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8/24/17

*Submitted by Mark Taylor,
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at ZBA meeting*

Office of the Professions

Regulations of the Commissioner

Part 78, Massage Therapy

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§ 78.1 Professional study of massage therapy.

To meet the professional educational requirement for admission to the licensing examination, the applicant shall present evidence of:

- a. high school graduation or its equivalent; and
- b. completion of a massage therapy program registered by the department pursuant to Part 52 of this Title or determined by the department to be equivalent in scope and content to a registered program; and
- c. applicants who graduated from a registered program of massage therapy or its equivalent more than three years before licensure shall present satisfactory evidence of having a current certificate in cardiopulmonary resuscitation (CPR).

§ 78.2 Licensing examination.

- a. Content. The examination shall include, but not be limited to, basic and clinical science subjects, and massage therapy, including the theory and procedures of western and oriental massage therapy.
- b. Passing score. The passing score on the licensing examination shall be 75.0 as determined by the State Board for Massage.
- c. Review and rescoring of examinations will be conducted in accordance with section 59.5(g) of this Title.

§ 78.3 Limited permits.

The department may issue a limited permit in massage, as provided in section 7806 of the Education Law, to applicants who have been admitted to the licensing examination and who have not previously failed such examination.

- a. The limited permit is valid for no more than 12 months or until the results of the next licensing examination for which the applicant is eligible are officially available. It is not renewable.
- b. Personal supervision, as used in section 7806(3) of the Education Law, shall mean that a supervising massage therapist shall be present on the premises at all times when professional massage therapy services are being rendered by the holder of the limited permit, and shall exercise that degree of supervision appropriate to the circumstances.

§ 78.4 Licensure by endorsement.

An applicant for endorsement of a license in massage therapy issued by another state, country, or territory shall meet all of the requirements of either Path A, as prescribed in subdivision (a) of this section, or Path B, as prescribed in subdivision (b) of this section.

- a. Path A. The applicant for endorsement of a license in massage therapy issued by another state, country, or territory shall:
 1. meet the requirements of section 59.6 of this Title;
 2. meet the professional education requirements prescribed in section 78.1 of this Part;
 3. have a current certificate in cardiopulmonary resuscitation (CPR);
 4. provide evidence satisfactory to the State Board for Massage Therapy and acceptable to the department of at least two years of acceptable professional experience in massage therapy in the state, country, or territory where licensed and following licensure in such jurisdiction, based upon a determination that such professional experience includes but is not limited to western and/or oriental massage therapy techniques;
 5. pass a written examination for licensure in the state, country, or territory in which the applicant is licensed to practice massage therapy, which is:

- i. satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that it is comparable in scope and content to that approved pursuant to section 78.2 of this Part; or
 - ii. satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that limitations in the examination's scope and content, as compared to the examination approved pursuant to section 78.2 of this Part, are addressed by the applicant through meeting the professional experience requirement, as prescribed in paragraph (4) of this subdivision; and
 6. be in good standing as a licensee in each jurisdiction in which the applicant is licensed to practice massage therapy.
- b. Path B. The applicant for endorsement of a license in massage therapy issued by another state, country, or territory shall:
 1. meet the requirements of section 59.6 of this Title;
 2. present evidence of high school graduation or its equivalent;
 3. have completed a massage therapy program of at least 500 clock hours at a school or institute of massage therapy;
 4. have completed at least 800 clock hours of classroom instruction, including but not limited to classroom instruction taken within the massage therapy program prescribed in paragraph (3) of this subdivision, comprised of:
 - i. at least 300 clock hours of classroom instruction that includes study in each of the following subjects: anatomy, physiology, neurology, myology or kinesiology, pathology, hygiene, and first aid; and
 - ii. at least 200 clock hours of classroom instruction that includes study in massage theory and technique, including at least 50 clock hours in oriental theory and technique and at least 50 clock hours in western theory and technique; and
 - iii. other classroom instruction, if needed to complete the 800 clock hour requirement, in subjects that are related to massage theory, technique, and practice that are satisfactory to the State Board for Massage Therapy and acceptable to the department, which may include but are not be limited to study in cardiopulmonary resuscitation (CPR), the uses, effects, and chemical ingredients of powders, oils, and other products used in the practice of massage therapy, infection control procedures, the recognition of abused and/or neglected patients, and communication skills;
 5. have a current certificate in cardiopulmonary resuscitation (CPR);
 6. provide evidence satisfactory to the State Board for Massage Therapy and acceptable to the department of at least five years of acceptable professional experience in massage therapy in the state, country, or territory where licensed, following licensure in such jurisdiction, and within 10 years immediately preceding application for licensure by endorsement, based upon a determination that such professional experience includes but is not limited to western and/or oriental massage therapy techniques;
 7. pass a written examination for licensure in the state, country, or territory in which the applicant is licensed to practice massage therapy, which is:
 - i. satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that it is comparable in scope and content to that approved pursuant to section 78.2 of this Part; or
 - ii. satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that limitations in the examination's scope and content, as compared to the examination approved pursuant to section 78.2 of this Part, are addressed by the applicant through meeting the professional experience requirement, as prescribed in paragraph (4) of this subdivision; and
 8. be in good standing as a licensee in each jurisdiction in which the applicant is licensed to practice massage therapy.

§ 78.5 Continuing education for massage therapists*.

