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CHAPTER He-P 900 MASSAGE THERAPISTS

Statutory Authority: RSA 328-B:4

PART He-P 901 DEFINITIONS

He-P 901.01 Definitions.

(a) "Advisory board" means "advisory board" as defined in RSA 328-B:2, II.

(b) "Allied bodyworker techniques" means techniques that enhance therapeutic effects on the body, which may be used in conjunction with massage therapy.

(c) "Applicant" means "applicant" as defined in RSA 328-B:2, I.

(d) "Commissioner" means the commissioner, department of health and human services or his or her designee.

(e) "Continuing education" means the ongoing process of maintaining the necessary knowledge, ethics and skills to perform massage.

(f) "Cooperate" means to provide the department with any information requested by the commissioner during an investigation and to answer any questions posed by the department in order to enable it to determine compliance with RSA 328-B and He-P 900.

(g) "CPR" means cardiopulmonary resuscitation certification provided by the American Heart Association, the American Red Cross, or the National Safety Council.

(h) "Department" means the department of health and human services.

(i) "First aid" means education in life saving techniques which is provided by the American Heart Association, the American Red Cross, or the National Safety Council.

(j) "Good standing" means that:

(1) The massage therapist has had no complaints, within the previous 5 years, for which an acceptable plan of correction has not been received; and

(2) No administrative action such as denial of application, suspension or revocation of license or imposition of an administrative fine that has not been paid has occurred or is pending.

(k) "Hydrotherapy" means the application of water in its varied forms, such as solid, liquid, or vapor, to the body for therapeutic effects.

(l) "Inappropriate sexual contact" means the intentional touching by the massage therapist of the client's breasts or genitalia when such touching:

(1) Is a therapeutic aspect of the massage, but is done without the informed consent of the client; or

(2) Is not a necessary, therapeutic aspect of the massage; and

(3) Is performed primarily for the purpose of sexual arousal or gratification of the massage therapist or the client.

(m) "Kinesiology" means the science of human movement.

(n) "License" means the document issued by the department authorizing a person to practice as a massage therapist.

(o) "Licensee" means "licensee" as defined in RSA 328-B:2, V.

(p) "Massage" means massage as defined in RSA 328-B:2, VI.

(q) "Massage therapist" means a person providing massage or advertising a massage practice as that term is defined in RSA 328-B:2, VI.

(r) "Nationally recognized certifying examination" means a written examination recognized by at least one third of the states that require the licensure of massage therapists in order to practice therapeutic massage.

(s) "Offense" means an act or acts of inappropriate sexual contact occurring during the course of a single massage.

(t) "Plan of correction" means a written representation of a revised policy or practice that reflects how a massage therapist will come into compliance with a violation of RSA 328-B or He-P 900 as found by the department.

(u) "Reciprocity" means the recognition of the validity of another state's licensing requirement as being equivalent to or greater than that of RSA 328-B, and in accordance with He-P 902.02.

(v) "Residency" means a person's place of abode or domicile designated by a person as his or her principal place of physical presence for the indefinite future to the exclusion of all others.

(w) "Sanitary" means healthful conditions and a clean, hygienic condition maintained by the elimination of dirt and agents of infection or disease.

(x) "Second offense" means inappropriate sexual contact committed by a massage therapist who has at least once been found, after notice and opportunity for a hearing, to have committed inappropriate sexual contact.

(y) "Third offense" means inappropriate sexual contact committed by a massage therapist who has at least twice been found, after notice and opportunity for a hearing, to have committed inappropriate sexual contact.

PART He-P 902 MASSAGE THERAPISTS LICENSE REQUIREMENTS

He-P 902.01 Initial License Application Requirements.

(a) Any person who wishes to engage in the practice of massage therapy shall file an application for a massage therapist license.

