Define “massage” according to the Florida Massage Therapy Act.
List the qualifications for licensure as a professional massage therapist under Florida law.
Explain the meaning and significance of “biennial” licensing renewal, and list the necessary continuing education requirements.
List the acts that are grounds for disciplinary action against massage therapists.
Describe the relationship and responsibilities of apprentices and sponsors in an approved apprenticeship training program.
Describe the requirements for instructors and massage therapy students training in colonics irrigation.
List the laws and guidelines governing establishments of massage therapy.

Learning objectives

Introduction

Two main areas of law pertain to the practice of massage therapy in the State of Florida. They are:
- The Florida Massage Practice Act: Chapter 480 of the Florida Statutes1.
- Chapter 64B7 of the Florida Administrative Code2.

The following pages guide you through important excerpts of these documents, clarifying how to interpret the laws and rules that address you, personally, as a massage therapist, and discuss your responsibilities and obligations under the law.

Notes pertaining to the development of the law in specific subject areas are detailed in the History sections, referred to at points throughout the text. Each corresponds to a section of the Florida Statutes [FS] or Florida Administrative Code [FAC], with “citations to the section and chapter number of the creating act and each subsequent amendatory act as located in the laws of Florida. Consult the laws of Florida to determine the effective date of a creating act or a particular amendment.”

Other chapters that apply to the practice of massage therapy, but are not addressed in this course are: Chapter 456: Health Professions and Occupations – General Provisions; Chapter 120: Administrative Procedure Act; Chapter 119: Public Records; Chapter 408: Health Care Administration; and Chapter 112: Public Officers and Employees – General Provisions.

Please note that only excerpts of these documents are reproduced here. Please refer to the document directly for full text.

Definitions

480.033 Definitions – As used in this act:
1. “Board” means the Board of Massage Therapy.
3. “Massage” means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.
4. “Massage therapist” means a person licensed as required by this act, who administers massage for compensation.
5. “Apprentice” means a person approved by the board to study massage under the instruction of a licensed massage therapist.
6. “Colonic irrigation” means a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water.
7. “Establishment” means a site or premises, or portion thereof, wherein a massage therapist practices massage.
8. “Licensure” means the procedure by which a person, hereinafter referred to as a “practitioner,” applies to the board for approval to practice massage or to operate an establishment.
9. “Board-approved massage school” means a facility which meets minimum standards for training and curriculum as determined by rule of the board and which is licensed by the Department of Education pursuant to chapter 1005, or the equivalent licensing authority of another state, or is within the public school system of this state.

Exemptions

480.034 Exemptions

1. Nothing in this act shall modify or repeal any provision of chapters 458-464, inclusive, or of chapter 476, chapter 477, or chapter 486.
2. Athletic trainers employed by, or on behalf of, a professional athletic team performing or training within this state shall be exempt from the provisions of this act.
3. The state and its political subdivisions are exempt from the registration requirements of this act.
4. An exemption granted is effective to the extent that an exempted person’s practice or profession overlaps with the practice of massage.

BOARD OF MASSAGE THERAPY

480.035 Board of Massage Therapy
1. The Board of Massage Therapy is created within the department. The board shall consist of seven members, who shall be appointed by the Governor and whose function it shall be to carry out the provisions of this act.
2. Five members of the board shall be licensed massage therapists and shall have been engaged in the practice of massage for not less than 5 consecutive years prior to the date of appointment to the board. The Governor shall appoint each member for a term of 4 years. Two members of the board shall be laypersons. Each board member shall be a high school graduate or shall have received a graduate equivalency diploma. Each board member shall be a citizen of the United States and a resident of this state for not less than 5 years. The appointments will be subject to confirmation by the Senate.
3. The Governor may at any time fill vacancies on the board for the remainder of unexpired terms. Each member of the board shall hold over after the expiration of her or his term until her or his successor has been duly appointed and qualified. No board member shall serve more than two terms, whether full or partial.
4. The board shall, in the month of January, elect from its number, a chair and a vice chair.
5. The board shall hold such meetings during the year as it may determine to be necessary, one of which shall be the annual meeting. The chair of the board shall have the authority to call other meetings at her or his discretion. A quorum of the board shall consist of not less than four members.
6. Board members shall receive per diem and mileage as provided in s. 112.061 from the place of residence to the place of meeting and return.
7. The board has authority to adopt rules pursuant to ss. 120.53(6) and 120.54 to implement the provisions of this chapter.

480.036 Accountability of board members
Each board member shall be held accountable to the Governor for the proper performance of all duties and obligations of such board member’s office. The Governor shall cause to be investigated any complaints or unfavorable reports received concerning the actions of the board or its individual members and shall take appropriate action thereon, which may include removal of any board member for malfeasance, misfeasance, neglect of duty, commission of a felony, incompetency, or permanent inability to perform official duties.

480.039 Investigative services
The department shall provide all investigative services required in carrying out the provisions of this act.

480.041 Massage therapists; qualifications; licensure; endorsement
1. Any person is qualified for licensure as a massage therapist under this act who:
   a. Is at least 18 years of age or has received a high school diploma or graduate equivalency diploma;
   b. Has completed a course of study at a board-approved massage school or has completed an apprenticeship program that meets standards adopted by the board; and
   c. Has received a passing grade on an examination administered by the department.
2. Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.
3. Upon an applicant’s passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next schedule renewal date, to practice massage.
4. The board shall adopt rules:
   a. Establishing a minimum training program for apprentices.
   b. Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(6), by massage therapists.
   c. Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

480.0415 License renewal
The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed 25 classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses held in a classroom setting.

