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2022 ISSUE BRIEF MESSAGE LICENSING & CLASSIFICATION

LICENSING

The state of licensing and licensing requirements for Massage Therapy in the United States is one of a patchwork of differing rules and requirements across the country. USOLMT intends to provide an overview of the licensing and classification system in the United States in this document and present the issues that Massage Therapists have brought forth in our research regarding Licensing and Classification.

Our research shows that most massage therapists are interested in license portability and ease of movement within the United States under one license. They are in favor of a National Licensing Exam that would give them the ability to practice throughout the country without any state-by-state additional requirements. Therapists are concerned and frustrated that the State Massage Boards do not adopt the exact same standards and scope of practice across the country.

USOLMT sees that license portability or a National Licensing Exam with no other requirements to move from state to state would be impossible without the country-wide adoption of standard licensing requirements and scope of practice. If this were adopted nationally, surely there would be ease of movement, reciprocity, and complete portability. Working in our favor currently is the massage therapy compact project that has been adopted by the federal government, supported by the FSMTB, which will, when completed provide portability for all massage therapists from state to state, assuming that all states adopt the compact licensure.

We can gather from our research that the reason this is such an issue for massage therapists is due to the additional fees and the additional time required to become licensed in a second state. Sometimes it means additional education is required or a review process must be completed. This delays the time from a massage therapist moving into a new state to the time they can secure employment or start a business and imposes additional moving costs onto the therapist.

The only option for a travelling massage therapist is to become licensed in each state in which they practice, unless on a temporary work permit with a resort in some cases. In the Spa industry, massage therapists may have the option of working in another state for a short, specified period, on temporary work permits, such as for the summer or high season at a resort, without having to obtain licensing in that state and/or country. This doesn't happen with all resorts – some do require therapists to be licensed in their state as well as the state in which they practice.

Through our research we spoke to many massage therapists in our field who would like to see a dual or tiered license, based on whether a therapist practices in the Health Care Model of evidence-informed



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practice, with a separate tier of licensing covering those who practice in the Wellness Model, which should include Spa and Eastern Modalities.

COSTS & REQUIREMENTS

The cost of initial licensing is a concern for massage therapists, as is the license renewal cost and the license renewal requirements. The initial cost of licensing across the country can vary from \$100-\$200 or more. It does not make much sense as to why some massage therapists can get licensed for \$72.00, but the cost is \$200+ in other states. Education requirements also feed into this question, as the cost for education, along with the required hours can vary across the country.

The renewal cost of licensing across the country is, on average about \$180.00. Some states renew massage therapists licenses every two years, while others are every 3 years. In states that renew every two years, it costs significantly more over the career-lifespan of the massage therapist to engage in the practice of Massage Therapy.

The requirements of licensing also vary across the country. Fingerprinting and Background checks seem to be standard. Some states have added additional requirements such as required courses, state-required examinations, photos, and more. Additionally, some states have added fingerprinting and background checks upon renewal, every two to three years. About fingerprints, it is a common fact that the fingerprint of an individual does not change. Through our research we've found that some state boards must adhere to regulation that does not allow them to keep fingerprints and/or background checks stored beyond a specified amount of time.

Does a massage therapist need a background check every two years or more by their state board? We should consider that a massage therapist needs additional background checks at virtually every place of employment and when applying for city-licensing to open a massage establishment. This subjects the massage therapists to many background checks over the span of their career. Clear reasons why massage therapists must be subject to ongoing background checks should be established and conveyed to the massage community.

Other requirements include continuing education and additional coursework inclusions. The number of continuing education hours required varies from state to state, from zero to 24. The number of these hours which can be received virtually versus hands-on also varies from state to state. In some states, Human Trafficking and Ethics courses are required as part of the required continuing education and in other states, there are no requirements. This is confusing to massage therapists across the nation who may not understand why this is the case. We need clear explanations.



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CLASSIFICATION

In some states Massage Therapists are classified as “Personal Service” providers, while others classify massage therapists as “Health Care” providers, and some are “Alternative Healthcare Providers”.