(b) Each applicant for licensure as a massage therapist shall submit an application for licensure which includes the following information:

(1) The type of application by indicating whether it is for a new license or license by reciprocity;

(2) The applicant's first, middle and last name;

(3) The applicant's home and mailing address;

(4) The applicant's home telephone number;

(5) A recent 2" x 2" photograph of the applicant's face;

(6) The applicant's date of birth;

(7) The applicant's social security number as required by RSA 161-B:11, VI-a;

(8) The name and address of the massage therapy school attended, dates attended and the hours of instruction received;

(9) An official copy of the diploma or certificate received from the massage therapy school;

(10) Verification that the applicant has completed the educational requirements of He-P 905.01 as follows:

a. The applicant shall submit his or her official school transcripts from the massage therapy school that the applicant attended; and

b. If any part of the applicant's massage therapy education was through distance learning, those courses shall meet the requirements for distance learning in accordance with He-P 905.01 (e);

(11) Documentation of passage of a written exam in accordance with He-P 902.03;

(12) The name of each state where the applicant holds or has held a license or certificate to practice massage therapy and the number of years the applicant practices or has practiced in each state;

(13) The name, address and telephone number of the massage therapy business where the applicant intends to work, if known;

(14) A copy of the applicant's current first aid certification;

(15) A copy of the applicant's current adult CPR certification;

(16) A statement indicating that the applicant is in good mental and physical health in accordance with RSA 328-B:6, I(d) and has not been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime, in New Hampshire or any other state in accordance with RSA 328-B:6, I(c); and

(17) Applicant's signature and date signed.

(c) The application shall be submitted to the commissioner and accompanied by the initial license application fee as set forth in He-P 906.01.

(d) The commissioner shall review the application and notify the applicant in writing within 10 days if the application does not meet the requirements of (b) and (c) above, specifying any additional information or documentation the applicant shall submit.

(e) The commissioner shall grant a license to practice massage therapy to applicants who:

(1) Submit an application in accordance with He-P 902.01(b) and (c); and

(2) Have not engaged in an activity that violates any of the provisions of RSA 328-B or He-P 900.

(f) The commissioner shall send the license to the applicant at the address shown on the application.

(g) Licenses issued by the commissioner shall be effective for 2 years from the date of issuance.

(h) The commissioner shall deny any application if the applicant:

(1) Has committed an act or acts of inappropriate sexual contact with a client;

(2) Knowingly makes any false statement regarding the application or license or in any report the commissioner requires to be made;

(3) Fails to respond to any lawful inquiry of the commissioner;

(4) Has failed to pay an administrative fine imposed by the commissioner; or

(5) Has not met all of the requirements of He-P 902.01 (a) through (c).

(i) The commissioner shall send the decision to deny the application to the applicant at the address shown on the application.

(j) Application denials shall be conducted in accordance with He-P 904.03.

(k) If the application is denied in accordance with He-P 902.01(h), the license application fee shall not be refunded to the applicant.

He-P 902.02 Initial License By Reciprocity.

(a) An applicant who holds a license or registration from another state whose licensing requirements are substantially equivalent to and not less than those specified by RSA 328-B and He-P 900 may apply for licensure by reciprocity.

(b) An applicant for licensure by reciprocity shall submit an application for licensure by reciprocity on a form provided by the commissioner containing the following:

(1) The information required by He-P 902.01(b); and

(2) A written statement from the state which the applicant holds a license or registration to practice massage therapy verifying that the applicant is licensed in that state and that the license is in good standing.

(c) The completed application shall be submitted to the commissioner and be accompanied by the initial license application fee as set forth in He-P 906.01.

(d) The commissioner shall approve an application for licensure by reciprocity if:

(1) The applicant has submitted an application in accordance with He-P 902.02 (b) and (c);

(2) The commissioner has received written verification from the other state of licensure that the applicant's license is in good standing; and

(3) The applicant has not engaged in an activity that violates any of the provisions of RSA 328-B or He-P 900.

(e) Licenses shall be issued in accordance with He-P 902.01(f) and (g).

