



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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August 31, 2007

Dear Licensed Massage School Owner or Community College Massage Therapy Program:

Our office received 16 written responses to the draft of the 500 hour curriculum implementing HB 2644. We appreciate the willingness of these school owners to review the draft curriculum and submit input on such a short timeline. All comments submitted that relate to rulemaking will be considered. We look forward to working with you this fall on revisions to the rules.

We hope that the attached Notice to Licensed Massage Schools on Implementation of HB 2644 will answer many of your questions and assist you in implementing the changes required by the statute. The Notice covers:

- Concerns about Implementation and Timeline
- Comments on the 500 Hour Curriculum
- September 1, 2008 Deadline for Completion of all 300 Hour Courses
- Submissions Required Before Offering the 500 Hour Curriculum
- Changes to Examination Required for Licensure
- Changes Related to Exemptions From Licensure as a Massage Establishment
- Independent Massage Therapy Instructors

Feel free to contact me by e-mail at massage@dshs.state.tx.us or at the Massage Therapy Licensing Program phone number 512-834-6616 if you have questions.

Sincerely,

Yvonne Feinleib, Program Director
Massage Therapy Licensing Program
Professional Licensing and Certification Unit



Notice to Massage Schools on Implementation of HB 2644

Concerns about Implementation and Timeline

The DSHS Professional Licensing and Certification Unit received several comments related to the HB 2644 implementation timeline and the need for DSHS to provide additional and timely public and stakeholder information.

Here is the current timeline:

March 6, 2007	HB 2644 filed with an effective date of January 1, 2008
May 27, 2007	HB 2644 modified by conference committee to establish an effective date of September 1, 2007
June 15, 2007	HB 2644 signed by the Governor
June 2007	Stakeholder group offered to provide draft curriculum
August 1, 2007	Final version of stakeholders' draft curriculum submitted to DSHS
August 14, 2007	DSHS sent modified draft curriculum to all massage therapy educational programs
September 1, 2007	500 hour curriculum required for all students enrolling in massage school
September 2007	Draft rule revisions will be posted on DSHS website, and stakeholders submit input
October 2007	Stakeholder meeting to provide input on rules (date to be announced)
November 2007	Proposed rule revisions will be finalized; begin internal DSHS legal review process
December 2007	First students may complete 500 hour courses and apply for licensure
January 2008	DSHS Council will consider proposed rules implementing HB 2644 requirements
March 2008	Proposed rules will be published in the Texas Register for formal public comment
July 2008	Effective date for adoption of final rules
September 1, 2008	Proposed date for all students to have completed 300 hour courses
August 31, 2009	Proposed date to discontinue the Texas state written exam for students completing 300 hour course

Comments on the 500 Hour Curriculum

Many of those who commented expressed concern about DSHS limiting the length of approved courses to the minimum 500 hours required for initial licensure, and in particular, containing to limit the internship to a maximum of 50 hours. They requested that no limits be established except through rulemaking. Note: the 50 hour maximum for the internship was not increased by HB 2644 and is already established by rule:

Title 25 TAC §141.34(j) The department does not approve more than 50 internship hours. Individuals who have completed the required 300-hour supervised course of instruction, including the 50-hour internship are eligible for examination and licensure and are no longer considered to be students. For the purposes of Texas Occupations Code §455.053(7), 50 hours is the maximum number of hours a student can accumulate in an internship before the student is required to be licensed.

Although we must increase the classroom hours from 300 to 500 to meet the changes required by HB 2644 effective September 1, 2007, HB 2644 does not invalidate the current rule relating to a maximum internship of 50 hours.

Draft rules will be posted on the Massage Therapy program's website in September, with the intent of presenting them as proposed rules to the DSHS Advisory Council in January 2008. We intend to conduct a stakeholder meeting to receive input on rule revisions in early October. If the rule amendments do extend the length of the internship and/or allow for approval of courses that exceed the minimum 500 hours required for licensure, then the curriculum will be modified to coincide with the effective date of the new rules.

At this time, the only change we are making to the curriculum (based on input received from three stakeholders) is to amend the language on training on the AED as follows: Unit 3, Section 7, Competency 9.a.vi. on page 21, "Use of an AED" has been changed to: "Overview of use of an AED if available".

The final version of the 500 hour curriculum is posted on the website at: <http://www.dhs.state.tx.us/massage>

September 1, 2008 Deadline for 300 Hour Courses

All comments concerning the September 1, 2008 deadline for students to complete the 300 hour course were supportive. This deadline for graduating students enrolled in a 300 hour curriculum prior to September 1, 2007 will be included in the rule revisions.

What to Submit To DSHS Before Offering the 500 Hour Curriculum

Before offering a 500 hour course in accordance with the approved curriculum, each school must submit revised course materials to our office to update our files. However, a prior onsite inspection will not be required for currently licensed schools to expand from a 300 hour to a 500 hour course. Below are the materials each licensed school must submit before starting the 500 hour course:

- Copies of all updated enrollment agreement forms.
- Updated list of staff and textbooks.
- Current materials listed on the Initial Massage Therapy School application checklist (enclosed), which you have updated to expand from a 300 hour to a 500 hour course.

Note: Prior approval of these updated materials is not required prior to teaching the 500 hour course. The materials you submit will be reviewed, added to your file, and used during your next inspection.

Changes to Examination Required for Licensure

The existing Texas state written examination will continue to be available for students completing the 300 hour curriculum through August 31, 2009. The practical examination requirement was eliminated by HB 2644 and will no longer be offered. Current, pending applicants who have passed the written exam will be licensed without the practical.