480.042 Examinations
1. The board shall specify by rule the general areas of competency to be covered by examinations for licensure. These rules shall include the relative weight assigned in grading each area, the grading criteria to be used by the examiner, and the score necessary to achieve a passing grade. The board shall ensure that examinations adequately measure an applicant’s competency. Professional testing services may be utilized to formulate the examinations.
2. The board shall ensure that examinations comply with state and federal equal employment opportunity guidelines.
3. The department shall, in accordance with rules established by the board, examine persons who file applications for licensure.
under this act in all matters pertaining to the practice of massage. A written examination shall be offered at least once yearly and at such other times as the department shall deem necessary.

4. The board shall adopt rules providing for reexamination of applicants who have failed the examination.

5. All licensing examinations shall be conducted in such manner that the applicant shall be known to the department by number until her or his examination is completed and the proper grade determined. An accurate record of each examination shall be made; and that record, together with all examination papers, shall be filed with the secretary of the department and shall be kept for reference and inspection for a period of not less than 2 years immediately following the examination.

**MASSAGE ESTABLISHMENTS**

**480.043 Massage establishments; requisites; licensure; inspection**

1. No massage establishment shall be allowed to operate without a license granted by the department in accordance with rules adopted by the board.

2. The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

3. Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.

4. Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

5. If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (2), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.

6. If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (2), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.

7. a. Once issued, no license for operation of a massage establishment may be transferred from one owner to another.

   b. A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

   c. A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

8. Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board.

9. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

**FEES: DISPOSITION**

**480.044 Fees; disposition**

1. The board shall set fees according to the following schedule:

   a. Massage therapist application and examination fee: not to exceed $250.

   b. Massage therapist initial licensure fee: not to exceed $150.

   c. Establishment application fee: not to exceed $200.

   d. Establishment licensure fee: not to exceed $150.

   e. Biennial establishment renewal fee: not to exceed $150.

   f. Biennial massage therapist licensure renewal fee: not to exceed $200.

   g. Massage therapist reexamination fee: not to exceed $250.

   h. Fee for apprentice: not to exceed $100.

   i. Colonics examination fee: not to exceed $100.

   j. Colonics reexamination fee: not to exceed $100.

   k. Application and reactivation for inactive status of a massage therapist license fee: not to exceed $250.

   l. Renewal fee for inactive status: not to exceed $250.

2. The department shall impose a late fee not to exceed $150 on a delinquent renewal of a massage establishment license.

3. The board may establish by rule an application fee not to exceed $100 for anyone seeking approval to provide continuing education courses and may provide by rule for a fee not to exceed $50 for renewal of providership.

4. The department is authorized to charge the cost of any original license or permit, as set forth in this chapter, for the issuance of any duplicate licenses or permits requested by any massage therapist or massage establishment.

5. All monies collected by the department from fees authorized by this act shall be paid into the Medical Quality Assurance Trust Fund in the department and shall be applied in accordance with the provisions of s. 456.025. The Legislature may appropriate any excess monies from this fund to the General Revenue Fund.

**DISCIPLINARY ACTION**

**480.046 Grounds for disciplinary action by the board**

1. The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

   a. Attempting to procure a license to practice massage by bribery or fraudulent misrepresentation.

   b. Having a license to practice massage revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

   c. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of massage or to the ability to practice massage. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

   d. False, deceptive, or misleading advertising.
3. The board shall have the power to revoke or suspend the
license or to deny subsequent licensure of such an establishment, in
either of the following cases:

2. The board may enter an order denying licensure or imposing
any rules adopted pursuant thereto.

- Aiding, assisting, procuring, or advising any unlicensed
  person to practice massage contrary to the provisions of
  this chapter or to a rule of the department or the board.
- Making deceptive, untrue, or fraudulent representations in
  the practice of massage.
- Being unable to practice massage with reasonable skill
  and safety by reason of illness or use of alcohol, drugs,
  narcotics, chemicals, or any other type of material or as
  a result of any mental or physical condition. In enforcing
  this paragraph, the department shall have, upon probable
  cause, authority to compel a massage therapist to submit to
  a mental or physical examination by physicians designated
  by the department. Failure of a massage therapist to submit
to such examination when so directed, unless the failure
was due to circumstances beyond her or his control, shall
constitute an admission of the allegations against her or
him, consequent upon which a default and final order may
be entered without the taking of testimony or presentation
of evidence. A massage therapist affected under this
paragraph shall at reasonable intervals be afforded an
opportunity to demonstrate that she or he can resume the
competent practice of massage with reasonable skill and
safety to clients.
- Gross or repeated malpractice or the failure to practice
  massage with that level of care, skill, and treatment
  which is recognized by a reasonably prudent massage
  therapist as being acceptable under similar conditions and
  circumstances.
- Practicing or offering to practice beyond the scope
  permitted by law or accepting and performing professional
  responsibilities which the licensee knows or has reason to
  know that she or he is not competent to perform.
- Delegating professional responsibilities to a person when
  the licensee delegating such responsibilities knows or has
  reason to know that such person is not qualified by
  training, experience, or licensure to perform.
- Violating a lawful order of the board or department
  previously entered in a disciplinary hearing, or failing to
  comply with a lawfully issued subpoena of the department.
- Refusing to permit the department to inspect the business
  premises of the licensee during regular business hours.
- Failing to keep the equipment and premises of the massage
  establishment in a clean and sanitary condition.
- Practicing massage at a site, location, or place which is
  not duly licensed as a massage establishment, except that
  a massage therapist, as provided by rules adopted by the
  board, may provide massage services, excluding colonic
  irrigation, at the residence of a client, at the office of the
  client, at a sports event, at a convention, or at a trade show.
- Violating any provision of this chapter or chapter 456, or
  any rules adopted pursuant thereto.

2. The board may enter an order denying licensure or imposing
any of the penalties in s. 456.072(2) against any applicant
for licensure or licensee who is found guilty of violating any
provision of subsection (1) of this section or who is found
guilty of violating any provision of s. 456.072(1).