(f) The commissioner shall deny the application for licensure by reciprocity if:

(1) The applicant has not met all of the requirements of RSA 328-B or He-P 902.02;

(2) The commissioner has received written verification from the other state of licensure that the applicant's license is not in good standing;

(3) The commissioner has determined that equivalency does not exist in accordance with He-P 902.02(a);

(4) The applicant knowingly makes any false statement regarding the application or license or in any report the commissioner requires to be made;

(5) The applicant has committed an act or acts of inappropriate sexual contact with a client;

(6) The applicant fails to respond to any lawful inquiry of the commissioner; or

(7) The applicant has failed to pay an administrative fine imposed by the commissioner.

(g) Application denials shall be conducted in accordance with He-P 904.03.

(h) If the application for reciprocity is denied the license application fee shall not be refunded.

He-P 902.03 Written Examination for License.

(a) Each applicant applying for an initial license as a massage therapist shall pass:

(1) The National Certification Examination for Therapeutic Massage and Bodywork; or

(2) Any other nationally recognized certifying examination as defined by He-P 901.01(r).

He-P 902.04 Temporary License.

(a) Any person who attended a massage therapy program in another state, who does not currently meet the requirements for licensure in accordance with He-P 902.01, shall apply for a temporary license to practice massage therapy in this state.

(b) Each applicant for temporary licensure as a massage therapist shall submit an application for temporary licensure on a form provided by the commissioner containing the following:

(1) The information required by He-P 902.01 (b) (2) through (9), and (12) through (17);

(2) Documentation of completing a massage therapy program with a minimum of 500 educational hours as follows:

a. The applicant shall submit his or her official school transcripts from the massage therapy school that the applicant attended; and

b. If any part of the applicant's massage therapy education was obtained through distance learning, those courses shall meet the requirements for distance learning in accordance with He-P 905.01 (e);

(3) Verification that the applicant is at least 21 years of age;

(4) Documentation of New Hampshire residency; and

(5) Documentation of practicing as a massage therapist in another state for at least 3 of the preceding 5 years.

(6) A written statement from the state indicating that the applicant holds or has held a license or registration to practice massage therapy and verifying the applicant's practicing was or is in good standing.

(c) The application shall be submitted to the commissioner and accompanied by the temporary license application fee as set forth in He-P 906.01.

(d) The commissioner shall review the application and notify the applicant in writing within 10 days if the applicant does not meet the requirements of (b) and (c) above, specifying any additional information or documentation the applicant shall submit.

(e) The commissioner shall grant a temporary license to practice massage therapy to applicants who:

(1) Submit an application in accordance with He-P 902.04 (b) and (c); and

(2) Have not engaged in an activity that violates any of the provisions of RSA 328-B or He-P 900.

(f) The commissioner shall send the license to the address shown on the application.

(g) Temporary licenses issued by the commissioner shall be valid for only one year in order for the temporary licensee to complete any additional educational or examination requirements for a massage therapy license in accordance with He-P 902.01.

(h) At any time during the effective one year period of the temporary license, once the temporary licensee is eligible they may apply for an initial license in accordance He-P 902.01.

(i) Temporary licenses shall not be renewed.

(j) The commissioner shall deny any application for temporary license if the applicant:

(1) Has been found to have committed an act or acts of inappropriate sexual contact with a client, in accordance with He-P 904.02 and 904.03(d);

(2) Knowingly makes any false statement regarding the application or license or in any report the commissioner requires to be made;

(3) Fails to respond to any lawful inquiry of the commissioner;

(4) Has failed to pay an administrative fine imposed by the commissioner; or

(5) Has not met all of the requirements of (a) through (c) above.

(k) The commissioner shall send the decision to deny the application to the applicant at the address shown on the application.

(l) Application denials shall be conducted in accordance with He-P 904.03.

(m) If the application is denied in accordance with (j) above, the license application fee shall not be refunded to the applicant.

