

Agency Name: Massage/Body Work Therapy - Labor, Licensing and Regulation
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40-30-180, and 40-30-190
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Document No. 5132
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR MASSAGE/BODYWORK
CHAPTER 77

Statutory Authority: 1976 Code Sections 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140,
40-30-150, 40-30-160, 40-30-180, and 40-30-190

- 77-100. Qualification for Licensure.
- 77-101. Minimum Massage Therapy Education Curriculum. (New)
- 77-103. Temporary Massage Therapy License for a Professional Event. (New)
- 77-104. Authority to Practice Massage Therapy in an Emergency. (New)
- 77-105. Reciprocity.
- 77-106. Endorsement. (New)
- 77-107. Reactivation of an Inactive License. (New)
- 77-115. Return of Licenses.
- 77-120. Continuing Education.
- 77-125. Change in Massage Practitioner's Address or Name.
- 77-130. Transfer of License.
- 77-135. Lost, Destroyed, or Damaged License.
- 77-140. Communicable Disease Control.
- 77-141. Massage Therapy Establishment and Sole Practitioner Establishment Operations. (New)
- 77-150. Sole Practitioner Establishment Licenses. (New)
- 77-151. Residential Licensed Establishments. (New)

Preamble:

The South Carolina Panel for Massage/Bodywork proposes to amend its regulations in conformance with the enactment of S.227 to include but not be limited to updating the name of the Panel to Massage Therapy Board, establish regulations for massage establishments, and update regulations generally following a regulatory review in accordance with S.C. Code Section 1-23-120(J).

Section-by-Section Discussion

- 77-100. Repeal.
- 77-101. New section. Minimum Massage Therapy Education Curriculum.
- 77-103. New section. Temporary Massage Therapy License for a Professional Event.
- 77-104. New section. Authority to Practice Massage Therapy in an Emergency.
- 77-105. Repeal.
- 77-106. New section. Endorsement.
- 77-107. New section. Reactivation of an Inactive License.
- 77-115. Replace "Department" with "Board."
- 77-120(1). Replace "Department" with "Board."
- 77-120(1)(a) and (b). Replace "Department" with "Board."
- 77-120(c) and (d). No change.
- 77-120(e). Replace "Department" with "Board."
- 77-120(2)(a) and (b). Replace "Department" with "Board."
- 77-120(2)(c)(1) – (3). No change
- 77-120(2)(c)(4). Replace "Department" with "Board."
- 77-120(3). No change.
- 77-120(4)-(5). Replace "Department" with "Board."
- 77-120(6)-(7). No change.

77-120(8)-(9). Replace “Department” with “Board.”
77-125. In title, replace “Practitioner’s” with “Therapist’s.”
77-125(1). Replace “Practitioner’s” with “Therapist’s”. Replace “Department” with “Board.”
77-125(2). Replace “practitioner’s” with “therapist’s” and add “with” before “proof of name change.”
77-125(3). Replace “Department” with “Board.”
77-125(4). No change.
77-130. No change.
77-135(1). Strike “practitioner/bodywork”. Add “establishment”. Replace “Department” with “Board.”
77-135(2). Replace “Department” with “Board.”
77-135(3)-(5). No change.
77-140. Repeal.
77-141. New section. Massage Therapy Establishment and Sole Practitioner Establishment Operations.
77-150. New section. Sole Practitioner Establishment Licenses.
77-151. New section. Residential Licensed Establishments.

A Notice of Drafting was published in the *State Register* on May 27, 2022.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 28, 2022. Written comments may be directed to Theresa Brown, Administrator, Panel for Massage/Bodywork, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on October 24, 2022. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

The proposed regulations are both reasonable and necessary as they will amend regulations to conform the Board’s regulations to the newly-enacted law, which requires the Board to establish regulations for massage establishments. The regulations also update the Board’s name, consistent with the newly-enacted law. Other recommended changes follow a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J).

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Panel for Massage/Bodywork proposes to amend its regulations in conformance with the enactment of S.227 to include but not be limited to updating the name of the Panel to Massage Therapy Board, establish regulations for massage establishments, and update regulations generally following a regulatory review in accordance with S.C. Code Section 1-23-120(J).