3. The board shall have the power to revoke or suspend the
license of a massage establishment licensed under this act,
or to deny subsequent licensure of such an establishment, in

4. Disciplinary proceedings shall be conducted pursuant to the
provisions of chapter 120.

ADVERTISING

480.0465 Advertisement

Each massage therapist or massage establishment licensed
under the provisions of this act shall include the number of
the license in any advertisement of massage services appearing in
any newspaper, airwave transmission, telephone directory, or
other advertising medium. Pending licensure of a new massage
establishment pursuant to the provisions of s. 480.043(6), the
license number of a licensed massage therapist who is an owner
or principal officer of the establishment may be used in lieu of the
license number for the establishment.

480.047 Penalties

1. It is unlawful for any person to:
   - Hold himself or herself out as a massage therapist or to
     practice massage unless duly licensed under this chapter
     or unless otherwise specifically exempted from licensure
     under this chapter.
   - Operate any massage establishment unless it has been duly
     licensed as provided herein, except that nothing herein
     shall be construed to prevent the teaching of massage in
     this state at a board-approved massage school.
   - Permit an employed person to practice massage unless
     duly licensed as provided herein.
   - Present as his or her own the license of another.
   - Allow the use of his or her license by an unlicensed person.
   - Give false or forged evidence to the department in
     obtaining any license provided for herein.
   - Falsely impersonate any other licensesholder of like or
     different name.
   - Use or attempt to use a license that has been revoked.
   - Otherwise violate any of the provisions of this act.

2. Any person violating the provisions of this section is guilty of
a misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.

SEXUAL MISCONDUCT

480.0485 Sexual misconduct in the practice of
massage therapy

The massage therapist-patient relationship is founded on mutual
trust. Sexual misconduct in the practice of massage therapy means
violation of the massage therapist-patient relationship through
which the massage therapist uses that relationship to induce or
attempt to induce the patient to engage, or to engage or attempt to
engage the patient, in sexual activity outside the scope of practice
or the scope of generally accepted examination or treatment of the
patient. Sexual misconduct in the practice of massage therapy is
prohibited.
480.049 Civil proceedings
As cumulative to any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person who is or has been violating any of the provisions of this act or the lawful rules or orders of the department.

480.052 Power of county or municipality to regulate massage
A county or municipality, within its jurisdiction, may regulate persons and establishments licensed under this chapter. Such regulation shall not exceed the powers of the state under this act or be inconsistent with this act. This section shall not be construed to prohibit a county or municipality from enacting any regulation of persons or establishments not licensed pursuant to this act.

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FLORIDA ADMINISTRATIVE CODE
64B7 BOARD OF MASSAGE
Chapter 64B7-24 Organization
64B7-24.008 Probable Cause Determination; Probable Cause Panel
1. The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 480, F.S., or of the rules promulgated thereunder, has occurred shall be made by a probable cause panel of two members to be selected by the Chairman of the Board.
2. The Chairman shall be permitted to appoint one former Board member to serve on the Board’s probable cause panel.

64B7-24.0091 Attendance of Meetings by Board Members
Unexcused absences of a board member are absences not due to the following situations:
1. Medical problems of a board member or a board member’s family including but not limited to illness, surgery, emergency care and/or hospitalization;
2. Death of a family member and/or attendance at the family member’s funeral;
3. Any conflict, extraordinary circumstance, or event approved by the chairman of the board.

64B7-24.016 Time for Payment of Civil Penalties
In cases where the Board imposes a civil penalty for violation of Chapter 456 or 480, F.S., or the rules promulgated thereunder, the penalty shall be paid within thirty (30) days of its imposition by order of the Board, or as otherwise directed by the Board.

64B7-24.017 Board Business
1. For the purposes of Section 455.207(4), F.S., the Board defines “other business involving the Board” as,

SEXUAL ACTIVITY
64B7-26.010 Sexual Activity Prohibited
1. Sexual activity by any person or persons in any massage establishment is absolutely prohibited.
2. No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner’s massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.
3. No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

FEE SCHEDULE
Chapter 64B7-27 Fee Schedule
64B7-27.100 Fees.
1. Fees applicable to massage therapists:
   a. Application fee for applicants graduating from a board-approved massage program: $50.00.
   b. Application fee for applicants completing an apprenticeship program: $100.00.
   c. Initial licensure fee: $100.00.
   d. Renewal fee (active or inactive license): $100.00.
   e. Delinquent license fee: $100.00.
   f. Reactivation fee: $100.00.
   g. Change in status fee: $50.00.
   h. Retired status fee: $50.00.
2. Fees applicable to massage establishments:
   a. Application fee: $150.00.
   b. Initial licensure fee: $100.00.
   c. Renewal fee: $100.00.
   d. Change of business application fee: $25.00.
   e. Transfer of location application fee: $125.00.
3. Other fees:
   a. Duplicate license fee: $25.00.
   b. Unlicensed activity fee: $5.00.
LICENSE RENEWAL

Chapter 64B7-28 Biennial License Renewal

64B7-28.001 Biennial Renewal of Massage Therapist’s License.

All license renewals for massage therapists shall meet the requirements as set forth in Chapters 456 and 480, F.S., these rules, and the rules of the Department of Health. All massage therapists shall renew their licenses on or before the biennial renewal schedule in Rule 64B-9.001, F.A.C., according to the fee schedule as set forth in Rule 64B7-27.100, F.A.C.