He-P 902.05 Renewal of Massage Therapists Licenses.

(a) A massage therapist who wishes to maintain his or her license shall submit an application to the commissioner in accordance with RSA 328-B:7 at least 30 days prior to the expiration of his or her license.

(b) At least 60 days prior to the expiration of a license, the commissioner shall:

(1) Notify, in writing, the licensees whose licenses are to expire that their licenses are due to expire; and

(2) Include with the written notice an application for renewal of license.

(c) In order to process the applications in a timely manner, the licensee shall submit to the commissioner, at least 30 days prior to the expiration of his or her license, the following information:

(1) An application that contains the following information:

a. The applicant's first, middle and last name;

b. The applicant's home and mailing address;

c. The applicant's home telephone number;

d. The name of each massage therapy business where the applicant is employed;

e. Each massage therapy business address and telephone number;

f. Photocopies of out of state licenses, if any;

g. All information on disciplinary action taken, if any, in any other state regarding applicant's activities as a massage therapist; and

h. Documentation of having met the continuing education requirements of He-P 902.08 which shall include the following:

1. The name of the course;

2. The date the licensee completed or attended the course;

3. The location of the course;

4. The name and address of the sponsor of the course; and

5. The number of continuing education hours; and

i. Signature of applicant and date signed; and

(2) The renewal fee required by He-P 906.01.

(d) The renewal fee shall not be refundable.

(e) The commissioner shall accept the application as being complete or notify the applicant in writing within 30 days that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(f) Applications for renewal shall be approved if the applicant:

(1) Has submitted an application in accordance with (c) above;

(2) Is in compliance with He-P 900 and RSA 328-B; and

(3) Has not engaged in an activity that violates any of the provisions of RSA 328-B or He-P 900.

(g) A renewal license shall be effective for 2 years from the date of expiration of the prior license.

(h) The commissioner shall deny any application in accordance with He-P 904.03 if the applicant:

(1) Has not met all of the requirements of RSA 328-B or as described in this section;

(2) Has committed an act or acts of inappropriate sexual contact with a client;

(3) Knowingly makes any false statement regarding the application or license or in any report the commissioner requires to be made;

(4) Fails to respond to any lawful inquiry of the commissioner; or

(5) Has failed to pay an administrative fine imposed by the commissioner.

(i) Application denials for renewal shall be in accordance with He-P 904.03.

He-P 902.06 Expired License.

(a) If an application for renewal is received after the expiration date of the license, the license shall be expired.

(b) A massage therapist whose license has expired in accordance with (a) above shall not practice massage therapy until he or she has obtained a license in accordance with RSA 328-B and He-P 900.

(c) A massage therapist whose license has expired in accordance with (a) above, and wishes to reapply for a license, shall reapply for an initial massage therapy license in accordance with He-P 902.01.

(d) If a massage therapist reapplies for an initial license in accordance with (c) above, and his or her license has been expired for less than 2 years, the department shall accept the scores of the applicant's written examination required by He-P 902.03 that was submitted as part of the application leading to issuance of the expired license.

(e) In addition to (d) above, the applicant shall also include with the initial application documentation of having met the continuing education requirements of He-P 902.08.

(f) If a massage therapist reapplies for an initial license in accordance with (c) above, and his or her license has been expired for more than 2 years, the applicant shall also be required to retake and pass a written examination in accordance with He-P 902.03.

He-P 902.07 Posting of License Number, Change of Address and Timely Submission of Application.

(a) Licensees shall immediately notify the commissioner when a change of home or business address occurs.

(b) Failure to receive an application for renewal of the current license sent by the department shall not excuse the massage therapist from the obligation to submit an application for renewal at least 30 days prior to the expiration of the current license in accordance with He-P 902.05 (c).

(c) Massage therapist licenses shall be posted in each office the licensee practices in, or carried on the licensee if the licensee practices massage therapy at locations other than his or her office or offices.