*Effective January 1, 2012

- a. Definitions. As used in this section:
 1. Acceptable accrediting agency means an organization accepted by the Department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent and nondiscriminatory manner, such as an agency recognized for this purpose by the Council for Higher Education Accreditation.
 2. Higher education institution means a degree-granting postsecondary institution registered by the Department or accredited by an acceptable accrediting agency.
- b. Applicability of requirement.
 1. Each licensed massage therapist, required under Article 155 of the Education Law to register with the Department to practice in New York State, shall comply with the mandatory continuing

education requirements as prescribed in subdivision (c) of this section, except those licensees exempt from the requirement or who obtain an adjustment to the requirement pursuant to paragraph (2) of this subdivision or who are subject to a different requirement pursuant to this section.

2. Exemptions and adjustments to the requirement.

- i. Exemptions. The following licensees shall be exempt from the continuing education requirements, as prescribed in subdivision (c) of this section:
 - a. licensees for the triennial registration period during which they are first licensed to practice as a massage therapist in New York State; and
 - b. licensed massage therapists who are not engaged in the practice of massage therapy, as evidenced by not being registered to practice in New York State, except as otherwise prescribed in subdivision (e) of this section to meet the requirements for the resumption of practice in New York State.
- ii. Adjustments to the requirement. An adjustment to the continuing education requirement, as prescribed in subdivision (c) of this section, may be made by the Department, provided that the licensee documents good cause that prevents compliance or the Department determines otherwise that there is good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the Department, makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.

c. Mandatory continuing education requirement.

1. General requirement.

- i. During each triennial registration period, meaning a registration period of three years' duration, an applicant for registration shall complete at least 36 hours of continuing education, acceptable to the Department, as defined in paragraph (2) of this subdivision, a maximum of 12 hours of which may be self-instructional coursework acceptable to the Department. Any licensed massage therapist whose first registration date following January 1, 2012 occurs less than three years from that date, shall complete continuing education hours on a prorated basis at the rate of one hour of acceptable formal continuing education per month for each full calendar month completed between January 1, 2012 and the licensee's first registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2012 and ending before the first day of the new registration period.
 - ii. Proration. Unless otherwise prescribed in this section, during each registration period of less than three years' duration, an applicant for registration shall complete acceptable continuing education, as defined in paragraph (2) of this subdivision and within the limits prescribed in such paragraph, on a prorated basis at a rate of one hour of continuing education per month for such registration period.
2. Acceptable formal continuing education. To be acceptable to the Department, continuing education shall meet the requirements of this paragraph. Such continuing education must be coursework in subjects prescribed in subparagraph (i) of this paragraph and be the types of learning activities prescribed in subparagraph (ii) of this paragraph and subject to the prohibition contained in subparagraph (iii) of this paragraph.
- i. Subjects. Acceptable continuing education shall be coursework that contributes to the professional practice of massage therapy and shall have as its focus one or more of the following content areas, provided, however, that any coursework including the practical application of modalities or techniques shall only be accepted if such coursework provides instruction on the application of modalities or techniques legally authorized to be practiced within the scope of practice of massage therapy:
 - a. Subjects that enhance knowledge and skill in the theory, technique, and methods that fall within or are related to the practice of massage therapy, including, but not limited to, instruction in Swedish massage; medical massage; Shiatsu; connective tissue massage; Tui Na; reflexology; acupressure; polarity; myofascial massage; neuromuscular massage; craniosacral techniques; manual lymphatic drainage; infant massage; pregnancy massage; stretching; exercises to facilitate, enhance or perpetuate the benefits of massage therapy; Thai massage; sports massage; and courses related to specific physical conditions, such as cancer, that may require massage therapy;
 - b. Subjects that are fundamental to the practice of the profession, including, but not limited to, pathology, myology, neurology, anatomy, physiology, or subjects that are ancillary to the practice, such as effects of massage therapy on medication regimes;

- c. Subjects that include, but not limited to, activities and skills needed for practice, such as communication, intake procedures, assessment and evaluation, treatment planning, prevention, recordkeeping, First Aid, CPR, and knowledge of the chemical ingredients and safety of products and tools used in the practice of massage therapy;
 - d. Clinical Interventions/evidence-based models;
 - e. Philosophy and principles of massage therapy;
 - f. Subjects relating to health care, professional rules and regulations, standards of good practice, precautions, law, and/or ethics which contribute to professional practice in massage therapy and the health, safety, and/or welfare of the public.
- ii. Types of learning activities. Acceptable continuing education shall be the types of learning activities prescribed in this subparagraph and shall be subject to the limitations prescribed in this subparagraph and subparagraph (iii) of this paragraph.
- a. Courses of learning. Acceptable continuing education may be courses of learning offered by a sponsor, approved by the Department pursuant to subdivision (i) of this section, which may include, but need not be limited to, courses offered by such an approved sponsor; university and college credit and non-credit courses; or courses offered by programs registered by the Department as licensure-qualifying for the profession of massage therapy. Acceptable formal classes may be presented in various modes of instruction, including distance learning, but massage therapists must have documentation acceptable to the Department, verifying his or her completion of the coursework and detailing the duration and content of the course;
 - b. Other educational activities. Acceptable continuing education shall include the following other educational activities:
 - 1. preparing and teaching a course offered by a sponsor of continuing education to massage therapists, approved pursuant to subdivision (i) of this section, provided that such teaching shall not be acceptable where the licensee has taught the course on more than one occasion without presenting new or revised material. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;
 - 2. preparing and teaching a course acceptable to the Department, at a higher education institution or at a program registered by the Department as licensure-qualifying for the profession of massage therapy and relating to the practice of massage therapy, provided that such teaching shall not be acceptable where the licensee has taught the course on more than one occasion without presenting new or revised material. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;
 - 3. making a presentation at a professional conference sponsored by an organization that is a sponsor of continuing education to massage therapists and that is approved pursuant to subdivision (i) of this section, provided that such presentation shall not be acceptable where the licensee has presented on the topic on more than one occasion without presenting new or revised material. Continuing education hours that may be credited for this activity shall include actual presentation time, plus preparation time which may be up to two additional hours for each hour of presentation;
 - 4. authoring an article or report of research published in a peer-reviewed journal or a published book, provided that the amount of continuing education credit awarded for such activity shall be an amount prescribed by the Department;
 - 5. renewing a course in First Aid or CPR leading to a certificate for a maximum of three hours in each renewal period for each subject;
 - 6. completion of an online test, developed by the State Board for Massage Therapy and the Department, on ethics, precautions, standards of practice, and the Rules of the Board of Regents and the Regulations of the Commissioner of the Commissioner of Education relating to the practice of massage therapy for a maximum of three hours;
 - 7. achieving a specialty certification or recertification from an entity acceptable to the Department, provided that the amount of continuing education credit awarded for such certification or recertification shall be an amount prescribed by the Department;