64B7-28.0015 Place of Practice Defined

1. The reporting requirements of Section 456.035, F.S., require each licensee to provide to the Board a current mailing address and a “place of practice.” The current mailing address and place of practice may be one and the same, or may be two different addresses if the licensee does not receive mail at his or her place of practice.
2. “Place of practice” shall mean:
   a. A massage establishment maintained by the licensed massage therapist; or
   b. The massage establishment at which the licensed massage therapist provides massage therapy; or
   c. The medical office at which the licensed massage therapist provides massage therapy; or
   d. If the licensed massage therapist practices at more than one location, one such location as selected by the licensed massage therapist;
   e. If the licensed massage therapist provides massage therapy only at the location of clients, the place of practice is the residence address of the therapist.

64B7-28.002 Biennial Renewal of Massage Establishment License

All license renewals for massage establishments shall meet the requirements as set forth in Chapter 480, F.S., and these rules. All massage establishments shall renew their licenses on or before January 31 of each biennial year, according to the fee schedule as set forth in Rule 64B7-27.007, F.A.C., and the insurance coverage requirements of subsection 64B7-26.002(4), F.A.C. If, however, the massage establishment does not renew its license timely, the license shall be considered delinquent. If a massage establishment is operating with a delinquent license, said establishment is in violation of Section 480.047(1)(b), F.S., and is subject to the criminal penalties as provided for in Section 480.047(2), F.S. In order to renew a delinquent license, the massage establishment shall pay the late fee for delinquent renewal in the amount of seventy-five dollars ($75.00) as set forth in Section 480.044(2), F.S., and the biennial renewal fee as specified in Rule 64B7-27.007, F.A.C.

64B7-28.0041 Inactive Status and Renewal of Inactive Status

1. Any licensee may elect at the time of biennial license renewal to place the license into inactive status by filing with the department a completed application for inactive status as set forth in Section 456.036, F.S., and the appropriate fee required by Rule 64B7-27.010, F.A.C.
2. Inactive licenses must be renewed biennially including payment of the renewal fee set forth in Rule 64B7-27.010, F.A.C.
3. An inactive license can be reactivated at any time provided the licensee meets the requirements of Rule 64B7-28.006, F.A.C.
4. An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.

64B7-28.0042 Requirements for Reactivation of an Inactive License

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B7-27.011, F.A.C., and has complied with the following requirements:
1. As a condition to the reactivation of an inactive license, a massage therapist must submit proof of having completed the appropriate continuing education requirements as set forth in Rule 64B7-28.009, F.A.C.
2. However, any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the licensee must:
   a. Show compliance with subsection (1) above;
   b. Account for any activities related to the practice of massage therapy in this or any other jurisdiction during the period that the license was inactive and establish an absence of malpractice or disciplinary actions pending in any jurisdiction;
   c. Prove compliance with Section 456.065, F.S., and subsection 64B7-28.001(2), F.A.C.
3. The Department shall not reactivate the license of any massage therapist who has:
   a. Committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a licensee pursuant to subsection 480.046, F.S.
   b. Failed to comply with the provisions of subsection 455.2228, F.S., and subsection 64B7-28.001(2), F.A.C.

64B7-28.0043 Delinquent Status License

1. The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.
2. The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.
3. The delinquent status licensee who applies for license renewal or inactive status shall:
   a. Apply to the department for either license renewal as required by Section 480.0415, F.S., or inactive status as required by Sections 455.271 and 480.0425, F.S.
b. Pay to the Board either the license renewal fee as set forth in Rule 64B7-27.006, F.A.C., or the inactive status fee as set forth in Rule 64B7-27.010, F.A.C.; the delinquency fee as set forth in Rule 64B7-27.015, F.A.C., and the change of status fee as set forth in Rule 64B7-27.016, F.A.C., if applicable; and

c. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B7-28.009, F.A.C.

64B7-28.007 Exemption of Spouses of Members of Armed Forces From Licensure Renewal Provisions

A licensee who is the spouse of a member of the Armed Forces and was caused to be absent from Florida for a period of at least six consecutive months because of the spouse’s duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Massage and entitled to practice massage in Florida shall be exempt from all licensure renewal provisions under these rules. The licensee must show satisfactory proof of the absence and the spouse’s military status.

64B7-28.008 Display of Licenses.

1. Each licensed practitioner shall conspicuously display a current license issued by the Department, or photo copy thereof, at each location at which he or she practices.

   a. Effective on August 1, 2012, for each initial license or duplicate license issued the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

   b. Effective on September 1, 2013, the licensee must attach to the displayed license a 2 by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

2. Each apprentice shall conspicuously display his or her apprentice certificate issued by the Board office, in the establishment for which it has been issued. Effective on August 1, 2012, the licensee must attach to the displayed license a 2 inch by 2 inch photograph of the individual whose name appears on the certificate which was taken within the previous two years.

3. The owner of each massage establishment shall conspicuously display a current establishment license issued by the Department on the premises.

64B7-28.009 Continuing Education

1. Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that has elapsed since the issuance of the license for which renewal is sought, up to a maximum requirement of 24 hours for the renewal period. Such courses shall have been approved for continuing education credit pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the renewal period preceding the date renewal is due. Every massage practitioner must obtain the continuing education required for biennial renewal of the massage therapist’s license as set forth in Rule 64B7-28.001, F.A.C. Graduates of a Board approved massage school who received two hours of education in Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C., and two (2) hours of professional ethics prior to initial licensure shall not be required to complete additional continuing education in the same subject matter for initial renewal of the license.

2. All continuing education requirements may be met by correspondence/home study courses, tape and/or video cassette courses, provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must meet the requirements of Rule 64B7-28.010, F.A.C. The vendor and the licensee shall verify in writing that all requirements of paragraph 64B7-28.010(2)(c) or (d), F.A.C., have been met. Such verification/validation shall clearly indicate the course is a “correspondence/home study course/tape or videocassette course” and that the licensee passed the course in order to be accepted as proof of attendance.

