is: <https://bmt.ky.gov/>.

201 KAR 42:040

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding". The ink is a light grey or blue color.

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:050. Complaint procedure and disciplinary action.

5 RELATES TO: KRS 309.351, 309.355(1), (2), (6), 309.362

6 STATUTORY AUTHORITY: KRS 309.355(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board  
8 to regulate the practice of massage therapy. KRS 309.355(2) requires the board to in-  
9 vestigate every alleged violation and take appropriate action. This administrative regula-  
10 tion establishes the procedure for filing a complaint and the action to be taken by the  
11 board on a complaint and disciplinary action of a licensee or applicant in violation of  
12 KRS 309.351 or 309.362.

13 Section 1. Definitions. (1) "Complaint committee" means a committee of the board  
14 that:

15 (a) Reviews an initiating complaint; and

16 (b) 1. Recommends dismissal or further investigation of the complaint; or

17 2. Determines the existence of sufficient evidence to bring a formal complaint.

18 (2) "Formal complaint" means a formal administrative pleading authorized by the board  
19 that sets forth a charge against a licensee or applicant and commences a formal disci-  
20 plinary proceeding under KRS Chapter 13B.

21 (3) "Initiating complaint" means a written complaint alleging a violation of KRS 309.350

1 through 309.364.

2 (4) "Respondent" means the person against whom an initiating complaint or formal  
3 complaint has been made.

4 Section 2. Initiating Complaint. (1) A complaint may be initiated by:

5 (a) An individual;

6 (b) A state or government agency;

7 (c) Another member of the massage therapy profession; or

8 (d) The board.

9 (2) An initiating complaint shall be made in writing to the board and received in the  
10 board office.

11 (3) The board may conduct an investigation on its own initiative, without receipt of a  
12 complaint, if the board has reason to believe that there may be a violation of KRS  
13 309.350 through 309.364, or 201 KAR Chapter 42.

14 (4) A certified copy of a court record for conviction of a misdemeanor or felony shall be  
15 considered a valid reason for an initiating complaint~~[The complaint shall be submitted~~  
16 ~~on a Form to File a Complaint or Unlicensed Activity Report.]~~.

17 (5) Any complaint shall be in writing, identify the complainant, including name and con-  
18 tact information, and contain specific details regarding the complaint. Complaints with-  
19 out the required information will not be processed.

20 Section 3. Procedure Upon Receipt of Initiating Complaint. (1) Upon receipt of the ini-  
21 tiating complaint, the board office shall send a copy of the initiating complaint to the re-  
22 spondent at the respondent's last address of record with the board.

23 (2) The respondent shall file a response to the initiating complaint with the board within

1 twenty (20) days after the board mails the initiating complaint to the respondent.

2 (3) The allegations in an initiating complaint shall be considered true if the respondent  
3 fails to respond to the initiating complaint in a timely fashion.

4 ~~[(4) The board shall use the procedures established in this subsection to redact an initi-~~  
5 ~~ating complaint.~~

6 ~~(a) A copy of an initiating complaint may be redacted of personal names, personal iden-~~  
7 ~~tification numbers, and personal contact information upon recommendation of the com-~~  
8 ~~plaint committee and consent by majority vote of the full board. The board shall keep~~  
9 ~~the original initiating complaint free of redactions and store the document in the com-~~  
10 ~~plaint case file.~~

11 ~~(b) The board may send a redacted copy of an initiating complaint to the respondent to~~  
12 ~~meet the requirements of subsection (1) of this section. The original initiating complaint~~  
13 ~~that is free of redactions may be viewed by the respondent upon written request submit-~~  
14 ~~ted to the board. The original copy of the initiating complaint that is free of redactions~~  
15 ~~shall not be released to the respondent or the public until final disposition of the matter.]~~

16 Section 4. (1) The complaint committee shall:

17 (a) Review the initiating complaint and the response filed by the respondent at its next  
18 meeting; and

19 (b) Recommend one (1) of the following options to the board at the board's next meet-  
20 ing:

21 1. Dismissal;

22 2. Further investigation;

23 3. Issuance of a formal complaint; or



1 4. Referral to another government agency.