8. completing a self-study program, meaning structured study, provided by a sponsor approved pursuant to subdivision (1) of this section, that is based on audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students; or
 9. completing a maximum of 12 hours of self-instructional coursework to meet the continuing education requirement, including, but not limited to, online coursework in any of the areas identified in subparagraph (1) of paragraph (2) of this subdivision, to the extent that the content of such coursework and hours completed can be verified by documentation. A maximum of six hours of study in online courses that have been approved by other jurisdictions for formal education in massage therapy, including continuing education may be included in such self-instructional coursework.
- iii. Prohibition.
1. Any continuing education designed for the sole purpose of maximizing profits for the practice of a massage therapist shall not be acceptable as continuing education.
 2. Coursework in techniques that do not fall in the practice of the profession of massage therapy, such as, but not limited to, Reiki, Feldenkrais Method, the Alexander Technique, or appearance enhancement practices as defined by the New York State Department of State shall not be acceptable as continuing education.
- d. Renewal of registration. At each triennial registration period following the first period in which the individual was licensed, a licensed massage therapist shall certify to the Department that he or she has either complied with the continuing education requirements, as prescribed in this section, or is subject to an exemption or adjustment to such continuing education requirements, as prescribed in subdivision (b) of this section.
- e. Requirement for lapse in practice.
1. A licensee returning to the practice of massage therapy in this State after a lapse in practice, as evidenced by not being registered to practice in this State, whose first registration date after such lapse in practice and following January 1, 2012 occurs less than three years from January 1, 2012, shall be required to complete:
 - i. at least one hour of acceptable continuing education for each month beginning with January 1, 2012 until the beginning of the new registration period, which shall be completed for a licensee who has not lawfully practiced massage therapy continuously in another jurisdiction throughout such lapse period, in the 12-month period before the beginning of the new registration period; and for the licensee who has lawfully practiced as a massage therapist continuously in another jurisdiction throughout such lapse period, in the new registration period or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of such new registration period; and
 - ii. for a licensee who has not lawfully practiced as a massage therapist continuously in another jurisdiction throughout such lapse period, at least 12 hours of acceptable continuing education in each successive 12-month period of the new registration period; and for a licensee who has lawfully practiced massage therapy continuously in another jurisdiction throughout such lapse period, the regular continuing education requirement during the new registration period.
 2. Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to practice as a massage therapist after a lapse in practice in which the licensee was not registered to practice in New York State and did not lawfully practice continuously in another jurisdiction throughout the lapse period, shall be required to complete:
 - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period;
 - ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum 36 hours, which shall be completed in the 12 months before the beginning of the new registration period; and
 - iii. at least 12 hours of acceptable continuing education in each succeeding 12-month period, after such registration is reissued, until the next registration date.
 3. Except as prescribed in paragraph (1) of this subdivision for registrations therein specified, a licensee who returns to the practice of massage therapy after a lapse in practice in which the licensee was not registered to practice in New York State but did lawfully practice massage therapy continuously in another jurisdiction throughout the lapse period, shall be required to complete:
 - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and

- ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum of 36 hours, which shall be completed in the new registration period, or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of the new registration period; and
 - iii. the regular continuing education requirement during the new registration period.
- f. Conditional registration.
 1. The Department may issue a conditional registration to a licensee who attests to or admits to noncompliance with the continuing education requirements of this section, provided that such licensee meets the following requirements:
 - i. the licensee agrees to remedy such deficiency within the conditional registration period;
 - ii. the licensee agrees to complete the regular continuing education requirement at the rate of one hour of acceptable continuing education per month during such conditional registration period; and
 - iii. the licensee agrees to complete additional continuing education during such conditional registration period, which the Department may require to ensure the licensee's proper delivery of professional massage therapy services.
 2. The duration of such conditional registration shall not exceed one year and shall not be renewed or extended.
- g. Licensee records. Each licensee subject to the requirements of this section shall maintain, or ensure access by the Department to, a record of completed continuing education, which includes: the title of the course if a course, the type of educational activity if an educational activity, the subject of the continuing education, the number of hours of continuing education completed, the sponsor's name and any identifying number (if applicable), attendance verification if a course, participation verification if another educational activity, a copy of any article or book for which continuing education credit is claimed with proof of publication, and the date and location of the continuing education. Such records shall be retained for at least six years from the date of completion of the continuing education and shall be made available for review by the Department in the administration of the requirements of this section
- h. Measurement of continuing education study. Continuing education credit shall be granted only for acceptable continuing education, as prescribed in subdivision (c) of this section. For continuing education courses, a minimum of 50 minutes shall equal one continuing education hour of credit. Continuing education credit for other educational activities shall be awarded as prescribed by the Department. A 50 minute period for a course shall not include time taken for lunch or break periods.
- i. Sponsor approval.
 1. To be approved by the Department, sponsors of continuing education to licensed massage therapists in the form of courses of learning or self-study programs shall meet the requirements of either paragraph (2) or (3) of this subdivision.
 2. The following entities shall be deemed approved by the Department as a sponsor of continuing education to licensed massage therapists in the form of courses of learning or self-study programs:
 - i. a national massage therapy organization or other professional organization, acceptable to the Department, that fosters good practice in the profession of massage therapy, in the nation as a whole and/or a region of the nation;
 - ii. a New York State massage therapy organization, acceptable to the Department, that is incorporated or otherwise organized in New York State that fosters good practice in the profession of massage therapy in the State of New York as a whole and/or a region of the State of New York;
 - iii. a national organization of jurisdictional boards of massage therapy that promotes and protects the health, safety and welfare of the public and fosters good practice in the profession of massage therapy;
 - iv. affiliates of international massage therapy conferences at which massage therapy is a major component of such conferences;
 - v. an entity, hospital or health facility defined in section 2801 of the Public Health Law; and
 - vi. a higher education institution.
 3. Department review of sponsors.
 - i. The Department shall conduct a review of sponsors that apply for approval to offer continuing education to licensed massage therapists that are not otherwise deemed approved pursuant to the provisions of paragraph (2) of this subdivision.
 - ii. An organization seeking approval to offer continuing education, subject to a Department review under this paragraph, shall submit, together with the fee as set forth in subdivision (j) of this section, an application for advance approval as a sponsor at least 90 days prior to the date of the commencement of such continuing education that documents that the organization:

- a. will offer courses of learning or self-study programs in one or more of the subjects prescribed for acceptable continuing education in subparagraph (c)(2)(i) of this section;
 - b. is an organized educational entity, or an entity that has expertise in the professional areas that will be taught, including but not limited to, postsecondary institutions that are not already deemed approved pursuant to subparagraph (2)(v) of this subdivision;
 - c. provides course instructors who are qualified to teach the courses which will be offered, including but not limited to, faculty of a massage therapy program offered by a higher education institution; or instructors who are specially qualified authorities in massage therapy, as determined by the Department with assistance from the State Board for Massage Therapy, to conduct such courses;
 - d. has a method of assessing the learning of participants, and describes such method; and
 - e. will maintain records for at least six years from the date of completion of coursework, which shall include, but shall not be limited to, the name and curriculum vitae of the faculty, a record of attendance of licensed massage therapists in the course if a course, a record of participation of licensed massage therapists in the self-instructional coursework if self-instructional coursework, an outline of the course, date and location of the course, and the number of hours for completion of the course. In the event an approved sponsor discontinues operation, the governing body of such sponsor shall notify the Department and shall transfer all records as directed by the Department.
- iii. Sponsors that are approved by the Department pursuant to the requirements of this paragraph shall be approved for a three-year term.
 - iv. The Department may conduct site visits of, or request information from, a sponsor approved pursuant to the requirements of this paragraph to ensure compliance with such requirements, and a sponsor shall cooperate with the Department in permitting such site visits and in providing such information.
 - v. A determination by the Department that a sponsor approved pursuant to the requirements of this paragraph is not meeting the standards set forth in this paragraph shall result in the denial or termination of the approved status of the sponsor.
 - vi. Prohibition: Presenters of didactic instruction may be provided by persons who are not licensed by the State of New York as massage therapists. The practical application of such modalities and techniques must be done by licensed massage therapists, or those otherwise authorized, when the continuing education occurs in the State of New York.
- j. Fees.
1. At the beginning of each registration period, a mandatory continuing education fee of \$45 shall be collected from licensees engaged in the practice of massage therapy in New York State, except for those exempt from the requirement pursuant to subparagraph (b)(2)(i) of this section. This fee shall be in addition to the any applicable registration fees required by sections 7804 of the Education Law.
 2. Licensees applying for a conditional registration, pursuant to the requirements of subdivision (f) of this section, shall pay a fee that is the same as and in addition to, any applicable fee for the triennial registration required by section 7804 of the Education Law. In addition, such licensees shall pay the \$45 mandatory continuing education fee.
 3. Organizations seeking approval to offer continuing education to licensed massage therapists shall submit an application fee of \$900 with the application requesting the issuance of a permit from the Department to become an approved sponsor of a formal continuing education program. A fee of \$900 shall accompany an application for a three-year renewal of the permit.



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Office of the Professions

Practice Guidelines

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Communication

- Massage therapists will accurately inform patients/clients, other health care practitioners and the public regarding the scope of their discipline and will represent their personal qualifications honestly, including education, experience, and professional affiliations upon request or in advertising.

Providing Treatment

- Massage therapists will have a sincere commitment to provide the highest quality of care to those who seek their professional services, and will provide only those services which they are qualified to perform.
- Massage therapists will provide treatment only when there is a reasonable expectation that it will be advantageous to the patient/client. The therapist will acknowledge the limitations, precautions, and the contraindications for their practice, and will refer patients/clients to other licensed health care professionals when the patient's/client's needs are outside of the therapist's scope of practice.
- Massage therapists will conduct their business and professional activities with honesty and integrity, and will act with respect toward colleagues, including all other health professionals.
- Massage therapists will avoid any interest, activities, or influences which might conflict with their obligation to act in the best interest of their patients/clients.

Confidentiality

- Massage therapists will safeguard the confidentiality of all patient/client information, including patient/client records, unless disclosure is required by law or court order. Any situation which requires the revelation of confidential information should be clearly delineated in records of massage therapists.