3. Effective for the biennium beginning September 1, 2001, the continuing education contact hours shall be in the following areas:

   a. At least 12 continuing education hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, inesiology, and/or pathology. As of September 1, 2007, the 12 continuing education hours shall be taken via live classroom instruction which includes hands-on instruction or demonstration, 6 hours of which may be performed as pro bono services pursuant to Rule 64B7-28.0095, F.A.C.

   b. Except as provided in subsection 64B7-28.009(1), F.A.C., two hours must be obtained in a course relating to the prevention of medical errors, two hours must cover instruction in professional ethics and two hours must cover instruction in the laws and rules of massage therapy, including Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C. Up to 4 hours of continuing education credit for professional ethics and laws and rules may be earned on an hour for hour basis by physically attending Board meetings, provided that:
      1. The licensee signs in with the Executive Director of the Board prior to the beginning of the meeting;
      2. The licensee remains in continuous attendance at the meeting
      3. The licensee signs out of the meeting with the Executive Director of the Board in a pre-arranged time and manner.
      4. The licensee does not have a related discipline or licensure matter on the agenda for the same meeting day.

   c. The remaining hours may include courses on communications with clients and other professionals, insurance relating to third party payment or reimbursement for services, psychological dynamics of the client-therapist relationship, risk management, including charting, documentation, record keeping, or infection control (other than the HIV/AIDS course required by Section 456.034, F.S.), or massage practice management. The remaining hours may also include up to 4 hours credit for adult cardiopulmonary resuscitation (CPR), provided the course is sponsored by the American Red Cross, the American Heart Association or the American Safety and Health Institute, or is instructed by persons certified to instruct courses for those organizations.
4. The licensee shall retain, for not less than four years, such receipts, vouchers or certificates as are necessary to document completion of the continuing education stated on the renewal application.

5. At the end of each biennium, the Board will audit a number of randomly selected licensees to assure that the continuing education requirements have been met. Within 21 days of a request from the Board or Department, the licensee must provide written documentation that the continuing education requirements have been met.

64B7-28.010 Requirements for Board Approval of Continuing Education Programs

1. For the purpose of renewing or reactivating a license credit will be approved for programs which are offered by providers approved by the Board. In order to receive Board approval as a provider, an applicant shall:
   a. Submit a completed Massage Continuing Education Provider Application, BMT5, and Approved Provider Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and a non-refundable application fee of $250. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.
   b. Sign and abide by written agreement to:
      1. Provide an identifiable person to be responsible for ensuring that each program represented under their Board of Massage, provider number meets program requirements set forth in (2) below.
      2. Retain a “sign-in-sheet” with the signature of participants and copies of any promotional materials for at least 4 years following the course.
      3. Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider’s name and number, title of program and program number, instructor, date, number of contact hours of credit, the licensee’s name and license number.
      4. Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.
   2. Each program presented by a Board approved provider shall:
      a. Meet the standards of subsection 64B7-28.009(2), paragraph (3)(a), (b) or (c), F.A.C.;
      b. Have 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 Board, and has completed three years of professional experience in the practice of massage, and
            a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or
            b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or
            c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or
      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 Florida and has practiced massage therapy for a minimum of 10 years, and
         a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or
         b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or
         c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or
      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 Board for a minimum of two years, and
         a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or
         b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or
         c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or
      d. Provided, however, that approved courses in areas other than massage theory, history, and techniques may 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, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

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3. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group, or at a massage therapy school, or
4. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

3. The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will rescind provider status or reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the provider has failed to conform to and abide by the written agreement and rules of the Board.

4. One hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

5. Presenters/moderators/instructors of courses shall not receive credit for courses they present.

6. A Board approved provider must submit a completed Form C, apart of the Massage Continuing Education Provider Application, BMT5, to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in this rule. Whenever an instructor and his/her course have obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of forms for approval of a course.

7. A Board approved provider must revise and update all course materials that are affected by changes occurring during the biennial renewal period. The Board will rescind approval of any provider or course that is found to be obsolete, erroneous, and/or outside the scope of practice, or if the Board determines the provider has violated the board’s rules or Chapters 456 or 480, F.S. The revised course materials must be submitted with the biennial renewal form and renewal fee.

8. Provider numbers must be renewed biennially on or before August 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of $250. If the renewal form and renewal fee are not received by the department on or before August 31 of the biennial year, the provider must submit a new application and, if approved, receive a new provider number.

APPRENTICESHIP

Chapter 64B7-29

64B7-29.001 Definitions.
1. “Apprentice” means a person meeting the qualifications stated in Rule 64B7-29.002, F.A.C., studying massage under the “direct supervision” of a “sponsoring massage therapist”.

2. “Sponsoring massage therapist” means a licensed massage therapist whose record with the Department indicates compliance with Chapters 456 and 480, F.S., and the rules promulgated thereunder. Further, a “sponsoring massage therapist” must have been engaged in the actual practice of massage for at least three (3) years prior to his “sponsorship”.

3. “Sponsorship” means the willingness of a “sponsoring massage therapist” to assume the responsibility for the “direct supervision” of only one apprentice by execution of the Sponsor’s Apprentice Application.

4. “Direct supervision” means the presence on the premises of the qualified massage establishment of the sponsoring massage therapist while an apprentice is participating in the apprentice program.

5. “Qualified massage establishment” means a licensed massage establishment which, in addition to meeting the requirements of Chapter 64B7-26, F.A.C., is equipped with the following:
   a. Tables.
   b. Linen and storage areas.
   c. Colonic equipment (required if colonic irrigation is taught).
   d. Sterilization equipment if non-disposable colonic attachments are utilized.
   e. Hydro-therapy equipment, which must include cold packs and hot packs. Such equipment shall be that which is generally acceptable in the massage profession.
   f. Textbooks and teaching materials on the following subjects:
      1. Physiology,
      2. Anatomy,
      3. Theory of Massage,
      4. Hydro-therapy,
      5. Statutes and Rules on Massage Practice,
      6. Colonic Irrigation (if colonic equipment is present).