On the federal level, Massage Therapists are classified as “Therapeutic Massage” or “Massage Parlor”, based on the North American Industry Classification System (NAICS) codes.

On the state level, massage establishments may be classified as “Massage Establishment” or “Massage Parlor”. Parlor is not only a connotation, but also a classification used by federal and state governments.

On the local level, some cities still call Massage Establishments “Adult Entertainment” businesses. Some therapists have expressed the ideal classification to be “Adjunct Health Professionals”. You can find out your classification by looking at your City-Wide Municipal Codes, your State Board’s Website under Scope of Practice, and Federally under the NAICS classification system codes.

USOLMT would like assist therapists in learning how to organize in their cities and states if necessary to change their classification from Adult Entertainment Businesses to Therapeutic Massage Establishments or other classification codes that reflect legitimate massage therapy practice. We believe that all connotations towards the sex and adult entertainment industry need to be taken out of the codes and scope of practices of legitimate massage therapists.

SUGGESTIONS FOR MOVING THE PROFESSION FORWARD ON THIS ISSUE

There needs to be public education on the terms used in legitimate massage practice. Therapists are offended by the terms “masseuse” and “masseur”, however, neither of these terms is defined as “Sex Worker”. Therapists would prefer to be called their legitimate title, “Massage Therapist”, “Licensed Massage Therapist”, or other state-designated title.

We need public education, especially to our media outlets, journalists, reporters, government officials, and law enforcement on the terms “Massage Parlor” v/s “Massage Establishment”. It seems that almost all journalists and government officials speak in terms of “Massage Parlor” for any practice, whether it is legitimate practice or a brothel in disguise.

The exact terminology and language that should be used in licensing and classification has been a long-standing source of contention and debate in our industry. We need to make a decision and stick with it. Decisions need to be made on what we are called, what our practices are called, and that information needs to be widely adopted by all industry stakeholders including schools, associations, educators, massage employers, massage therapists, government regulators, law enforcement, and the public.



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The debate should not be what takes the most time. From what we see, this debate is endless. It will take a long time to get the terminology widely adopted, and that is where the focus should be, rather than debating it among ourselves to infinity.

OPTIONS TO CONSIDER - NCBTMB

The NCB (National Certification Board) of Massage Therapy has Specialty Certificate Programs available. A Specialty Certificate in Health Care + Board Certification could satisfy the requirements of the Massage in Health Care issue. According to NCBTMB, Board Certification can lead to higher salaries for Massage Therapists working in the field.

Another Specialty Certificate could be developed by the NCBTMB for Spa Massage Therapy. Another for Eastern Therapies such as Ayurveda and those that fall under Chinese Medicine practices. Or the Specialty certificate could be more generalized to include many Wellness practices.

SUGGESTIONS

- Provide public links that all massage therapists can access to all differing rules and regulations including scope of practice in each state on one, accessible page.
- Provide clarity on the rules and regulations surrounding practices such as breast, abdominal, and glute massage from each state.
- Provide clarity on which states massage therapists are classified as “health care providers” and which states massage therapists are classified as “personal service providers” or other.
- Provide clarity as to why massage therapists have been classified differently in different states, and what work has been done to create a standard.
- Inform massage therapists with public information as to why the Model Massage Therapy Practice Act has not been adopted by each state. Where is the hold-up?
- Inform massage therapists as to why there is still a national classification of “Massage Parlor” and what we can do to change it, as well as what actions have already been taken to change this within the NAICS code system.

USOLMT’S ROLE

USOLMT is interested in advocating for a commonly adopted language describing our professional practices and the work we do, promoting that common language, and encouraging it to be widely adopted by massage therapists, industry stakeholders and the public. We are working to provide and



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keep up to date a comprehensive state by state listing of links and information regarding regulations, scope of practice, boards, classifications, and more.

USOLMT's activities as an organization may include supporting legislation, disseminating information to our members on legislative changes in the areas of licensing and classification, providing education in these areas that give massage therapists an overview of what is and is not regulated across the country, or providing links to pages created by others in these areas, all in one place for easy accessibility.