Consent

- Massage therapists will respect the patient's/client's right to an informed and voluntary consent for the release of patient/client information. Massage therapists will obtain and keep a record of the informed consent of the patient/client, or, in the case of a minor, of the person in parental responsibility before releasing information, unless required by law to do so.
- Massage therapists will respect the patient's/client's right to refuse, modify or terminate treatment, regardless of prior consent for such treatment.
- Massage therapists will not cause the patient/client more pain than the patient/client is willing to accept, nor will they exert any psychological pressure to induce the patient/client to accept a level of pain higher than the patient/client has expressly agreed to experience.
- When massage of breast tissue is therapeutically indicated, the female patient/client must be fully informed and give consent before the therapist undrapes the breast for treatment.

Boundaries

- Massage therapists will respect the patient's/client's boundaries with regard to privacy, exposure, emotional expression, beliefs and reasonable expectations of professional behavior. Therapists will respect the patient's/client's autonomy.
- Massage therapists will avoid exerting undue influence on patients/clients and will never engage in sexual behavior during the course of the professional relationship. The therapist should not engage in sexual conduct or activities, even if the patient/client attempts to sexualize the relationship.
- No manipulation of the genital areas is permitted, even at the patient's/client's request.

Immoral Conduct

- Massage of genital areas and massage of a patient/client who is not properly draped for massage shall be considered immoral conduct.
 - The practice of massage by a massage therapist who is not properly dressed shall be considered immoral conduct.
 - Draping includes methods used by a massage therapist to protect modesty, privacy, warmth and/or comfort of a patient/client by the use of sheets, towels, blankets or any item that serves this purpose.
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Discrimination

- Massage therapists do not discriminate in providing services to patients/clients based upon culture, ethnicity, age gender, belief, or sexual orientation. Massage therapists may, however, restrict their practice to specific age, gender groups, or to specific conditions as long as this is consistent and not arbitrarily applied.
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Hygiene

- Massage therapists will maintain their premises, including supplies, in a sanitary manner. This includes adherence to techniques of communicable disease control (universal precautions).
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Competency

- Massage therapists are expected to maintain competency in their practice. This can be done by taking continuing education classes and workshops, and by the independent reading of research and technique materials.
- Massage therapists will not practice under the influence of prescription medication, over-the-counter medication, alcohol, drugs or any other illegal substances which can impair their functioning.

§ 29.13 Special provisions for the profession of massage therapy.

a. Unprofessional conduct in the practice of massage therapy shall include all conduct prohibited by Sections 29.1 and 29.2 of this Part, except as provided in this section, and shall also include the following:

1. advertising not in the public interest shall include but not be limited to:
 - i. using pictures depicting an unclad or undraped human form;
 - ii. using any proper name under which the licensee is not registered unless it is the name of the establishment, firm, partnership, corporation, or professional limited liability partnership or corporation;
2. nothing in this Part shall be construed to prevent a licensed massage therapist, when advertising his or her practice, from using the letters "LMT" or from identifying areas of practice, such as, but not limited to: shiatsu, acupressure, amma, bodywork, reflexology, Swedish medical massage therapy, polarity, tuina, and connective tissue massage, provided that such identified areas of practice are within the scope of practice of massage therapy as defined in Section 7805 of the Education Law.
3. nothing in this Part shall be construed to prevent the ownership of a firm or corporation practicing massage therapy in this State by an unlicensed person or persons, or to prevent any contractual or employment arrangement between such person or persons and the professional licensee conducting such practice and computing the salary of professional employees, or the amount due the owner of such firm, partnership, or corporation on the basis of a percentage of the receipts from the performance of professional services. This provision shall apply in lieu of Section 29.1(b)(4) of this Part;
4. the provisions of Section 29.1(b)(5) of this Part prohibiting immoral conduct shall apply in the practice of massage therapy. Massage of genital areas and massage of a client who is not properly draped for massage, or by a massage therapist who is not properly dressed, shall be considered immoral conduct;

§ 29.1 General provisions.

- a. Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.
- b. Unprofessional conduct in the practice of any profession licensed, certified or registered pursuant to title VIII of the Education Law, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of such law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991, shall include:
 1. willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;
 2. exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;
 3. directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
 4. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to Article 28 of the Public Health Law or Article 13 of the Mental Hygiene Law;
 5. conduct in the practice of a profession which evidences moral unfitness to practice the profession;

6. willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;
7. failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
8. revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
9. 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 he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
10. 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, by experience or by licensure, to perform them;
11. performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
12. advertising or soliciting for patronage that is not in the public interest:
 - i. Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
 - a. is false, fraudulent, deceptive or misleading;
 - b. guarantees any service;
 - c. makes any claim relating to professional services or products or the cost or price therefore which cannot be substantiated by the licensee, who shall have the burden of proof;
 - d. makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or

- e. offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.

- ii. The following shall be deemed appropriate means of informing the public of the availability of professional services:
 - a. informational advertising not contrary to the foregoing prohibitions; and
 - b. the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.

- iii.
 - a. all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department;
 - b. a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;

- iv. Testimonials, demonstrations, dramatizations, or other portrayals of professional practice are permissible provided that they otherwise comply with the rules of professional conduct and further provided that the following conditions are satisfied:
 - a. the patient or client expressly authorizes the portrayal in writing;

- b. appropriate disclosure is included to prevent any misleading information or imagery as to the identity of the patient or client;
- c. reasonable disclaimers are included as to any statements made or results achieved in a particular matter;
- d. the use of fictional situations or characters may be used if no testimonials are included; and
- e. fictional client testimonials are not permitted;

13. failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt;

14. violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law, Section 6511.

§ 29.2 General provisions for health professions.

