TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 81 MASSAGE THERAPISTS

001. SCOPE AND AUTHORITY. These regulations govern the licensing of massage therapists under Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 38-1701 to 38-1715 of the Massage Therapy Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions are set out in the Massage Therapy Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and these regulations.

002.01 CLIENT. Any person with whom the massage therapist has an agreement to provide massage therapy.

002.02 JURISPRUDENCE EXAMINATION. An examination, approved by the board, relating to statutes and regulations governing the practice of massage therapy in Nebraska.

002.03 LICENSURE EXAMINATION. An examination that is required for initial licensure as a massage therapist. Examinations approved by the board are:

(A) The following examinations developed by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB):

(i) National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);

(ii) National Certification Examination for Therapeutic Massage (NCETM); and

(iii) Advanced Certification Examination (ACE);

(B) The Massage and Bodywork Licensing Examination (MBLEx) developed by the Federation of State Massage Therapy Boards (FSMTB); and

(C) Other equivalent examinations as approved by the board.

003. MASSAGE THERAPY. Massage therapy is defined in Neb. Rev. Stat. § 38-1706 and includes:

(A) Remedial therapy, using myofacial release, active or passive stretching, and similar modalities;

(B) Relaxation therapy, using Swedish Massage, hot stone, and similar modalities;

(C) Holistic therapy, using Ortho-Bionomy®, polarity, shiatsu, reflexology, acupressure, hands-on reiki, and similar modalities; and

(D) Mechanical or electrical manipulation which includes the use of the following equipment:

(i) Electrical stimulation equipment that does not exceed 35 volts output;

(ii) Oscillating (vibrating) equipment; and

(iii) Hydrotherapy equipment.

004. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-1710, 172 NAC 10, and these regulations.

004.01 EDUCATION. Applicants must submit an official transcript directly from the issuing entity showing completion of a course of study and training in massage therapy as specified in 172 NAC 82.

004.02 RECIPROCITY. An applicant who is credentialed or authorized to practice massage therapy in another jurisdiction and has not completed 1,000 hours of training in massage therapy, may obtain hours to equal the required 1,000 hours of training through a massage therapy program, a college or university, work experience or continuing education. The applicant is not required to have attained the specified hours in the areas identified in 172 NAC 82. Hour equivalents may be granted in the following manner:

(A) 50-60 minutes obtained from a course of study in massage therapy equals 1 hour.

(B) 1 semester credit hour of massage therapy related college or university hours equals 15 hours.

(C) 200 hours for each year of full-time practice as a massage therapist.

(D) Up to 100 hours obtained from continuing education programs approved by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or the Federation of State Massage Therapy Boards (FSMTB).

005. LICENSURE EXAMINATION. To take an approved licensure examination, an applicant must apply directly to the examination entity. Applicants must submit an official score report directly from the examination entity verifying successful completion of the licensure examination.

05.01 RECIPROCITY. An applicant who is credentialed or authorized to practice massage therapy in another jurisdiction must also successfully pass the jurisprudence examination, with a score of at least 75%.

006. TEMPORARY LICENSE REQUIREMENTS. To obtain a temporary license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the temporary license requirements.

006.01 CHANGE IN SUPERVISION. After the temporary license has been issued, if the temporary licensee intends to practice under the supervision of a different massage therapist, the temporary licensee must submit a supervision form provided by the Department and signed by the new supervising massage therapist, agreeing to provide supervision.

006.02 EXTENSION OF A TEMPORARY LICENSE. An applicant requesting an extension of a temporary license must submit a written request for extension, stating the reason for the request. Circumstances which may result in an extension of the temporary license may include but are not limited to:

(A) The applicant became ill during the licensure examination to the extent that he or she could not complete the examination;

(B) The applicant had to leave the licensure examination due to inclement weather conditions which caused the applicant to be unable to complete the examination; or

(C) The applicant suffered an incapacitating injury prior to the licensure examination which allowed him or her to take the examination but affected his or her ability to perform well on the examination.

007. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and these regulations. All massage therapy licenses, except a temporary license, issued by the Department will expire on November 1 of each odd-numbered year.