2 (2) A complaint committee member having any known conflict of interest shall be  
3 recused from the matter and disclose the existence of the conflict in a regular board  
4 meeting.

5 Section 5. Board Action upon Recommendation of Complaint Committee. At the  
6 board's next meeting following review by the complaint committee, the board shall re-  
7 view the committee's recommendations and shall accept or reject the recommendations  
8 in whole or in part.

9 Section 6. Dismissals. The complainant and respondent shall be notified if a case is  
10 dismissed.

11 Section 7. Investigations. (1) If investigation is warranted, the board shall appoint one  
12 (1) of its members or an agent or representative of the board to conduct an investigation  
13 of the complaint.

14 (2) In its investigation, the board may be assisted by:

15 (a) Board staff;

16 (b) A board agent; or

17 (c) The Office of the Attorney General.

18 Section 8. Formal complaints. If the board finds that sufficient evidence exists to file a  
19 formal complaint, the board shall:

20 (1) Resolve the case informally by agreed order; or

21 (2) File a formal complaint, in accordance with KRS Chapter 13B.

22 Section 9. Settlement by Informal Proceedings. (1) The board, through counsel, may  
23 enter into informal discussions or negotiations with the respondent for the purpose of

1 appropriately dispensing with the matter.

2 (2) An agreed order or settlement reached through informal proceedings shall be ap-  
3 proved by the board and signed by the chair of the board, the respondent, and the re-  
4 spondent's attorney. A copy shall be placed in the licensee's file and a copy shall be  
5 mailed to the complainant.

6 (3) The board may employ mediation as a method of resolving the matter informally.

7 Section 10. Procedures for Disciplinary Hearings. (1) All procedures for disciplinary  
8 hearings shall conform to KRS Chapter 13B.

9 (2) Testimony to be considered by the board, hearing panel, or hearing officer, if any,  
10 may be taken by deposition. A party or witness may be allowed to testify by deposition,  
11 rather than attend the hearing, upon a showing of inability to attend and a showing that  
12 other parties shall have an opportunity to cross-examine at the deposition. The presid-  
13 ing officer or hearing officer, if any, shall rule upon motions to allow testimony to be  
14 considered by deposition, subject to review and approval by the board.

15 (3) The presiding officer or hearing officer, if any, may order that at least five (5) days  
16 prior to the hearing, each party shall file a summary of each witness' expected testimo-  
17 ny.

18 (4) The board may request recovery of administrative costs and fees incurred by the  
19 board in processing, investigating, or administering a complaint to be paid by a re-  
20 spondent. The request shall be submitted by motion to an administrative hearing officer  
21 assigned under KRS 13B.080 to preside over a KRS Chapter 13B hearing of the com-  
22 plaint. The request may also be made to a circuit court judge presiding over an action  
23 for injunction filed by the board pursuant to KRS 309.355(6).

1 Section 11. Final Disposition. Upon reaching a decision, the board shall notify the re-  
2 spondent in writing, by certified mail or personal service, of its final disposition of the  
3 matter and the complainant shall be notified by regular mail.

4 Section 12. Incorporation by Reference. (1) The following material is incorporated by  
5 reference:


6 (a) "Form to File a Complaint", June 2021~~[January 2014]~~; and

7 (b) "Unlicensed Activity Report", June 2021~~[January 2014]~~.

8 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
9 law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, KY  
10 40601.~~[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Ken-~~  
11 ~~tucky 40601,], Monday through Friday, 8:00 a.m. to 4:30 p.m.]~~ The board's web site ad-  
12 dress is: <https://bmt.ky.gov/>.

201 KAR 42:050

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding". The ink is dark and the signature is centered below the "APPROVED BY AGENCY:" text.

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:060. Code of ethics and standards of practice for massage therapists.

5 RELATES TO: KRS 309.355(1), (3), 309.362

6 STATUTORY AUTHORITY: KRS 309.355(1), (3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the Board  
8 of Licensure for Massage Therapy to administer and enforce the provisions of KRS  
9 309.350 to 309.364. KRS 309.355(3) requires the board to establish by administrative  
10 regulation a code of ethics and standards of practice for massage therapists. This ad-  
11 ministrative regulation establishes those standards, which, if violated, are a basis for  
12 disciplinary action under KRS 309.362.