Legal Authority: 1976 Code Sections 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140, 40-30-150, 40-30-160, 40-30-180, and 40-30-190.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed regulations are both reasonable and necessary as they will amend regulations to conform the Board's regulations to the newly-enacted law, which requires the Board to establish regulations for massage establishments. The regulations also update the Board's name, consistent with the newly-enacted law. Other recommended changes follow a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J).

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION
IS NOT IMPLEMENTED:**

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will conform the Board's regulations to the newly-enacted law, which requires the Board to establish regulations for massage establishments. The regulations also update the Board's name, consistent with the newly-enacted law. Other recommended changes follow a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J).

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

~~77-100. Qualification for Licensure~~Repeal.

- ~~1. The Department shall issue a license to a person who:~~
 - ~~(a) pays to the Department the fee prescribed on the application for licensure; and~~
 - ~~(b) completes a massage therapy program of five hundred hours of supervised study at an approved massage/bodywork school. Approved schools are those found by the Department to have met the minimum qualifications as set forth by the Commission on Higher Education for such programs; and~~
 - ~~(c) passes a national examination approved by the Department.~~

~~2. The Department, in conjunction with the Advisory Panel, approves the national examination known as the National Certification Exam for Therapeutic Massage and Bodywork as the national examination required for licensure.~~

~~3. Documentation of Graduation from a Department Approved Massage School.~~

~~In order to be acknowledged as a graduate of a Department approved massage school. The Department's administrative office must receive an official transcript documenting the applicant's training in a format approved by the Department. Such official transcript must document to the satisfaction of the Department that the applicant has successfully completed a course of study in massage which met the minimum standards for training and curriculum as delineated in this rule chapter. An official transcript indicating passing grades in all courses, and including dates of attendance and successful completion of the entire course of study, is evidence of successful completion.~~

77-101. Minimum Massage Therapy Education Curriculum.

1. A massage therapy education program must provide at least 650 hours of instruction in the following subjects:

(a) Anatomy, Physiology, and Kinesiology – 250 hours. This content shall include anatomy, physiology, kinesiology, and palpation techniques, as well as related pathology and medical terminology, and cautions and contraindications, with a minimum of 40 hours of instruction in pathologies.

(b) Massage Theory and Practice – 200 hours. This content shall include massage theory and principles, practical massage and bodywork applications, special populations and accommodations, allied modalities, and hands on practice in a classroom setting.

(c) Business and Ethics – 85 hours. This content shall include professional ethics, communications, boundaries, business practices and development, interpersonal skills, and career planning, with a minimum of 45 hours of instruction in professional ethics.

(d) Laws – 15 hours. This content shall include both State and Federal laws and regulations, HIPAA and privacy issues, with a minimum of 5 hours of instruction in State-specific laws and regulations.

(e) Student Clinics – 100 hours. A minimum of 75 hours of student clinical time must be spent on actual full-body massage for the public that takes place on-site and under the supervision of a licensed massage therapy supervisor. Student clinics must include instruction in massage, assessment and intake, documentation, room preparation, and clerical work relevant to the session.

(1) Students are not eligible to participate in Student Clinics until they have completed a minimum of at least 250 hours of coursework distributed across the subjects of anatomy, physiology, kinesiology, practical massage and bodywork applications, professional ethics, and boundaries.

Schools shall have up to one year from the effective date of this regulation to implement the hours and curriculum content changes. Students graduated from or enrolled in a massage therapy program prior to that date may qualify for licensure by meeting either the education licensing requirements in this regulation, or the education licensing requirements in effect prior to the regulation's effective date.

2. Documentation of Completion of a Massage Therapy Education Program School.

A license applicant must provide to the Board an affidavit from the school, on a Board-approved form, documenting the successful completion of the required subjects and hours of instruction in the Board-prescribed course of study in massage therapy. The Board may also request that an official transcript from the school be submitted to the Board, if necessary to determine whether the applicant has successfully completed a course of study in massage therapy which meets these minimum standards for training and curriculum.

77-103. Temporary Massage Therapy License for a Professional Event.

1. An applicant may obtain a temporary license to practice massage therapy in this State on a temporary basis during a professional event. To obtain this temporary license, the applicant must:

(a) have a current license in good standing to practice massage therapy in another state, District of Columbia, or any other United States territory; and

(b) submit a completed application on a Board-approved form at least two weeks prior to the professional event; and

(c) submit a copy of their current, out-of-state license.