64B7-29.002 Qualification

Persons seeking to be apprentices shall meet the following requirements:
1. The applicant must have secured the sponsorship of a sponsoring massage therapist.
2. The applicant must complete the application furnished by the Department and pay the fee set forth in Rule 64B7-27.005, F.A.C.
3. The applicant may not be enrolled simultaneously as a student in a Board-approved massage school.

64B7-29.003 Apprenticeship Training Program.

1. All apprenticeship training shall be conducted by the licensed sponsoring massage therapist, in a qualified massage establishment licensed pursuant to Section 480.043, F.S.
2. Apprenticeship training shall be 12 months in duration and shall be completed within 24 months of commencement. The apprentice shall complete within the first quarter of the apprenticeship training program:
   a. 100 hours of study in Physiology,
   b. 100 hours of study in Anatomy, and
   c. 15 hours of study in Statutes and Rules of Massage Practice.
3. Course of Study for Apprentices, which incorporates that required in (2)(a), shall be as follows:
   a. 300 hours of Physiology.
1. Apprenticeships completed prior to an examination date conditions:
   a. 300 hours of Anatomy.
   b. 300 hours of Anatomy.
   c. 20 hours of Theory and History of Massage.
   d. 50 hours of Theory and Practice of Hydro-Therapy.
   e. 5 hours of Hygiene.
   f. 25 hours of Statutes and Rules of Massage Practice.
   g. 50 hours of Introduction to Allied Modalities.
   h. 700 hours of Practical Massage.
   i. 3 hours of Board-approved HIV/AIDS instruction.

4. The sponsoring massage therapist shall maintain at the establishment a daily record of hours completed by the apprentice in each of the areas listed in subsection (3) above. This record shall be available for inspection during regular business hours and shall be inspected by a representative of the Department at least once within 12 months from the commencement of the apprenticeship.

5. The sponsoring massage therapist shall submit to the Department, quarterly, on a form furnished by the Department, the number of hours of each subject listed above taught to his apprentice. A copy of the Massage Apprenticeship Quarterly Report Hours of Training Completed Form prepared and furnished by the Department of Health can be obtained by writing to: Department of Health, Board of Massage, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256. If quarterly reports are not submitted to the Department as required herein, the Board will review the apprenticeship and the apprenticeship shall be terminated.

6. A graduate of a board-approved massage school who enters the apprenticeship training program, at any time after he has taken the initial licensure examination or subsequent re-examinations thereafter, must complete the entire program as required above prior to taking subsequent re-examinations. Any applicant who enters the apprenticeship training program and terminates the program is prohibited from taking the licensure examination for 1 year from the date of termination. An individual may be exempted from this provision if he terminates the apprenticeship training program and subsequently completes a program at a board-approved massage school.

64B7-29.004 Termination.

1. If an apprentice terminates his apprenticeship, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days.

2. If any violation of Chapter 480 or 456, F.S., or rules set forth in Chapter 64B7, F.A.C., is found subsequent to Department inspection of the “qualified massage establishment” as defined under Rule 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time as the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board, the Board will require that the “sponsor” and the “apprentice” appear before the Board for the purpose of determining compliance with the apprenticeship training program requirements of Rule 64B7-29.003, F.A.C.

64B7-29.005 Extension of Apprenticeship

An apprenticeship may be extended under the following conditions:

1. Apprenticeships completed prior to an examination date may, upon notification by the sponsoring massage therapist to the Department, automatically be extended until the date examination results are released.

2. If an applicant fails the first examination after his apprenticeship is completed, the Department may grant an extension of the apprenticeship with the concurrence of the sponsoring massage therapist.
   a. The apprentice must appear at the next scheduled examination for licensure.
   b. The extension of the apprenticeship shall expire upon written notification by the Department that the apprentice has failed the re-examination or on the date of the scheduled examination, should the applicant fail to appear.

64B7-29.006 Change of Sponsoring Massage Therapist

If for any reason the sponsoring massage therapist is no longer able to sponsor an apprentice, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days. If the apprentice desires to remain in the apprenticeship program he or she must secure the sponsorship of another sponsoring massage therapist. The apprentice shall receive credit for training received from the prior sponsoring massage therapist.

64B7-29.007 Colonics Training through Apprenticeship

A massage practitioner shall instruct another individual in colonics only under the following conditions:

1. The trainee must be either:
   a. Licensed to practice massage under Chapter 480, F.S.,
   b. Approved as an apprentice under Chapter 64B7-29, F.A.C., or
   c. A student in a Board-approved massage school

2. The instructor, hereafter called sponsor, must be currently licensed under Chapter 480, F.S., and authorized to practice colonics under Chapter 64B7-31, F.A.C. The sponsor must have been actively engaged in the practice of colonics for a minimum of 3 years.

3. The training shall take place in a massage establishment licensed under Chapter 480, F.S., which contains the following equipment:
   a. Colonic equipment
   b. Disposable colonic attachments or sterilization equipment for non-disposable attachments

4. The licensee or apprentice who will receive colonics instruction must receive advance approval for such instruction from the Department. Such approval may be obtained in the following manner:
   a. If the applicant is a currently licensed massage practitioner or a student at a Board-approved massage school, application for “colonics only” apprenticeship on forms provided by the Department must be submitted. The applicant will be required to submit the apprentice fee as set forth in Rule 64B7-27.005, F.A.C.
   b. An unlicensed applicant for apprenticeship training may apply for colonics training approval, in addition to course work required under Rule 64B7-29.003, F.A.C.