13 Section 1. Code of Ethical Standards for the Massage Therapist. A massage thera-  
14 pist shall:

15 (1) Maintain the confidentiality of all client information, unless law or court order man-  
16 dates disclosure;

17 (2) Keep the client well informed of procedures and methods that will be employed dur-  
18 ing the session;

19 (3) Report to the board if the massage therapist has first-hand knowledge or evidence  
20 indicating any unethical, incompetent, or illegal act has been committed by another li

- 1 censee;
- 2 (4) Take precautions to do no harm to the physical, mental, and emotional well being
- 3 of clients or associates;
- 4 (5) Make every reasonable effort to report unlicensed practice of massage therapy to
- 5 the board;
- 6 (6) Represent his or her educational and professional qualifications honestly;
- 7 (7) Inform clients of the limitations of the licensee's practice;
- 8 (8) Consistently take measures to improve professional knowledge and competence by
- 9 a regular assessment of personal and professional strengths and weaknesses through
- 10 continuing education training;
- 11 (9) Respect the client's right to treatment with informed and voluntary consent, either
- 12 verbal or written, and to refuse, modify, or terminate treatment regardless of prior con-
- 13 sent;
- 14 (10) Not ~~initiate or~~ engage in sexual conduct or activities with a client;
- 15 (11) Not engage in an interest, activity, or influence that conflicts with the practitioner's
- 16 obligation to act in the best interest of the client;
- 17 (12) Respect the client's boundaries with regard to privacy, disclosure, exposure, emo-
- 18 tional expression, beliefs, and reasonable expectations of professional behavior;
- 19 (13) Refuse to accept gifts or benefits, which are intended to influence a referral or
- 20 treatment that are purely for personal gain and not for the good of the client;
- 21 (14) Conduct all business and professional activities with honesty and integrity;
- 22 (15) Respect the inherent worth of all clients;
- 23 (16) Provide only those services that the licensee is qualified to perform; and

1 (17) Respect the client's autonomy.

2 Section 2. Standards of Practice for the Massage Therapist. (1) In the practice of  
3 massage therapy, a massage therapist shall:

4 (a) Perform a written or verbal intake interview with the client to evaluate if any contra-  
5 indications to massage therapy exist and if modifications including pressure, technique,  
6 and duration of treatment are applicable;

7 (b) Evaluate each client through observation, palpation, and any relevant records pro-  
8 vided by the client;

9 ~~(c)~~~~(b)~~ Acknowledge the limitations of, and contraindications for, massage;

10 (d) Plan and implement a treatment session or program individualized for the client;

11 ~~(e)~~~~(c)~~ Refer the client to other professionals or services if the treatment or service is  
12 beyond the massage therapist's scope of practice;

13 ~~(f)~~~~(d)~~ Maintain for a minimum period of five (5) years accurate, timely, and organized  
14 records of every client;

15 ~~(g)~~~~(e)~~ Provide massage therapy services that meet or exceed the generally accepted  
16 practice of the profession;

17 ~~(h)~~~~(f)~~ If a plan of care or treatment is applicable, explain the plan to the client, to others  
18 designated by the client, and to professionals with client permission;

19 ~~(i)~~~~(g)~~ Unless prohibited by law, be allowed to pool or apportion fees received with other  
20 members of a business entity in accordance with any business agreement;

21 ~~(j)~~~~(h)~~ Practice massage therapy in sanitary and safe conditions; ~~and~~

22 (k) Use proper draping technique;

- 1 i. Before beginning a massage, the therapist must explain to the client the draping tech-  
2 niques that will be used; and
- 3 ii. Provide the client a clean drape large enough for the purpose of draping the buttocks,  
4 genitalia, and chest. Such body parts must remain covered except during therapeutic  
5 treatment of those specific areas, with the exception of the genitalia, which shall always  
6 remain covered; and
- 7 (l)(4)] Have the right to refuse to treat any person or part of the body at the licensee's  
8 discretion.
- 9 (2) In the practice of massage therapy, a massage therapist shall not:
- 10 (a) Provide treatment to the anus or anal canal, including, but not limited to, colonic irri-  
11 gations and enemas; or
- 12 (b) Provide treatment to the genitals, including, but not limited to, erectile dysfunction or  
13 pelvic floor issues.
- 14 (3) Interacting with other medical professionals. With written permission from the client,  
15 the massage therapist may interact with the client's physician or other healthcare pro-  
16 viders if the client is under direct medical care.
- 17 (4) If the client is self-referred and under the care of a health care professional, the  
18 massage therapist may, with written permission from the client:
- 19 (a) Advise the health care professional that the patient is seeking massage treatment;  
20 (b) Provide to the health care professional the massage therapist's evaluation results;  
21 (c) Advise the health care professional of the noted treatment plan; and  
22 (d) Provide a follow-up report upon completion of the massage treatment plan to en-  
23 hance communication between the multidisciplinary care-giving team.