(d) Display advertising, such as business cards, phone book, newspaper, or website, shall include the licensee's license number.

He-P 902.08 Continuing Education.

(a) Licensed massage therapists shall complete a minimum of 12 hours of continuing education during each licensing period in accordance with RSA 328-B:4, VII(j).

(b) Continuing education programs shall be:

(1) Sponsored by a professional association that specializes in massage education;

(2) Sponsored by a post-secondary institution;

(3) Instructed by a provider who has been approved by the National Certification Board for Therapeutic Massage and Bodywork; or

(4) Instructed by a provider who has been approved by the Federation of State Massage Therapy Boards.

(c) Home study programs shall include books, audio, video or computer programs with passage of a written examination.

(d) Subjects for continuing education supporting the scope of practice as defined in RSA 328-B:2-a shall be limited to:

(1) Anatomy;

(2) Physiology;

(3) Massage theory;

(4) Massage techniques;

(5) Benefits and contraindications of massage;

(6) Kinesiology;

(7) Hydrotherapy;

(8) Joint movement;

(9) Allied bodyworker techniques;

(10) Communicable disease control;

(11) Hygiene/sanitary practices;

(12) Ethical/legal aspects of massage practice; or

(13) Management, administration or supervision of a business practice, which:

a. Relates directly to the operation of a massage therapy business;

b. Does not include instruction on computer skills; and

c. Is limited to 3 hours per licensing period.

(e) Teaching massage therapy or the authorship of a published professional massage therapy article or book shall count towards the continuing education requirements of (a) above subject to the following restrictions:

(1) Teaching hours shall be limited to 3 hours per year or 6 hours for the 2 year licensing period; and

(2) Authorship hours shall be limited to 3 hours per year or 6 hours for the 2 year licensing period.

(f) Continuing education requirements shall be completed prior to the expiration date of the license.

(g) Licensees shall maintain records of continuing education hours.

(h) Certificates and documents of evidence of continuing education hours shall be retained by the licensee for a period of at least 4 years.

(i) Certificates and documents of evidence of continuing education hours shall be subject to inspection by the commissioner.

(j) Excess continuing education hours earned throughout the licensing period shall not be carried forward into the next licensing period.

PART He-P 903 ADVISORY BOARD

He-P 903.01 Advisory Board.

(a) The commissioner shall appoint 3 licensed massage therapists to serve on the advisory board.

(b) Each of the licensed massage therapists appointed to the advisory board shall have at least 5 consecutive years experience practicing as a licensed massage therapist in New Hampshire.

(c) The commissioner shall call at least 2 meetings of the advisory board each year.

(d) The advisory board shall advise the commissioner on the technical aspects of massage therapy.

(e) The advisory board members shall serve 3 year terms pursuant to RSA 328-B:5; and

(f) Each advisory board member shall be appointed for not more than 2 full consecutive terms.

PART He-P 904 DENIAL, DISCIPLINARY ACTION, WAIVERS

He-P 904.01 Complaint Procedure.

(a) Any person may file a complaint against a massage therapist for an alleged violation of RSA 328-B or He-P 900.

(b) All complaints regarding massage therapists shall be in writing and include the following:

(1) The name of the massage therapist;

(2) The name and address of the complainant; and

(3) The specific facts or circumstances that led to the complaint.

He-P 904.02 .Complaint Investigation.

(a) All complaints completed and received by the department in accordance with He-P 904.01 shall be investigated by the commissioner.

(b) The commissioner shall contact and individually question the complainant and the massage therapist about the complaint in an effort to determine if the complaint can be substantiated.

(c) The massage therapist shall cooperate with the department throughout the investigation.

(d) Upon completion of the investigation, the commissioner shall make a determination based on information received during the investigation as to whether the complaint is substantiated.

(e) If there is insufficient evidence to support the allegation(s) the department shall take no further action.