5. The apprentice shall complete colonics training within 24 months of approval by the Department.
The Board hereby designates the following as citation

1. Definitions. As used in this rule:
   a. “Citation” means an instrument which meets the
      requirements set forth in Section 456.077, F.S., and which
      is served upon a subject in the manner provided in Section
      456.077, F.S., for the purpose of assessing a penalty in an
      amount established by this rule;
   b. “Subject” means the licensee, applicant, person,
      partnership, corporation, or other entity alleged to have
      committed a violation designated in this rule.

2. In lieu of the disciplinary procedures contained in Section
   456.072, F.S., the Department is hereby authorized to dispose
   of any violation designated herein by issuing a citation to the
   subject within six months after the filing of the complaint
   which is the basis for the citation.

3. The Board hereby designates the following as citation
   violations, which shall result in a penalty as specified below:
   a. Refusing to allow the department to inspect the business
      premises of the licensee during regular business hours as
      required by Section 480.046(1)(l), F.S., shall result in a
      penalty of $500.00.
   b. Failing to display a license or certificate as required by
      Rule 64B7-28.008, F.A.C., shall result in a penalty of
      $250.00.
   c. Failing to keep the equipment and premises of a massage
      establishment in a clean and sanitary condition as required
      by Section 480.046(1)(m), F.S., shall result in a penalty of
      $250.00.
   d. Failing to maintain property damage and bodily injury
      liability insurance coverage as required by subsection
      64B7-26.003(4), F.A.C., shall result in a penalty of
      $250.00.
   e. Failure to include the license number of either the massage
      therapist or the massage establishment in advertisements
      as required by Section 480.0465, F.S., shall result in a
      penalty of $250.00.
   f. Practicing with a delinquent license in violation of
      Section 480.047(1)(a), F.S., when the license, has
      become delinquent automatically for failure to renew,
      so long as the license is reactivated within 30 days of
      becoming delinquent, shall result in a penalty of $250.00.
      Practice for more than 30 days after a license has become
      delinquent shall not be a citation violation.
   g. Violations of Rule 64B7-28.009, F.A.C., by licensees
      provided that the violation did not involve bribery or
      fraudulent misrepresentation, shall result in a penalty of
      $25.00 per hour for each hour of deficit of the continuing
      education hours are to be completed within 90 days of the
      date of citation issuance.
   h. Failing to identify to a patient verbally or in writing,
      that a licensee
   i. Failure of a massage therapist to notify the Board of a
   j. False, misleading or deceptive advertising by advertising
       services under a name under which
       a license has not been issued in violation of Section
       480.046(1)(l), F.S., shall result in a penalty of $250.00.
   k. Violating Section 456.072(1)(h), F.S., by tendering a check
      which is dishonored by the institution upon which it is drawn
      shall result in a penalty of $250.00.
   l. First-time failure of the licensee to satisfy continuing
      education requirements established by the Board; Fine of
      $250.00, and one hour of continuing education for each
      hour not completed or completed late. These continuing
      education hours are to be completed within 90 days of the
      date of citation issuance.
   m. Failure to include the license number of either the massage
      therapist or the massage establishment in advertisements
      as required by Section 480.0465, F.S., shall result in a
      penalty of $250.00.

   DISCIPLINARY ACTION

Chapter 64B7-30 Discipline

64B7-30.001 Misconduct and Negligence in the
   Practice of Massage Therapy

The following acts shall constitute the failure to practice massage
   therapy with that level of care, skill, and treatment which is
   recognized by a reasonably prudent similar massage therapist as
   being acceptable under similar conditions and circumstances:
   1. Administering treatment in a negligent manner.
   2. Violating the confidentiality of information or knowledge
      concerning a client.
   3. Offering massage therapy at a sports event, convention or
      trade show without obtaining the written approval of the
      owner or property manager of the site at which the sports
      event, convention or trade show is held.
   4. Failure to explain expected draping techniques to a client.
      As used in this rule, draping means towels, gowns, sheets or
      clothing.
   5. Failure to appropriately drape a client. Appropriate draping of
      a client shall include draping of the buttocks and genitalia of
      all clients, and breasts of female clients, unless the client gives
      specific informed consent to be undraped.

64B7-30.002 Disciplinary Guidelines

Disciplinary Guidelines not reproduced here. See website for detail.

CITATIONS

64B7-30.004 Citations.

1. Definitions. As used in this rule:
   a. “Citation” means an instrument which meets the
      requirements set forth in Section 456.077, F.S., and which
      is served upon a subject in the manner provided in Section
      456.077, F.S., for the purpose of assessing a penalty in an
      amount established by this rule;
   b. “Subject” means the licensee, applicant, person,
      partnership, corporation, or other entity alleged to have
      committed a violation designated in this rule.

2. In lieu of the disciplinary procedures contained in Section
   456.072, F.S., the Department is hereby authorized to dispose
   of any violation designated herein by issuing a citation to the
   subject within six months after the filing of the complaint
   which is the basis for the citation.