1 (5) Breast massage. A licensee performing massage of the tissue of the breast shall:

2 (a) Obtain the client's informed written consent prior to providing the service;

3 (b) Maintain proof documenting specialized training in breast massage which addresses  
4 breast anatomy, breast pathology, and breast massage technique and which was pro-  
5 vided by an approved massage therapy program or board approved continuing educa-  
6 tion provider;

7 (c) Inform the client prior to the commencement of the service that this service may be  
8 performed through a draping sheet if the client so desires and the licensee shall provide  
9 the service through a draping sheet if the client so prefers;

10 (d) Inform the client prior to the commencement of the service that the client may dis-  
11 continue the service at any time and the licensee shall honor that election by discontinu-  
12 ing the provision of the service if that request is made;

13 (e) Keep detailed Subjective Objective Analysis Plan notes for the service such as notes  
14 related to all emotional factors that the client reports to the licensee which might impact  
15 the client's suitability for the service and the precautions that the licensee has taken to  
16 ensure that the service is provided in a manner accounting for those emotional factors;  
17 and

18 (f) Refrain from an act or statement which the client may construe as being sexual in na-  
19 ture.

20 Section 3. Standards for Documentation. The massage therapist and client shall agree  
21 upon the purpose of the massage session.

22 (1) Documentation shall not be required if the massage session is for general relaxation,  
23 a sports event massage, or public demonstration as in chair massage.

- 1 (2) If a written plan of treatment is requested or required, the client file shall include the  
2 following documentation:
- 3 (a) The initial evaluation, which shall include:
- 4 1. The client's name, age, and gender;
  - 5 2. Date of the session; and
  - 6 3. Pertinent medical history, including:
    - 7 a. Client sensitivities and allergies;
    - 8 b. Medical diagnoses, if available, and the source of the diagnosis;
    - 9 c. Contraindications; and
    - 10 d. Medications as disclosed by the client;
- 11 (b) Progress notes signed by the massage therapist rendering the massage therapy,  
12 which shall include:
- 13 1. Subjective information including the area of complaint as stated by the client and the  
14 date of onset;
  - 15 2. Objective information including any observations and objective testing, if applicable;
  - 16 3. Ongoing assessments, if applicable;
  - 17 4. Actions taken by the massage therapist; and
  - 18 5. The client response to massage therapy treatment; and
- 19 (c) A plan of treatment, if applicable, consisting of:
- 20 1. Modalities to be rendered;
  - 21 2. Frequency and duration of treatment;
  - 22 3. Referral to other professionals, if indicated;
  - 23 4. Client self-help education and instruction; and

1 5. The goals or desired outcome of the treatment.

201 KAR 42:060

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding". The ink is a light grey or blue color.

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

1 BOARDS AND COMMISSIONS

2 Board of Licensure for Massage Therapy

3 (Amendment)

4 201 KAR 42:110. Continuing education requirements.

5 RELATES TO: KRS 309.351, 309.355, 309.361

6 STATUTORY AUTHORITY: KRS 309.355(3)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board  
8 to promulgate an administrative regulation establishing a requirement for continuing ed-  
9 ucation as a condition for renewal of a license. KRS 309.361 identifies the requirements  
10 for continuing education and prescribes the types of courses required during the renew-  
11 al period. This administrative regulation establishes the procedures and standards for  
12 submitting documentation to meet the continuing education requirements for renewal of  
13 a license.

14 Section 1. Definitions. (1) "ABMP" means the Associated Bodywork and Massage  
15 Professionals.

16 (2) "AMTA" means the American Massage Therapy Association.