(f) Copies of the investigative findings shall be sent to the complainant and the massage therapist indicating whether or not the complaint is substantiated.

(g) Except in the case of violations which warrant revocation pursuant to He-P 904.04(g), if it is determined by the commissioner that the massage therapist has violated any provisions of He-P 900 or RSA 328-B, the massage therapist shall submit to the commissioner and implement a written plan of correction within 15 days of the receipt of the findings.

He-P 904.03 Adjudicative Actions and Administrative Appeals.

(a) Prior to taking adjudicative action against an applicant or massage therapist such as denial, suspension or revocation of license or imposition of a fine, the department shall send to the applicant or massage therapist a written notice which states:

(1) The reason(s) for the proposed action;

(2) The action to be taken by the department; and

(3) The right of the applicant or massage therapist to an administrative appeal.

(b) The department shall issue a written notice to the applicant or massage therapist along with the information that the individual has the right to appeal the notice in accordance with RSA 328-B:8 or RSA 328-B:11a.

(c) Failure of the applicant or massage therapist to request a hearing within 30 days of receipt of the notice shall result in the proposed action becoming final and immediately imposed.

(d) If the applicant or massage therapist requests a hearing in writing no action shall be imposed on the applicant or massage therapist pending the completion of an adjudicative process conducted in accordance with RSA 541-A:31 through 36 and He-C 200.

He-P 904.04 Suspension, Revocation, Denial, Disciplinary Action.

(a) The commissioner shall suspend a license in accordance with He-P 904.03 if the massage therapist fails to:

(1) Submit and implement a plan of correction within 15 days pursuant to He-P 904.02(g);

(2) Maintain a plan of correction;

(3) Cooperate with an investigation by the department to the extent required by these rules; or

(4) Pay a fine in accordance with He-P 904.05.

(b) If a license is suspended in accordance with (a)(1) above, and the licensee requests a hearing in accordance with He-P 904.03 (d), the hearing shall be held on the violations of He-P 900 or RSA 328-B that resulted in the requiring of a plan of correction.

(c) If the outcome of a hearing held in accordance with (b) above is that the department did not have valid grounds to order the submission and implementation of a plan or correction, then the suspension shall not be imposed.

(d) If the outcome of a hearing held in accordance with (b) above is that the department's order requiring the submission of corrective action is upheld, the suspension shall take effect immediately and remain in effect until such time as the corrective action is submitted and approved in accordance with (e) below.

(e) The length of suspension shall be until such time as the licensee:

(1) Complies with the requirements for which the suspension was issued; and

(2) Has paid all fines, if any, associated with the suspension; or

(3) Has his or her license revoked in accordance with He-P 904.04(g).

(f) Upon reinstatement of a suspended license, the applicant shall not be required to pay an additional license fee, and the expiration date of the license shall remain the same for the license.

(g) The commissioner shall revoke a license in accordance with He-P 904.03 if the licensee:

(1) Has, at any time, been convicted of any crime involving violence inflicted on a person or threatened against a person, or any sexually-related crime in accordance with RSA 328-B:8, IV;

(2) Has given false information on his or her renewal application relative to continuing education;

(3) Fails to comply with the conditions for the removal of a suspension within 90 days of the suspension taking effect; or

(4) Has committed an act or acts of inappropriate sexual contact with a client.

(h) A massage therapist whose license has been revoked or whose application has been denied for committing an act or acts of inappropriate sexual contact shall not reapply for a massage therapist license for:

(1) At least one year from the date the revocation or denial became final, for the first offense; and

(2) At least 3 years from the date the revocation or denial became final, for the second offense.

(i) License revocations and application denials, for committing an act or acts of inappropriate sexual contact, shall be permanent for the third offense.

(j) Except for (i) above, a massage therapist whose license has been revoked and who wishes to reapply for a license shall reapply as for an initial massage therapist license in accordance with He-P 902.01, including retaking the written examination in accordance with He-P 902.03.