2. A professional event is an engagement where a massage therapist who is licensed in another state, District of Columbia, or any other United States territory to provide massage therapy services, is employed to accompany and provide massage therapy services for a client who is in South Carolina on a temporary, short-term basis for a specific athletic, performing arts, or other similar event.

77-104. Authority to Practice Massage Therapy in an Emergency.

A massage therapist licensed in good standing in another state, District of Columbia, or any other United States territory may practice massage therapy in this State in response to a declaration of a disaster or of a state of emergency made by the Governor of this State, or other delegated federal or state official, provided that the licensed massage therapist submits the following to the Board prior to providing these services:

1. a completed Board-approved form providing notice of their intent to provide these services in this State; and

2. a copy of the individual's current out-of-state license.

77-105. Reciprocity Repeal.

~~1. To be granted a license to practice in this state without being required to take an examination, a person shall:~~

~~(a) submit to the Department a duly attested certificate from the licensing Department or Board of the state or territory in which he is licensed;~~

~~(b) complete a Department approved Application and pay the appropriate fees.~~

~~2. The Department has the power to enter into reciprocal relations with other states and territories whose requirements are substantially the same as those provided in this chapter.~~

77-106. Endorsement.

1. An applicant for an endorsement license must:

(a) submit proof of having a current, active and unrestricted massage therapy license in good standing issued by another state, District of Columbia, or any other United States territory, that had requirements, as of the date of initial licensure, at least substantially equivalent to the requirements in effect in South Carolina; and

(b) submit a completed application on a Board-approved form along with the required fees; and

(c) provide a state criminal history records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of the records checks shall be handled in accordance with the requirements for initial application criminal history records checks.

2. Substantially equivalent education may be shown by providing proof of having taken and passed a Board-approved national examination.

77-107. Reactivation of an Inactive License.

A licensee seeking to reactivate an inactive license must:

1. submit a complete application on a Board-approved form; and

2. submit proof of having completed six hours of continuing education for each year the license is inactive; and

3. provide an updated state criminal history records checks, supported by fingerprints, by the South Carolina Law Enforcement Division, and an updated national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation. The results of the records checks shall be handled in accordance with the requirements for initial application criminal history records checks.

77-115. Return of Licenses.

Any license issued by the Department Board and subsequently suspended or revoked, in addition to the wall certificate, shall be promptly returned to the Department's Board's Administrative offices within ten (10) working days of its imposition by order of the Department Board.

77-120. Continuing Education.

1. For the purpose of renewing or reactivating a license, credit will be approved for continuing education programs which are offered by providers approved by the Department Board. In order to receive Department approval as a continuing education provider, an entity shall:

- (a) Apply for approval on forms provided by the Department Board.
- (b) Provide a contact person to ensure that each program provider meets the requirements as established by the Department Board.
- (c) Provide each participant with a certificate of attendance verifying the program has been completed.
- (d) The certificate shall not be issued until completion of the program and shall contain the providers name and number, title of program, instructor, date, number of credit hours, the licensee's name and license number.
- (e) Any changes to the program must be submitted and approved by the Department Board.

2. Each program presented by an approved provider shall:

- (a) Meet the Department Board approved standards.
- (b) Have a Department Board approved course outline with stated learning objectives.
- (c) Be instructed by a person who meets at least one of the following criteria:
 - (1) Holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered, or
 - (2) Has graduated from a school of massage or an apprenticeship program which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Department and has completed three years of professional experience in the practice of massage.
 - (3) Is licensed as a massage therapist in another state or foreign sovereign state having standards of education or apprenticeship training substantially similar to or more stringent than those required for licensure in South Carolina, and
 - (4) Has taught at a school of massage which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Department Board for a minimum of two years.

3. Approved courses in areas other than massage theory, history, and techniques may be instructed by a person who holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered.

4. The Department Board may grant blanket approval to a provider although the provider must submit dates, times and locations of the program to the Department Board.

5. The Department Board retains the right to monitor programs given by any provider. The Department may suspend or revoke the status of a provider who fails to comply with this chapter.