17 (3) "AOBTA" means the American Organization for Bodywork Therapies of Asia.

18 (4) "Board" is defined by KRS 309.350(1).

19 (5) "CE hour" means continuing education hours consisting of fifty (50) minutes of an  
20 organized learning activity that is either didactic or clinical experience and shall exclude  
21 meals, breaks, and registration.

1 (6) "Competency" means the study, development, and demonstration of knowledge and  
2 skills in meeting professional expectations as a massage therapist.

3 (7) "Continuing education" means participation in an approved program or learning ex-  
4 perience that is designed to facilitate continued competency including ethical and legal  
5 practice in the therapeutic massage and bodywork profession through participation in a  
6 learning process that enhances the licensee's current knowledge, skills, and abilities in  
7 the profession.

8 (8) "FSMTB" means the Federation of State Massage Therapy Boards.

9 (9) "NCBTMB" means the National Certification Board for Therapeutic Massage and  
10 Bodywork.

11 (10) "NCCAOM" means the National Certification Commission for Acupuncture and Ori-  
12 ental Medicine.

13 (11) "Provider" means an organization, entity, or individual that has met the require-  
14 ments of the board to provide educational courses that are designed to ensure contin-  
15 ued competence in the practice of massage therapy.

16 (12) "Self-paced learning" means a course designated for an individual to learn at his or  
17 her own pace and is often referred to as correspondence or home study with testing or  
18 an evaluation process.

19 Section 2. Accrual of CE Hours; Computation of Accrual. (1) A licensee shall accrue  
20 a minimum of twelve (12) CE~~[twenty-four (24) continuing education]~~ hours during a two  
21 (2) year licensure period for renewal of a license, beginning on the date of license issue.

22 (2) A minimum of three (3) of the twelve (12)~~[twenty-four (24)]~~ hours required by sub-  
23 section (1) of this section shall be accrued in the field of professional ethics.

1 (3) All CE hours shall be in or related to the practice of massage therapy.

2 (4) Coursework related to therapeutic techniques conducted on animals shall not be ap-  
3 proved for continuing education credit.

4 Section 3. Acquisition of CE Hours. (1) CE hours applicable to the renewal of a li-  
5 cense shall be directly related to the professional growth and development of massage  
6 therapy practitioners. CE hours may be earned by completing any of the educational ac-  
7 tivities described in this subsection.

8 (a) Courses Not Requiring Board Review and Approval. Courses from the following  
9 sources shall be relevant to the practice of massage therapy and shall be approved if  
10 the course is in or relates to massage therapy and does not violate any of the prohibi-  
11 tions contained in this administrative regulation:

- 12 1. Courses and Learning Opportunities approved by the NCBTMB;
- 13 2. Courses offered by the AMTA and its state affiliates;
- 14 3. Courses approved by the NCCAOM;
- 15 4. Courses offered by the AOBTA and its state affiliates;
- 16 5. Courses offered by the ABMP;
- 17 6. Kentucky board approved massage therapy programs of instruction or massage ther-  
18 apy programs duly licensed to operate in other states;
- 19 7. Relevant academic courses completed in a degree-granting college or university ac-  
20 credited by an agency that is approved by the Council on Higher Education Accredita-  
21 tion (CHEA); or
- 22 8. Courses offered by the FSMTB.

23 (b) Programs Requiring Board Review and Approval. All other programs, including self-

1 paced learning courses and in-service training provided by organizations, educational  
2 institutions, or other service providers not listed in paragraph (a) of this subsection, and  
3 programs or academic courses presented by the licensee shall require approval by the  
4 board.

5 (c) Required Training for pulsed electromagnetic field (PEMF) or microcurrent devices.

6 Massage therapists who use PEMF therapy or microcurrent devices shall be able to  
7 prove training in the use of the device they employ. Such training may be provided by  
8 entities described in Section 3 (1)(a) and (b), or by the manufacturer of the device if the  
9 Applications Committee reviews the training and finds that it provides clear guidelines  
10 for proper application, indications and contraindications. Manufacturer training will not  
11 be considered for CE credit unless the training has been approved by the board as de-  
12 scribed in Section 3(1)(b).