We are asking all massage therapy training programs to submit the names of all students enrolled prior to September 1, 2007 so that we can plan for these exams and track applicants completing the 300 hour courses.

In accordance with legislative intent regarding national standards and license portability, all students completing the 500 hour curriculum must take and pass one of the following three national examinations to be licensed as a massage therapist in Texas:

1. *National Certification Examination for Therapeutic Massage (NCETM)* - National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) <http://www.ncbtmb.com> 1-800-296-0664
2. *National Certification Examination for Therapeutic Massage and Bodywork (NCETMB)* - National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) <http://www.ncbtmb.com> 1-800-296-0664
3. *Massage and Bodywork Licensing Examination (MBLEx)* - Federation of State Massage Therapy Boards (FSMTB) <http://www.fsmtb.org> 1-888-70-FSMTB

Students will contact the appropriate organization directly to make arrangements to test. The students will then submit applications for licensure after passing the examination.

Changes Related to Exemptions From Licensure as a Massage Establishment

HB 2644 establishes specific exemptions from licensure and does not provide the Department with rulemaking authority to define additional exemptions. Therefore, effective September 1, 2007, all massage schools, which offer massage therapy to the public outside of the 50 hour internship, are required by law to hold a massage establishment license for each location at which massage therapy services are offered (application form enclosed).

We have established a 30-day grace period to allow schools to submit the required application forms and fees to our office. Please submit all required items prior to October 1, 2007.

Independent Massage Therapy Instructors

The licensure category for independent massage therapy school instructors (persons providing a licensed massage therapy educational course without additional instructors) was eliminated by HB 2644 effective September 1, 2007. The affected licensees (4) have been contacted. These types of licenses will no longer be issued.

CHECKLIST FOR MATERIALS REQUIRED FOR A NEW MASSAGE SCHOOL APPLICATION

(Some or all items may be updated when expanding from a 300 hour to a 500 hour course)

If items listed below are part of a larger publication, please list corresponding page numbers where each item may be located.

1. Table of Contents
2. Legal Name of the Training Program and Address
3. Identifying Data
 - a. Catalog Volume Number
 - b. Date of Publication
 - c. Effective Dates
4. History – Accreditations/Approvals
5. Description of Available Space, Facilities and Equipment
6. A listing of
 - a. Officers, Directors, Trustees
 - b. Individual Owner
 - c. Partnership
7. Listing of Faculty and Key Staff.
 - a. Degrees/Licenses Shown
 - b. Specialized Training
 - c. Area of Instruction
8. Fees, Tuition, and/or Special Charges
 - a. Registration Fee
 - b. Tuition Fee
 - c. Book Fee
 - d. Supplies Fee
 - e. Tool Fee
 - f. Laboratory Fee
 - g. Total Charges for the Program
 - h. Scholarship Terms
 - i. Individual Subject Fee
 - j. Other
9. Training Program Calendar
 - a. Holidays to be Observed
 - b. Enrollment Periods
 - c. Beginning and Ending Dates
 - d. Normal Hours of Operation
 - (1) Training Program
 - (2) Office
 - e. Scheduled Vacation Periods
 - f. Definitive Class Schedules (am, pm)
 - (1) Breaks
 - (2) Mealtimes
10. Admission/Enrollment Policies
 - a. Admission/Enrollment Requirements
 - b. Specific Entrance Requirements Including Cut-off Scores, if applicable, For Each Program
11. Cancellation and Refund Policy
 - a. Cancellation Policy
 - b. Refund Policy
12. Programs
 - a. Title/Objective/purpose of each program

- b. Complete Listing of Subjects
 - (1) Identifying Number
 - (2) Title
- c. Contact and Credit Hours (if applicable) per subject
- d. Total Contact and Credit Hours (if applicable) required for Completion of the Program
- e. Requirements for Graduation (including Progress Requirements)
- f. Length of Time required for Completion of each Program
- g. Additional or Special Requirements for Completion
- h. Unregulated Program Statements where Applicable

13. A synopsis of Each Subject Offered

- a. Identifying Number
- b. Title
- c. Theory/Lab Contact Hours and Total Credit or Clock Hours for Each Subject
- d. Prerequisites
- e. A Complete Synopsis of the Contents of the Subject

14. A Definitive Description of the Grading and Marking System

15. Training Program Policy Concerning Satisfactory Progress

- a. Satisfactory Progress Defined
- b. Grading Period Defined including Frequency of Progress Reports
- c. Probation Policy and Terms of Probation Defined
- d. Conditions for Termination
- e. Conditions for Re-admittance
- f. Policy on (if applicable):
 - (1) incomplete grades
 - (2) repeated subjects
 - (3) remedial work
 - (4) withdrawals
- g. Document Awarded upon Completion
- h. System for Providing Progress Reports to Students

16. Training Program Attendance Policy

- a. Attendance Requirements – Policy Relating to
 - (1) Absences
 - (2) Tardies
 - (3) Make-up Work
 - (4) Leaves of Absence (if applicable)
- b. Conditions of Probation (if applicable)
- c. Conditions for Termination
- d. Conditions for Re-admittance

17. Training Program Policy Regarding Student Conduct

- a. Causes for Termination
- b. Policy for Re-admission

18. Description of Training Program Placement Assistance Policy (if applicable)

19. Credit Granted for Previous Education or Training Experience

20. Policies and Procedures to Resolve Student Grievances or Complaints

21. Approved and Regulated Statement

22. True and Correct Statement (Catalog/Supplements/Addenda/Handbooks)