- a. Unprofessional conduct shall also include, in the professions of: acupuncture, athletic training, audiology, certified behavior analyst assistant, certified dental assisting, chiropractic, creative arts therapy, dental hygiene, dentistry, dietetics/nutrition, licensed behavior analyst, licensed perfusionist, licensed practical nursing, marriage and family therapy, massage therapy, medicine, mental health counseling, midwifery, occupational therapy, occupational therapy assistant, ophthalmic dispensing, optometry, pharmacy, physical therapist assistant, physical therapy, physician assistant, podiatry, psychoanalysis, psychology, registered professional nursing, respiratory therapy, respiratory therapy technician, social work, specialist assistant, speech-language pathology (except for cases involving those professions licensed, certified or registered pursuant to the provisions of article 131 or 131-B of the Education Law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of chapter 606 of the Laws of 1991):

1. abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a professional employment by a group practice, hospital, clinic or other health care facility, without reasonable notice and under circumstances which seriously impair the delivery of professional care to patients or clients;
2. willfully harassing, abusing or intimidating a patient either physically or verbally;
3. failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of 21 years;
4. using the word "Doctor" in offering to perform professional services without also indicating the profession in which the licensee holds a doctorate;
5. failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;
6. guaranteeing that satisfaction or a cure will result from the performance of professional services;
7. ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient;
8. claiming or using any secret or special method of treatment which the licensee refuses to divulge to the State Board for the profession;
9. failing to wear an identifying badge, which shall be conspicuously displayed and legible, indicating the practitioner's name and professional title authorized pursuant to the Education Law, while practicing as an employee or operator of a hospital, clinic, group practice or multiprofessional facility, registered pharmacy, or at a commercial establishment offering health services to the pub;
10. entering into an arrangement or agreement with a pharmacy for the compounding and/ or dispensing of coded or specially marked prescriptions;

11. with respect to all professional practices conducted under an assumed name, other than facilities licensed pursuant to article 28 of the Public Health Law or article 13 of the Mental Hygiene Law, failing to post conspicuously at the site of such practice the names and the licensure field of all of the principal professional licensees engaged in practice at that site (i.e., principal partners, officers or principal shareholders);
12. issuing prescriptions for drugs and devices which do not contain the following information: the date written, the prescriber's name, address, telephone number, profession and registration number, the patient's name, address and age, the name, strength and quantity of the prescribed drug or device, as well as the directions for use by the patient. In addition, all prescriptions for controlled substances shall meet the requirements of article 33 of the Public Health Law;
13. failing to use scientifically accepted infection prevention techniques appropriate to each profession for the cleaning and sterilization or disinfection of instruments, devices, materials and work surfaces, utilization of protective garb, use of covers for contamination-prone equipment and the handling of sharp instruments. Such techniques shall include but not be limited to:
 - i. wearing of appropriate protective gloves at all times when touching blood, saliva, other body fluids or secretions, mucous membranes, nonintact skin, blood-soiled items or bodily fluid-soiled items, contaminated surfaces, and sterile body areas, and during instrument cleaning and decontamination procedures;
 - ii. discarding gloves used following treatment of a patient and changing to new gloves if torn or damaged during treatment of a patient; washing hands and donning new gloves prior to performing services for another patient; and washing hands and other skin surfaces immediately if contaminated with blood or other body fluids;
 - iii. wearing of appropriate masks, gowns or aprons, and protective eyewear or chin-length plastic face shields whenever splashing or spattering of blood or other body fluids is likely to occur;
 - iv. sterilizing equipment and devices that enter the patient's vascular system or other normally sterile areas of the body;
 - v. sterilizing equipment and devices that touch intact mucous membranes but do not penetrate the patient's body or using high-level disinfection for equipment and devices which cannot be sterilized prior to use for a patient;
 - vi. using appropriate agents, including but not limited to detergents for cleaning all equipment and devices prior a sterilization or disinfection;

- vii. cleaning, by the use of appropriate agents, including but not limited to detergents, equipment and devices which do not touch the patient or that only touch the intact skin of the patient;
 - viii. maintaining equipment and devices used for sterilization according to the manufacturer's instructions;
 - ix. adequately monitoring the performance of all personnel, licensed or unlicensed, for whom the licensee is responsible regarding infection control techniques;
 - x. placing disposable used syringes, needles, scalpel blades, and other sharp instruments in appropriate puncture-resistant containers for disposal; and placing reusable needles, scalpel blades, and other sharp instruments in appropriate puncture-resistant containers until appropriately cleaned and sterilized;
 - xi. maintaining appropriate ventilation devices to minimize the need for emergency mouth-to-mouth resuscitation;
 - xii. refraining from all direct patient care and handling of patient care equipment when the health care professional has exudative lesions or weeping dermatitis and the condition has not been medically evaluated and determined to be safe or capable of being safely protected against in providing direct patient care or in handling patient care equipment; and
 - xiii. placing all specimens of blood and body fluids in well-constructed containers with secure lids to prevent leaking; and cleaning any spill of blood or other body fluid with an appropriate detergent and appropriate chemical germicide; and
14. failing to adhere to applicable practice guidelines, as determined by the commissioner, for the compounding of sterile drugs and products.

b. Unprofessional conduct shall also include, in those professions specified in section 18 of the Public Health Law and in the professions of acupuncture, certified behavior analyst assistant, creative arts therapy, marriage and family therapy, massage therapy, mental health counseling, and psychoanalysis, failing to provide access by qualified persons to patient information in accordance with the standards set forth in section 18 of the Public Health Law. In the professions of acupuncture, certified behavior analyst assistant, creative arts therapy, licensed behavior analyst, marriage and family therapy, massage therapy, mental health counseling, and psychoanalysis, qualified persons may appeal the denial of access to patient information in the manner set forth in section 18 of the Public Health Law to a record access committee appointed by the executive

secretary of the appropriate State Board. Such record access review committees shall consist of not less than three, nor more than five members of the appropriate State Board.