(k) Except for (i) above, a massage therapist whose application has been denied and who wishes to reapply for a license shall reapply as for an initial massage therapist license in accordance with He-P 902.01, including retaking the written examination in accordance with He-P 902.03.

(l) In addition to (j) and (k) above, a license shall not be granted to any applicant until the applicant has complied with the requirements for which the revocation or denial was issued and has paid all fines, if any, associated with the revocation or denial.

He-P 904.05 Procedures for Imposing and Schedule of Administrative Fines.

(a) When the commissioner has determined that a violation of RSA 328-B or He-P 900 has occurred, the commissioner shall impose a fine in accordance with RSA 328-B:11-a and (d) below.

(b) If the applicant or massage therapist waives the right to a hearing and chooses to pay the imposed fine, the fine shall be paid to and received by the department within 30 days of receipt of the notice of fine by the applicant or massage therapist.

(c) The fine payment shall be sent to the commissioner.

(d) Fines for violation of the provisions of RSA 328-B and He-P 900 shall be imposed in accordance with the following schedule:

(1) For submitting false or fraudulent information on or with an application, the fine shall be $500.00;

(2) For falsification of a license to practice massage therapy, the fine shall be $500.00;

(3) For practicing or advertising massage therapy without a license, the fine shall be $500.00;

(4) For failure to submit a plan of correction in accordance with He-P 904.02(g), the fine shall be $200.00 per violation;

(5) For failure to implement and maintain a plan of correction, the fine shall be $200.00 per violation;

(6) For failure to cooperate during an investigation, the fine shall be $750.00;

(7) For committing an act or acts of inappropriate sexual contact, the fine shall be $750.00 for the first offense; and

(8) For committing an act or acts of inappropriate sexual contact, the fine shall be $1,500.00 for the second offense.

He-P 904.06 Waivers.

(a) Each person seeking a waiver of a specific rule in this chapter shall submit a written request for waiver to the commissioner which includes:

(1) Specific reference to the rule for which a waiver is being sought;

(2) Full explanation of why a waiver is necessary; and

(3) Full explanation of alternatives proposed by the applicant, which shall be equally as protective of public health as the rule from which a waiver is sought.

(b) The commissioner shall approve a request for waiver if:

(1) The commissioner concludes that authorizing deviation from strict compliance with the rule for which a waiver is sought does not contradict the intent of the rule or underlying statute; and

(2) The alternative proposed by the applicant ensures that the objective or intent of the rule for which a waiver is sought will be accomplished.

(c) If a waiver is approved, the subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.

PART He-P 905 EDUCATIONAL REQUIREMENTS

He-P 905.01 Educational Requirements.

(a) The minimum educational qualifications for licensure as a massage therapist shall include:

(1) A high school diploma or GED;

(2) Graduation from a massage therapy school; and

(3) Completion of a course of study of at least 750 hours which shall comply with the requirements specified in Table 9.1 Curriculum;

Table 9.1 Curriculum

Subject	Hours
Anatomy and physiology	150 hours
History, theory, practice, benefits, and contraindications of massage therapy, related modalities, and adjunct therapies within the scope of practice of a massage therapist, including Swedish massage and hydrotherapy	375 hours
Training in hygiene/sanitary practices, to include blood-borne pathogen standards. Adult CPR and first aid, documented by current certification in each area	50 hours
Health services management, business practices, and ethics of massage	50 hours
Verifiably documented practical hours	125 hours

(b) Verifiably documented practical hours cited in Table 9.1 above shall include:

(1) Client information forms to be completed on each client which shall include at least:

a. Client's name, address, and telephone number;

b. Client's signature; and

c. Current date;

(2) Client notes to include at least:

a. Student therapist name;

b. Client name;

c. Date of session;

d. Duration of session; and

e. Session notes; and

(3) School log which shall include:

a. Student name;

b. Client name, address, and telephone number;

c. Date of session;

d. Duration of session; and

e. Signature of school representative, at the completion of the 125 hours, verifying that all client information forms and client notes in accordance with (1) and (2) above have been reviewed, are complete, and accepted by a faculty member or administrator.

