

Rules of
**Department of Economic
Development**

**Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic
Massage**

**Chapter 5—Massage Therapy Business
Requirements**

4 CSR 197-5.010 Massage Therapy Business—Survey Inspections

PURPOSE: This rule specifies the requirements to operate a massage therapy business.

(1) Each massage therapy business owner or manager shall:

(A) Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy;

(B) Ensure that no massage therapist in his/her employ or practicing on his/her premises perform beyond their scope of practice and expertise nor shall a massage therapy business owner direct or require a massage therapist to perform beyond their scope of practice and expertise;

(C) Maintain in the records a copy of the massage therapist's license, any certifications or advanced training, individual liability insurance and subsequent renewed licenses by documentation;

(D) Ensure that each massage therapist wears appropriate clothing and practices high standards of personal hygiene;

(E) Display in a conspicuous place the massage therapy business license and each massage therapist license with a photograph which has been taken within the last two (2) years;

(F) Maintain policies and procedures that address but are not limited to the nature and scope of services provided and orient employees or those practicing on their premises to the practice standards as it relates to public standards and client records and maintain proof of this orientation;

(G) Be responsible for maintaining client records for at least three (3) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client. Client records for massage therapy services not provided at a licensed massage therapy business shall be maintained by the licensed massage therapist;

(H) Shall maintain proof that the massage therapy business location or premises has current general liability insurance;

(I) Maintain documentation of compliance with all applicable building and fire codes prescribed by the state or local government. If no zoning codes are available establish-

ments shall be equipped with and maintain fire extinguishers and smoke alarms that are in good working condition;

(J) Maintain all equipment used to perform massage therapy services on the premises in a safe and sanitary condition;

(K) Provide for safe and unobstructed human passage in the public areas of the premises;

(L) Ensure compliance with the regulations of other entities which include but are not limited to the Americans with Disabilities Act (ADA), Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA);

(M) Provide for the removal of garbage and refuse in a sanitary manner; and

(N) Provide for safe storage or removal of flammable materials.

(2) All furniture in a massage therapy business must be kept clean and well maintained.

(3) Massage therapy shall be conducted in areas that are adequately lighted and ventilated and constructed so that they can be kept clean. Floors, walls, ceilings and windows must remain free of dust and other unclean substances and be in good repair at all times.

(4) The area(s) used for massage shall be used exclusively for massage and other clinical or healthcare related purposes.

(5) Each massage therapy business shall contain rest room facilities, including at least one water-flushed toilet, equipped with toilet tissue, from which the wastewater shall be discharged into a sewage system acceptable to the Environmental Protection Agency (EPA). Such facilities and all of the foregoing fixtures and components shall be kept clean, in good working condition, well lighted, and have adequate ventilation. Massage therapy businesses located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, and hotels may substitute centralized toilet facilities. Such central facilities shall be within three hundred feet (300') of the massage therapy business.

(6) Businesses shall be equipped with and maintain a sink for hand cleansing within a reasonable distance of the treatment room. Such sink must be kept clean and in good working condition. Massage therapists must utilize universal precautions at all times, however, a massage therapist may utilize an antibacterial waterless hand cleanser while in the confines of the massage therapy area and if leaving the area must use universal precau-

tions before performing massage therapy on the next client.

(7) Massage therapy businesses shall be free of alive or dead flies, insects, and other vermin.

(8) No animals shall be permitted in a massage therapy treatment area at any time except service animals whose whole purpose is to provide assistance to a customer.

AUTHORITY: sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo 2003. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004.*

**Original authority: 324.240, RSMo 1998, amended 1999; 324.245, RSMo 1998, amended 1999, 2003; 324.247, RSMo 1998, amended 1999; 324.252, RSMo 1998; 324.255, RSMo 1998; 324.257, RSMo 1998, amended 1999; and 324.260, RSMo 1998, amended 1999.*

4 CSR 197-5.020 Issuance of an Original Business License

PURPOSE: This rule outlines the requirements for this issuance of an original business license.

(1) A massage therapy business shall be defined as an address or establishment where massage is practiced unless otherwise exempted by section 324.240(7), RSMo.

(2) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.

(3) The license is valid only for the premises located at the address provided in the initial application for the massage therapy business.

(4) Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have lavatory facilities.

(5) A person applying for a business license shall be at least eighteen (18) years of age and shall submit:

(A) A completed notarized application and application fee.

(6) A survey inspection shall be completed and on file with the board prior to the issuance of a business license.



(7) The board may conduct any survey inspection, as they deem appropriate during normal business hours.

(8) Refusal to permit a survey inspection shall constitute valid grounds for denial of licensure or renewal of license.

(9) The business license shall be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(10) Upon completion of each board survey inspection, a written report shall be prepared with respect to the massage therapy business's compliance or noncompliance with the provisions of sections 324.240 to 324.275, RSMo and the rules of this chapter and the deficiencies found.