6. One hour of continuing education is defined as 50 minutes of instruction.

7. Instructors of courses shall not receive CE credit for courses they instruct.

8. All Department Board approved providers shall renew their approved status on or before July 1 of each biennial year.

9. A Continuing Education program may be offered by the Department Board and shall be available through a self-study video program.

77-125. Change in Massage Practitioner's Therapist's Address or Name.

1. The massage ~~practitioner~~therapist shall immediately notify the ~~Department~~Board in writing, of any change in his mailing address.

2. Upon changing his name the massage ~~practitioner~~therapist shall submit a written request for a new license, with proof of the name change such as a certified copy of a court document or marriage certificate.

3. Upon receipt of the notification, the ~~department~~Board shall issue a new license reflecting the new name. The license number and expiration date shall remain the same.

4. The license with the old name shall be returned within ten (10) working days upon receipt of the new license.

77-130. Transfer of License.

1. Any license issued shall be for the sole use and benefit of the licensee to whom it was issued.

2. Any license issued shall not be transferable.

77-135. Lost, Destroyed or Damaged License.

1. When a massage ~~practitioner/bodywork~~therapist or establishment license becomes lost, destroyed or damaged the licensee shall immediately notify the ~~Department~~Board in writing that the license has been lost, destroyed or damaged.

2. Upon receipt of the information required, the ~~Department~~Board shall issue a duplicate license.

3. The duplicate license number and expiration date shall remain the same.

4. The duplicate license shall be marked "duplicate."

5. A duplicate license may be obtained for a fee of five dollars (\$5.00).

77-140. ~~Communicable Disease Control~~Repeal.

~~1. Individuals suffering from infectious or contagious skin diseases such as impetigo shall not be treated by any licensed massage practitioner.~~

~~2. Any individual known to be infected with active tuberculosis that is not under the treatment of a licensed physician, registered nurse practitioner or licensed physician's assistant or who has an infected wound or open lesion or skin disease such as impetigo on any exposed portions of his body, shall be excluded from practicing massage as a licensed massage practitioner.~~

~~3. Massage lubricants shall be dispensed from containers in such manner as to prevent its contamination and shall be stored in impervious, enclosed containers which shall prevent spillage and contamination from outside sources.~~

77-141. Massage Therapy Establishment and Sole Practitioner Establishment Operations.

1. Licensed massage therapy and sole practitioner establishments shall comply with the following requirements:

(a) The establishment license, and the licenses of all licensed massage therapists practicing in the establishment, shall be conspicuously displayed in public view.

(b) The establishment must comply with all applicable state and local building code requirements and fire safety codes.

(c) Each establishment shall have adequately-equipped restroom facilities accessible for use by the licensees, employees, and clients.

(d) The establishment shall have available either a sink with running water, soap, and sanitary towels for hand drying, or hand sanitizer or other sanitizing hand cleaning solution designed to clean without the use of running water.

(e) The establishment and equipment shall be kept clean and in good repair.

(f) Clean linens, such as gowns, towels, sheets, or drapes, shall be used on each client.

(g) Sheets towels, or other materials used as table coverings shall be changed after each client, and the massage table surfaces shall be disinfected after each use.

(h) Linens must be laundered before re-use.

(i) Massage oils, lubricants, and lotions shall be stored in enclosed containers and shall be dispensed from clean containers in such a manner as to prevent contamination. The outside of the containers shall be cleaned after each use to prevent cross-contamination.

(j) If client treatment records are kept, they shall be maintained in a manner to safeguard the confidentiality of the records, in accordance with applicable laws.

2. Regarding known infections or communicable diseases or conditions of either the client or the massage therapist, the therapist must employ appropriate Standard Universal Precautions.

71-150. Sole Practitioner Establishment Licenses.

A sole practitioner establishment license is required for the fixed place of business, including but not limited to, a rental space or residence, that is controlled by a licensed massage therapist, who is not an employee or contractor of the sole practitioner establishment, for providing massage therapy services to clients who come to that specific location to receive those services. A sole practitioner establishment must comply with the Board's establishment licensing, operation, and inspection requirements.

71-151. Residential Licensed Establishments.

A licensed establishment may be operated in the residence of a licensed massage therapist, if the massage therapy services are provided in an area of the residence that is not used for sleeping purposes, and that provides for the privacy of the client.