13 (2) Presenters of relevant programs or academic courses may earn double continuing  
14 education credit for the length of presentation time, not to exceed six (6) CE~~twelve (12)~~  
15 hours per renewal cycle.

16 (3) Credit shall not be issued for repeated instruction of the same course.

17 (4) A licensee shall not receive credit for completing the same CE course within the two

18 (2) year renewal period.

19 Section 4. Documentation of CE Hours. (1) A licensee shall furnish the following in-  
20 formation regarding completion of the appropriate number of CE hours for the current  
21 renewal period:

22 (a) Name of course, date, and the author or instructor;

23 (b) Name of providing organization and the location of the course;



- 1 (c) The number of hours attended;
- 2 (d) Provider number;
- 3 (e) Provider name and telephone number for board verification;
- 4 (f) Official transcripts with a raised seal showing academic credits and grades awarded
- 5 if courses are received from a university, college, or vocational technical adult education
- 6 facility; and
- 7 (g) Documentation of completion, if requested by the board.

8 (2) A licensee who supplies false information to the board in order to comply with the  
9 CE requirements of this administrative regulation shall be subject to disciplinary action  
10 that may include suspension or revocation of license.

11 Section 5. Procedures for Preapproval of Continuing Education Courses. (1) An entity  
12 seeking to obtain approval of a continuing education course prior to its offering shall  
13 complete a Continuing Education Program Application and submit it to the board at  
14 least sixty (60) days in advance of the commencement of the course, stating the:

- 15 (a) Type of learning activity;
- 16 (b) Subject matter;
- 17 (c) Names and qualifications of the instructors;
- 18 (d) Number of CE~~continuing education~~ hours offered; and
- 19 (e) Statement of how the CE course relates to massage therapy.

20 (2) A CE activity shall be preapproved if the activity being presented:

- 21 (a) Is an organized course of learning;
- 22 (b) Pertains to subject matters that integrally relate to the practice of massage therapy;
- 23 (c) Contributes to the professional competency of the licensee; and

1 (d) Is conducted by an individual with approved educational training or experience.

2 (3) The board shall review preapproval requests meeting the board's deadline at the  
3 board meeting immediately following the submittal and receipt of all required materials.

4 An entity shall submit a preapproval request, and all required materials shall be re-  
5 ceived by the board at least one (1) business day before the board meeting. The board  
6 may defer a preapproval request to the next board meeting if the request did not meet  
7 the deadline established in this subsection.

8 Section 6. Responsibilities and Reporting Requirements of Licensees. A licensee  
9 shall:

10 (1) Identify the licensee's own continuing education needs, take the initiative in seeking  
11 continuing professional education activities to meet these needs, and seek ways to in-  
12 tegrate new knowledge, skills, and attitudes;

13 (2) Select approved activities by which to earn CE hours;

14 (3) Maintain records of CE hours, for a period of two (2) years from the date of renewal;  
15 and

16 (4) Document attendance and participation in a CE activity by providing official tran-  
17 scripts, copies of certificates, or verification of completion, if requested.

18 Section 7. Carry-over of CE Hours. (1) A maximum of six (6)~~twelve (12)~~ CE hours  
19 may be carried over into the next renewal period.

20 (2) A licensee shall maintain records related to carry-over CE~~continuing education~~  
21 hours and submit those CE~~continuing education~~ hours to the board if the licensee  
22 elects to utilize those hours for the fulfillment of the continuing education requirement for  
23 the current renewal period.

1 (3) A continuing education course shall only be used for the fulfillment of the continuing  
2 education requirement for a single renewal period and shall not be subdivided for utiliza-  
3 tion in multiple renewal periods.

4 Section 8. Appeal Procedure If Approval for CE Hours is Denied. If an application for  
5 approval of CE hours is disapproved, the licensee may request reconsideration by the  
6 board. The request shall be in writing and shall be received by the board within thirty  
7 (30) days after the date of the board's decision denying approval of the CE hours.

8 Section 9. Audit of CE Activities. The board may audit the documentation of a licen-  
9 see's CE hours for the current renewal period. If notified by the board, the licensee shall  
10 respond to the audit within thirty (30) days of the date of the request.