As of 08/23/2017 04:08PM , the Laws database is current through 2017 Chapters 1-270

Education

§ 6512. Unauthorized practice a crime. 1. Anyone not authorized to practice under this title who practices or offers to practice or holds himself out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who practices any profession as an exempt person during the time when his professional license is suspended, revoked or annulled, or who aids or abets an unlicensed person to practice a profession, or who fraudulently sells, files, furnishes, obtains, or who attempts fraudulently to sell, file, furnish or obtain any diploma, license, record or permit purporting to authorize the practice of a profession, shall be guilty of a class E felony.

2. Anyone who knowingly aids or abets three or more unlicensed persons to practice a profession or employs or holds such unlicensed persons out as being able to practice in any profession in which a license is a prerequisite to the practice of the acts, or who knowingly aids or abets three or more persons to practice any profession as exempt persons during the time when the professional licenses of such persons are suspended, revoked or annulled, shall be guilty of a class E felony.

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Office of the Professions

License Requirements

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Definition of Practice of Massage Therapy - Education Law, Section 7801

The practice of the profession of massage therapy is defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

General Requirements

This page covers the basic requirements and procedures to follow in applying for a license as a massage therapist in New York State. Any use of the title "massage therapist" or "masseuse," "masseur," or any derivation of the title, within New York State, requires licensure as a massage therapist.

To be licensed as a massage therapist in New York State you must:

- be of good moral character;
- be at least 18 years of age;
- meet education and examination requirements;
- meet experience requirements (if applicable); and
- have completed a course in Cardiopulmonary Resuscitation (CPR) within three years prior to licensure.

In addition, an applicant must also submit evidence of English proficiency ([if applicable](#)). There is an experience requirement only for massage therapists licensed in another jurisdiction who seek licensure by [endorsement](#).

Submit an application for licensure and the other forms indicated, along with the appropriate fee, to the Office of the Professions at the address specified on each form. It is your responsibility to follow up with anyone you have asked to send us material.

The specific requirements for licensure are contained in Title 8, [Article 155](#), Section 7800 of New York's Education Law and [Part 78](#) of the Commissioner's Regulations.

You should also read the [general licensing information](#) applicable for all professions.

Fees

The fee for licensure and first registration is \$108.

The fee for a limited permit is \$35.

Fees are subject to change. The fee due is the one in law when your application is received. If fees are increased by statute retroactively, you will be billed for the difference.

- Do not send cash.
- Make your personal check or money order payable to the New York State Education Department. Your cancelled check is your receipt.
- Mail your application and fee to:

NYS Education Department
Office of the Professions
PO Box 22063
Albany, NY 12201

NOTE: Payment submitted from outside the United States should be made by check or draft on a United States bank and in United States currency; payments submitted in any other form will not be accepted and will be returned.

Partial Refunds

If you withdraw your licensure application you may be entitled to a partial refund.

- For the procedure to withdraw your application, contact the Massage Therapy Unit at opunit3@nysed.gov or by calling 518-474-3817, ext. 270 or by fax at 518-402-5354, or by letter.
- The State Education Department is not responsible for any fees paid to an outside testing or credentials verification agency.

If you withdraw your application, obtain a refund, and then decide to seek New York State licensure at a later date, you will be considered a new applicant, and you will be required to pay the licensure and registration fees and meet the licensure requirements in place at the time you reapply.

Education Requirement

To meet the professional education requirement for licensure, you must:

- Complete high school or its equivalent and graduate from a school or institute of massage therapy with a program registered by the New York State Education Department* as licensure qualifying, or its substantial equivalent in both subject matter or extent of training, provided that the program in such school or institute shall consist of classroom instruction with a total of not less than 1000 hours in specific subjects satisfactory to the Department.
- Complete coursework in anatomy, physiology, neurology, myology or kinesiology, pathology, hygiene, first aid, CPR, infection control procedures, the chemical ingredients of products that are used and their effects, as well as the theory, technique and practice of both oriental and western massage/bodywork therapy. Within the 1000 hours of education, you will have had to complete a minimum of 150 hours of practice on a person.

*NOTE: If your program is not listed, contact the State Board for Massage Therapy to determine if it is a New York State licensure qualifying program.

Examination Requirements

To meet the examination requirement for licensure, you must pass the New York State Massage Therapy Examination (see New York State Massage Therapy Examination Blueprint). Before being admitted to the examination, you must have met all requirements for licensure except citizenship.

The examination is offered twice annually, in January and August. You must file a separate examination scheduling application with CASTLE Worldwide, Inc. The examination scheduling application is available through Castle Worldwide, Inc at:

CASTLE Worldwide, Inc.
 Attn: NY Exams
 PO Box 570
 Morrisville, NC 27560
 Phone: 800-655-4845 or 919-572-6880
 E-mail: info@castleworldwide.com
 Web: www.castleworldwide.com/cww/take-a-test/entry/new-york-state-education-department-division-of-professional-licensing-serv

Your application for licensure in New York State and your application to take the examination must be filed by the following deadlines:

Exam Date	Application for Licensure in New York State	Application to Take the Licensure Examination
January	November 1	November 1
August	June 1	June 1

Reasonable Accommodations

Reasonable accommodations for testing are available if you have a disability and can provide supporting documentation that would make you eligible for changes to the administration of an examination. Your accommodations must be approved by the Professional Examinations Unit of the Office of the Professions. You must fill out a Request for Reasonable Accommodations Form (16 KB). The form instructs you to submit documentation from an appropriate healthcare provider who has diagnosed your disability, indicating the nature and the extent of the disability and the corresponding recommendations for accommodations for the test. Documentation of reasonable accommodations for testing that you received in the past should also be submitted. When it is time for you to apply to take the licensing examination with Castle Worldwide, Inc., make sure that you check the appropriate box for reasonable accommodations on the Castle examination scheduling application. If you need further information regarding testing accommodations, you may contact the Professional Examinations Unit of the Office of the Professions at opexams@nysed.gov or 518-474-3817 ext. 290 or by writing to them at:

New York State Education Department
 Office of the Professions
 Professional Examinations Unit
 Education Building, 2nd Floor, East Wing
 89 Washington Avenue
 Albany, NY 12234-1000

Applicants Licensed in Another Jurisdiction

If you are licensed in another state, country or territory based on specific education and examination requirements, and have practiced massage therapy in that state, country or territory for at least two years, you may be eligible for licensure by endorsement.