(c) Students shall have attended a massage therapy school:

(1) That kept all records, as described in (b) (1), (2) and (3) above, on file for at least 3 years after the student's completion of the massage therapy program;

(2) That makes all school logs, as described in (b), (3) above, available and subject to inspection by the department and New Hampshire post-secondary education; and

(3) Whose curricula included all of the courses within each hourly block listed in Table 9.1 above, in which the actual hours for each course, however, was at the discretion of the school.

(d) Continuing education events, seminars, or programs shall not be accepted or approved as meeting any of the educational requirements of Table 9.1 Curriculum.

(e) Distance learning for some courses taken by a student as listed in Table 9.1 above shall be accepted, provided that:

(1) The distance learning courses were not palpation dependent, hands-on courses;

(2) All palpation dependent, hands-on courses were taken at the massage school;

(3) The distance learning program required an on-line learning self-assessment quiz to be passed by the potential student prior to being accepted into the program;

(4) The self-assessment quiz required in accordance with (3) above included inquiries relative to the student's;

a. Expectations of on-line learning;

b. Academic experience;

c. Technology skills;

d. Writing skills;

e. Level of maturity; and

f. Self-discipline;

(5) Specific learning goals for each course were posted on-line;

(6) All distance learning courses provided students with continuous interaction between faculty and students through use of on-line communications tools which included:

a. On-line discussion board;

b. Virtual classroom;

c. Responsive e-mail; and

d. Live chat;

(7) Each course contained a weekly scheduled time for students to communicate live with his or her instructor;

(8) Each course contained timely and reliable feedback to students; and

(9) All distance learning courses provided the use of on-line grade book to allow students to constantly monitor their progress throughout the course.

PART He-P 906 FEES

He-P 906.01 Fees. The fees established in accordance with RSA 328-B:4,VII(a) shall be as shown in Table 9.2 below:

Table 9.2 Fees

Type	**Fee**
Initial license application fee	$110.00
License renewal application fee	$110.00
Temporary license fee	$110.00

APPENDIX

IMPLEMENTED STATUTES

Rule Number	**RSA/Federal Citation**
He-P 901.01	RSA 328-B:2
He-P 902.01	RSA 328-B:6 and RSA 328-B:4, VII(b)
He-P 902.01 (b)(7)	RSA 163-B:11, VI-a
He-P 902.02	RSA 328-B:4, I, RSA 328-B:4, VII(b) & (h) and RSA 328-B:6
He-P 902.03	RSA 328-B:4VII(c)
He-P 902.04	RSA 328-B:5-a
He-P 902.05	RSA 328-B:4, I, RSA 328-B:4, VII(b), (e) & (f) and RSA 328-B:7
He-P 902.06	RSA 328-B:4, I and RSA 328-B:4, VII(e)
He-P 902.07	RSA 328-B:7
He-P 902.08	RSA 328-B:4, VII(j)
He-P 903.01	RSA 328-B:4, VI and RSA 328-B:5
He-P 904.01	RSA 328-B:4
He-P 904.02	RSA 328-B:4
He-P 904.03	RSA 328-B:4, I & II, RSA 328-B:4, VII(i), (k) & (l) and RSA 328-B:11-a
He-P 904.04	RSA 328-B:4, II, RSA 328-B:4, VII(k) and RSA 328-B:11-a
He-P 904.05	RSA 328-B:4, VII(k)
He-P 904.06	RSA 328-B:4, VII (h); RSA 328-B:6, III
He-P 905.01	RSA 328-B:4, VII(c)
He-P 906.01	RSA 328-B:4, VII(a) & (e), RSA 328-B:6(a) and RSA 328-B:7