3. The Board hereby designates the following as citation
   violations, which shall result in a penalty as specified below:
   a. Refusing to allow the department to inspect the business
      premises of the licensee during regular business hours as
      required by Section 480.046(1)(l), F.S., shall result in a
      penalty of $500.00.
   b. Failing to display a license or certificate as required by
      Rule 64B7-28.008, F.A.C., shall result in a penalty of
      $250.00.
   c. Failing to keep the equipment and premises of a massage
      establishment in a clean and sanitary condition as required
      by Section 480.046(1)(m), F.S., shall result in a penalty of
      $250.00.
   d. Failing to maintain property damage and bodily injury
      liability insurance coverage as required by subsection
      64B7-26.003(4), F.A.C., shall result in a penalty of
      $250.00.
   e. Failure to include the license number of either the massage
      therapist or the massage establishment in advertisements
      as required by Section 480.0465, F.S., shall result in a
      penalty of $250.00.
   f. Practicing with a delinquent license in violation of
      Section 480.047(1)(a), F.S., when the license, has
      become delinquent automatically for failure to renew,
      so long as the license is reactivated within 30 days of
      becoming delinquent, shall result in a penalty of $250.00.
      Practice for more than 30 days after a license has become
      delinquent shall not be a citation violation.
   g. Violations of Rule 64B7-28.009, F.A.C., by licensees
      provided that the violation did not involve bribery or
      fraudulent misrepresentation, shall result in a penalty of
      $25.00 per hour for each hour of deficit of the continuing
      education hours are to be completed within 90 days of the
      date of citation issuance.
   h. Failing to identify to a patient verbally or in writing,
      that a licensee
   i. Failure of a massage therapist to notify the Board of a
   j. False, misleading or deceptive advertising by advertising
       services under a name under which
       a license has not been issued in violation of Section
       480.046(1)(l), F.S., shall result in a penalty of $250.00.
   k. Violating Section 456.072(1)(h), F.S., by tendering a check
      which is dishonored by the institution upon which it is drawn
      shall result in a penalty of $250.00.
   l. First-time failure of the licensee to satisfy continuing
      education requirements established by the Board; Fine of
      $250.00, and one hour of continuing education for each
      hour not completed or completed late. These continuing
      education hours are to be completed within 90 days of the
      date of citation issuance.
   m. Failure to include the license number of either the massage
      therapist or the massage establishment in advertisements
      as required by Section 480.0465, F.S., shall result in a
      penalty of $250.00.

   In addition to the fines imposed herein, the costs of
   investigation and prosecution for each offense shall be
   assessed in the citation.
5. All fines and costs imposed in a citation shall be paid within 90 days of the date the citation is filed.

**64B7-30.005 Mediation**

Pursuant to Section 455.2235, F.S., the Board designates the following area as appropriate for mediation: Violation of Section 480.047(1)(a), F.S., by practicing on a delinquent license. Mediation is appropriate only for a first offense.

**NONCOMPLIANCE**

**64B7-30.006 Notice of Noncompliance**

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:
1. Failure to provide written notice of licensee’s current mailing address and place of practice in violation of Rule 64B7-28.015, F.A.C.
2. Failure to obtain continuing education in HIV/AIDS in violation of Section 456.034, F.S.
3. Failure to have proof of insurance available at an establishment as required by subsection 64B7-26.003(9), F.A.C.

**64B7-30.007 Probable Cause Panel**

The determination of probable cause shall be made by the probable cause panel of the board. The probable cause panel shall consist of two members, and may include a former Board member. The chair of the Board shall appoint the panel members.

**64B7-30.008 Probationary Conditions and Definitions.**

1. Indirect Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under indirect supervision, the term indirect supervision does not require that the monitoring practitioner practice on the same premises as the respondent; however, the monitor shall practice within a reasonable geographic proximity to the respondent, which shall be within 20 miles unless otherwise authorized by the Board, and shall be readily available for consultation.
2. Direct Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under direct supervision, the term direct supervision requires that the respondent practice only if the supervisor is on the premises.
3. Provisions governing all supervised or monitored practitioners.
   a. The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.
   b. The respondent shall not practice without a supervisor/monitor unless otherwise ordered. The respondent shall appear at the next meeting of the Board with his proposed supervisor/monitor unless otherwise ordered.
   c. After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, the respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Board shall approve a temporary supervisor/monitor who shall serve in that capacity until the next meeting of the Board, at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.
   d. The supervisor/monitor must be a licensee under Chapter 480, F.S., in good standing and without restriction or limitation on his license. In addition, the Board shall reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board’s rules or Chapter 456 or 480, F.S.
4. For purpose of determining the dates when reports are due, the date the Final Order is filed shall constitute the beginning of the quarter.
   a. All quarterly reports shall be provided to the Board office no later than three months from the filing date of the Final Order.
   b. All semiannual reports shall be provided to the Board office no later than six months from the filing date of the Final Order.
   c. All annual reports shall be provided to the Board office no later than twelve months from the filing date of the Final Order.

**COLONIC IRRIGATION**

**Chapter 64B7-31 Colonic Irrigation**

**64B7-31.001 Colonic Irrigation**

1. Intent.
   a. The Board of Massage finds that the colon hydrotherapy procedures, while falling directly within the scope of Chapter 480, F.S., presents a substantial danger to the public if performed by incompetent practitioners.
   b. The Board of Massage further finds that a significant proportion of licensees do not perform the colonic procedures, while falling directly within the scope of Chapter 480, F.S., presents a substantial danger to the public if performed by incompetent practitioners.
   c. This rule is promulgated to ensure that only those who have been determined duly qualified to practice colon hydrotherapy may do so in an effort to protect the health, safety and welfare of the public.

2. Prior to the practice of colon hydrotherapy, any licensed massage therapist, or apprentice shall be required to present certification to the Board of successful completion of examination by a Board approved massage school after completion of a supervised classroom course of study in colonic irrigation or in the case of a duly authorized apprenticeship training program, evidence of having completed 100 hours of colonic irrigation training, including
a minimum of 45 hours of clinical practicum with a minimum of 20 treatments given.

3. Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to successfully complete and pass the National Board for Colon Hydrotherapy Examination (NBCHT) which is approved by the Board.

4. Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT, prior to resuming the practice of colonic irrigation.

5. Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colonic irrigation, shall be required to successfully complete and pass the NBCHT prior to practicing colon hydrotherapy.

End Notes
1. Current version can be viewed at http://www.flsenate.gov/Statutes
2. Current version can be viewed at http://fac.dos.state.fl.us/faconline/chapter64.pdf