(11) A copy of the survey report and the list of deficiencies found shall be sent to the massage therapy business within fifteen (15) days following the survey inspection. The list of deficiencies shall specifically state the statute or rule which the massage therapy business is alleged to have violated.

(12) Within thirty (30) days of receipt of the report the board must receive a plan of correction from the business owner or manager to include time necessary for compliance.

(13) After thirty (30) days, if the massage therapy business does not acknowledge the deficiencies, file an acceptable plan of correction with the board, or complete an acceptable plan of correction, the board may file a complaint with the Administrative Hearing Commission.

(14) The board may conduct follow-up survey inspections.

(15) A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.

AUTHORITY: sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo 2000 and 324.245, RSMo Supp. 2003. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004.*

**Original authority: 324.240, RSMo 1998, amended 1999; 324.245, RSMo 1998, amended 1999, 2003; 324.247, RSMo 1998, amended 1999; 324.250, RSMo 1998, amended 1999; 324.252, RSMo 1998; 324.255, RSMo 1998; 324.257, RSMo 1998, amended 1999; and 324.260, RSMo 1998.*

4 CSR 197-5.030 Massage Therapy Business—Change of Name, Ownership or Location

PURPOSE: This rule outlines the procedures for a change of name, ownership, or location for a business license.

(1) At least thirty (30) days prior to a proposed name change, the massage therapy business owner shall notify the board of the proposed name change in writing prior to changing the business name or before revising any printing materials or advertisements.

(A) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(2) The massage therapy business owner shall submit a new application, fee and a new license will be obtained for a new location.

(3) When a massage therapy business is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the massage therapy business owner shall apply for a license by submitting an application and paying the required application fee. The previous license shall be void.

(4) The board may issue a temporary operating permit to continue the operation of the massage therapy business for a period of up to ninety (90) days pending the survey inspection and the final disposition of the application. The temporary operating permit must be displayed in a conspicuous place on the premises of the massage therapy business.

(5) Refusal to permit a survey inspection, if required by the board, shall constitute valid grounds for discipline or denial.

(6) A massage therapist shall not practice massage therapy at a site, location, or place that is not licensed as a massage therapy business, except at the residence, or location provided by the client, health fair, sports event, trade show or healthcare facility. For the purpose of this rule a healthcare facility shall be defined pursuant to section 197.366, RSMo.

AUTHORITY: sections 324.240, 324.247, 324.250, 324.252, 324.255, 324.257, 324.260 and 324.262, RSMo 2000 and 324.245, RSMo Supp. 2003. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004.*

**Original authority: 324.240, RSMo 1998, amended 1999; 324.245, RSMo 1998, amended 1999, 2003; 324.247, RSMo 1998, amended 1999; 324.250, RSMo 1998, amended 1999; 324.252, RSMo 1998; 324.255, RSMo 1998; 324.257, RSMo 1998, amended 1999; 324.260, RSMo 1998, amended 1999; and 324.262, RSMo 1999, amended 1999.*

4 CSR 197-5.040 Massage Therapy Business License Renewal

PURPOSE: This rule outlines procedures for the renewal of a business license.

(1) A business license issued pursuant to section 324.250, RSMo shall be renewed on or before the expiration of the license by submitting the signed renewal application, renewal fee, and a statement of any changes in the information previously filed with the board in the original business license application.

(2) The massage therapy business shall be in compliance with the requirements outlined in the massage therapy business rules as evidenced by a survey inspection by the board within ninety (90) days prior to the renewal of the business license.

(3) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 324.250, RSMo to renew that license.

(4) The license of a massage therapy business that is not renewed by the expiration date shall lapse and become not current. A massage therapy business license that has lapsed may be renewed by completing the renewal form and paying the required renewal and late fees as defined in 4 CSR 197-1.040(3)(B)1. within thirty (30) days of the expiration date. A massage therapy business shall not offer massage therapy until filing the renewal form and paying the required fees.

(5) If a license is not renewed within thirty (30) days of the expiration date, the lapsed licensee shall submit an application, required fee, and submit to a reinspection before a license will be reinstated.

(6) A massage therapy business with a lapsed license, as provided in this rule, may be reinstated at the sole discretion of the board upon payment of the required fee and submitting the required application.

AUTHORITY: sections 324.245, RSMo Supp 2003 and 324.250, 324.255, 324.257, 324.260 and 324.262, RSMo 2000. Original rule filed Feb. 25, 2000, effective Sept. 30,*



2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004.

**Original authority: 324.245, RSMo 1998, amended 1999, 2003; 324.250, RSMo 1998, amended 1999; 324.255, RSMo 1998; 324.257, RSMo 1998, amended 1999; 324.260, RSMo 1998; amended 1999; and 324.262, RSMo 1998, amended 1999.*