11 Section 10. Waiver or Extension of Continuing Education. (1) The board shall, in indi-  
12 vidual cases involving medical disability, illness, undue hardship, active military service,  
13 or other similar extenuating circumstance that precludes the individual's completion of  
14 the requirements, waive CE requirements or grant an extension of time within which to  
15 fulfill the requirements if the board receives:

16 (a) A written request for waiver or extension of time; and

17 (b) 1. Verifying documentation signed by a licensed physician or proper military person-  
18 nel, if applicable; or

19 2. Documentation to support the waiver.

20 (2) A waiver of the minimum CE requirements or an extension of time within which to  
21 fulfill the CE requirements may be granted by the board for a period not to exceed one  
22 (1) calendar year. If the circumstance extends beyond the period of the waiver or exten-  
23 sion, the licensee shall reapply for the waiver or extension.

1 Section 11. Incorporation by Reference. (1) "Continuing Education Program Applica-  
2 tion", June 2021~~[August 2014]~~, is incorporated by reference.

3 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
4 law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, KY  
5 40601~~[Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Ken-~~  
6 ~~tucky 40601]~~, 8:00 a.m. to 4:30 p.m. The board's web site address is:  
7 <https://bmt.ky.gov/>.

201 KAR 42:110

APPROVED BY AGENCY:

A handwritten signature in cursive script that reads "Brandy Madding".

Brandy Madding, LMT, Chair  
Board of Licensure for Massage Therapy

Date: September 13, 2021

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 8:00 AM EST on November 29, 2021, at 500 Mero Street, 133CE, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:  
Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/85834511709?pwd=ZENzSmp5Q0MyQS9GK01vcFpCTjJVQT09>  
Password: 270127

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 511232

Find local AT&T Numbers:

<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=511232>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

149.137.68.253 (Mexico)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

207.226.132.110 (Japan Tokyo)

149.137.24.110 (Japan Osaka)

Meeting ID: 858 3451 1709

Password: 270127

SIP: [85834511709@zoomcrc.com](mailto:85834511709@zoomcrc.com)

Password: 270127

Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date (November 18), the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM EST on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

Contact Person: Leah Cooper Boggs  
Title: General Counsel, Department of Professional Licensing  
Address: 500 Mero Street 237 CW  
Phone: (502) 782-0562 (office)  
Phone: (502) 352-8095 (cell)  
Fax: (502) 564-3969  
Email: [LBoggs@ky.gov](mailto:LBoggs@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No. 201 KAR 42:110

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the continuing education requirements for massage therapists.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to update and clarify the continuing education requirements for massage therapy and to comply with KRS Chapter 309 as amended by HB 79 (2021).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is required by KRS 309.355(1) to regulate the practice of massage therapy. KRS 309.355(3) also authorizes the Board to promulgate administrative regulations regarding the practice of massage therapy.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The proposed regulation clarifies the continuing education requirements of massage therapy.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: It reduces the continuing education requirements to be consistent with the statutory changes passed in the last legislative session..

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 2,665 individuals licensed by the Board.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:



(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None. It reduces the continuing education requirements for massage therapists.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None. It reduces the continuing education requirements for massage therapists.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will not have to complete as many continuing education hours.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None. It reduces the continuing education requirements for massage therapists.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost to the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding or increase in fees is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are directly or indirectly established or increased by the administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not): Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

**FISCAL NOTE ON STATE OR LOCAL GOVERNMENT**

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1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Board of Licensure for Massage Therapy.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.355(1), 309.355(3)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will not create any additional expenses or revenues for any state or local government agency after implementation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fires, or school districts) for the first year? No revenues are expected to be generated by the provisions of this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):  
Expenditures (+/-):  
Other Explanation:

## SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

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“Continuing Education Program Application,” 06/2021, is a two (2) page form used by entities seeking approval from the Board of Licensure for Massage Therapy of the continuing education program they are offering. It amends the “Continuing Education Program Application,” August 2014. The proposed amendments to this form make the following changes: (1) clarifies that the CE hours applicable to the renewal of a license shall be directly related to the professional growth and development of massage therapy practitioners; (2) clarifies that the education objective must pertain to subject matters that are integrally related to the practice of massage therapy; (3) updates the contact information for the Board; and (4) changes the revision date.