008. CONTINUING EDUCATION. During the 24 months prior to the license renewal date, each licensed massage therapist must complete 16 hours of continuing education hours, 50% of which may be gained through on-line or electronic media. Continuing education activities and requirements are as follows:

008.01 MANDATORY HANDS-ON HOURS. A licensee must complete at least 8 hours of hands-on massage therapy continuing education through workshops each renewal period. One hour of attendance equals 1 hour of continuing education. A licensee may earn all 16 hours through hands-on workshops. These hours must meet the following requirements:

(A) The content of the workshop must include at least 75% hands-on massage technique; up to 25% may be theory related to hands-on technique; and

(B) The workshop must include a set period of time for class participation which is hands-on practice.

008.02 MANDATORY ETHICS HOURS. Each licensee must obtain at least 3 hours of continuing education relating to massage therapy ethics. Ethics hours may be taken through home study or other electronic media.

008.03 PRACTICAL EXAMINATION. 3 hours will be granted for a licensee who successfully completes a practical examination administered by a Nebraska licensed Massage Therapy School and these hours count towards the mandatory hands-on hours.

008.04 NON-HANDS ON HOURS. Up to 8 hours of non-hands on activities can be applied to the 16-hour requirement.

(A) LICENSURE EXAMINATION. 5 hours will be granted for licensees who successfully pass an approved licensure examination.

(B) PUBLICATION. 3 hours will be granted for authoring an article published in a professional health-related journal; a newsletter article or letter to the editor does not meet this requirement.

(C) JURISPRUDENCE EXAMINATION. 3 hours will be granted for licensees who receive a score of at least 75% on the jurisprudence examination.

(D) INSTRUCTOR AT A MASSAGE THERAPY SCHOOL. Instructors at a Nebraska massage therapy school will be granted 1 hour for each hour of teaching, up to 5 hours.

(E) MASSAGE SCHOOL TRAINING, COLLEGE OR UNIVERSITY COURSEWORK. Hours can be resident or distance learning. One hour of training equals 1 hour of continuing education; 1 semester college credit hour equals 15 hours of continuing education; or 1 quarter college credit equals 10 hours of continuing education. Licensees can use up to 5 hours.

(F) HOME STUDY PROGRAMS OR OTHER ELECTRONIC MEDIA. Licensees can use up to 8 hours of homestudy programs to meet continuing education.

(G) PRESENTER CREDIT. A presenter at a continuing education course may receive the same credit hours as an attendee for only the initial presentation during a renewal period.

008.05 ACCEPTABLE TOPIC AREAS. Topic areas that are acceptable for continuing education activities are as follows:

(A) HANDS-ON. The following are the acceptable topic areas:

(i) Hydrotherapy.

(ii) Massage.

(B) NON HANDS-ON. The following are the acceptable topic areas:

(i) Anatomy.

(ii) Health service management.

(iii) Hygiene.

(iv) Pathology.

(v) Physiology.

009. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. §§ 38-179, 38-1714, and these regulations and includes:

(A) Providing services for which he or she is not trained or experienced;

(B) Willfully or intentionally committing any act which endangers client safety or welfare;

(C) Encouraging or promoting massage therapy by untrained or unqualified persons;

(D) Making deceptive or misleading representations of the massage therapist's education, training, or experience;

(E) Failing to decline to carry out massage therapy services that have been requested when such services are believed to be contraindicated or unjustified;

(F) Failing to exercise appropriate supervision over a temporary licensee who is authorized to practice only under the supervision of the licensed massage therapist;

(G) Verbally or physically abusing clients or engaging in cruel, inhumane, or degrading practices in providing massage therapy to a client;

(H) Willfully or intentionally failing to accurately represent his or her skills to a client;

(I) Soliciting a sexual relationship with a client;

(J) Committing an act with a client punishable as a sexual assault or sexual related offense;

(K) Engaging in deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unnecessary in the professional relationship with the client; and

(L) Failing to maintain appropriate draping for each client to ensure the comfort level of both the therapist and client.

010. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10 for reinstatement.

011. FEES. Fees are set out in 172 NAC 2.