- A. You may be eligible for licensure by endorsement if you:
- Submit a completed application for licensure to New York State and the appropriate fee
 - Are at least 21 years of age
 - Present evidence of graduation from high school or its equivalent
 - Have not taken and failed the New York State Massage Therapy examination
 - Are a United States citizen or an alien lawfully admitted for permanent residence in the United States
 - Have been determined by the Department to be of good moral character
 - Are in good standing as a licensee in each state, country or territory in which you are licensed to practice massage therapy
 - Received a certificate for completing a course in Cardiopulmonary Resuscitation within the three years prior to New York State licensure

- B. In addition to meeting the requirements of Section A, you must satisfy the following requirements:

If you have been licensed and practiced 2 - 4 years in another state, country or territory, you must:

- Meet the New York State 1,000-hour education requirement for licensure
- Provide evidence of at least two years of acceptable post-licensure professional experience* in massage therapy, including western and/or oriental massage therapy techniques, in the state, country, or territory where you were licensed
- You must have passed a written examination for licensure in the state, country, or territory in which you are licensed to practice massage therapy, which is satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that limitations in the examination's scope and content, as compared to the content of the New York State Massage Therapy Examination, were addressed by you through the professional experience in massage therapy which you gained in the state, country, or territory where you are licensed, following your licensure in that jurisdiction. This would be based upon a determination that the professional experience you had in massage therapy included but was not limited to western and/or oriental massage therapy techniques. For example, the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) along with professional experience in massage therapy may be used in making this determination.

*One year of experience is defined as 52 weeks in which massage therapy is practiced an average of 12 hours each week.

OR

You must have passed a written examination for licensure in the state, country, or territory in which you are licensed to practice massage therapy, which is satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that it is comparable in scope and content to the New York State Massage Therapy Examination.

If you have been licensed and practiced 5 or more years in another state, country or territory, you must:

- Have received a degree, diploma or certificate from an approved program of massage therapy of at least 500 clock hours
- Have completed a total of at least 800 clock hours of classroom instruction, including the classroom instruction completed in the massage therapy program from which you graduated, comprised of:
 - At least 300 clock hours of classroom instruction that includes study in each of the following subjects: anatomy, physiology, neurology, myology or kinesiology, pathology, hygiene, and first aid; and
 - At least 200 clock hours of classroom instruction that includes study in massage theory and technique, including at least 50 clock hours in oriental theory and technique and at least 50 clock hours in western theory and technique; and

- Other classroom instruction, if needed to complete the 800-clock hour requirement, in subjects that are related to massage theory, technique and practice and satisfactory to the State Board for Massage Therapy and acceptable to the Department.
- Provide evidence of at least five years, within the 10 years immediately preceding your application for licensure, of acceptable post-licensure professional experience* in massage therapy, including western and/or oriental massage therapy techniques, in the state, country, or territory where you were licensed
- You must have passed a written examination for licensure in the state, country, or territory in which you are licensed to practice massage therapy, which is satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that limitations in the examination's scope and content, as compared to the content of the New York State Massage Therapy Examination, were addressed by you through the professional experience in massage therapy which you gained in the state, country, or territory where you are licensed, following your licensure in that jurisdiction. This would be based upon a determination that the professional experience you had in massage therapy included but was not limited to western and/or oriental massage therapy techniques. For example, the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) along with professional experience in massage therapy may be used in making this determination.

OR

You must have passed a written examination for licensure in the state, country, or territory in which you are licensed to practice massage therapy, which is satisfactory to the State Board for Massage Therapy and acceptable to the department, based upon the determination that it is comparable in scope and content to the New York State Massage Therapy Examination.

If you need additional information to determine if you are eligible for licensure by endorsement, please contact the State Board for Massage Therapy at msthbd@nysed.gov, by calling 518-474-3817 ext. 150, by fax at 518-473-1951 or by writing to:

New York State Education Department
Office of the Professions
New York State Board for Massage Therapy
89 Washington Avenue
Albany, NY 12234-1000

Limited Permits

You may be issued a limited permit if you meet all of the licensure requirements except the examination. Your permit will not be issued until all required documentation has been reviewed and approved by the New York State Education Department. If you are issued a limited permit, you must work under the personal, on-site supervision of an individual licensed and currently registered to practice massage therapy in New York State.

Your limited permit is valid for no more than one year from the date it is issued, or until the results of the first examination for which you are eligible are made known, whichever comes first. You may not be issued a limited permit if you have previously held a permit or have failed the New York State Massage Therapy Examination.

You may not engage in private practice if you hold a limited permit. You must be employed by a licensed massage therapist or by an entity authorized to practice massage therapy that engages a licensed massage therapist to provide personal, on-site supervision. You may apply for a limited permit (use Form 5) at the same time, or any time after, you submit your Application for Licensure (Form 1 and fee).

The fee for a limited permit is \$35.