



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 21, 2022

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-071-LR)
Legislative Service Bureau (Secretary of State Filing #22-11-02)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-071-LR (Secretary of State Filing #22-11-02) on this date at 9:57 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Massage Therapy – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in black ink that reads "Lashana Threlkeld" followed by a stylized monogram "LTK".

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

November 21, 2022

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building -- 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-71 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated March 2, 2022 for the Department of Licensing & Regulatory Affairs “**Massage Therapy – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, 16287, 17959, 17961, 17963, and 17965 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16287, 333.17959, 333.17961, 333.17963, and 333.17965, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 338.732, 338.735, R 338.736, R 338.737, R 338.738, and R 338.739 of the Michigan Administrative Code are amended.

Date: 8/25/2022

Adopted by:

Orlene Hawks

Director

Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated March 2, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Massage Therapy-General Rules**” by:


- ◆ Amending R 338.732, R 338.735, R 338.736, R 338.737, R 338.738, and R 338.739.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: May 13, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated March 2, 2022, amending R 338.732, 338.735, R 338.736, R 338.737, R 338.738, and R 338.739, of the Department's rules entitled "Massage Therapy – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: May 13, 2022

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MASSAGE THERAPY - GENERAL RULES

Filed with the secretary of state on November 21, 2022

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16287, 17959, 17961, 17963, and 17965 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16287, 333.17959, 333.17961, 333.17963, and 333.17965, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.732, 338.735, R 338.736, R 338.737, R 338.738, and R 338.739 of the Michigan Administrative Code are amended, as follows:

PART 3. LICENSURE

R 338.732 Training standards for identifying victims of human trafficking; requirements.

Rule 32. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and 333.17060, an individual who is licensed or seeking licensure shall have completed training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Identifying resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer-review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.

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- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of the peer-review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

R 338.735 Initial licensure; requirements.

Rule 35. An applicant for a massage therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and the rules promulgated under the code, the applicant shall satisfy both of the following requirements:

(a) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 or R 338.722a, as applicable.

(b) Pass an examination required under R 338.734.

R 338.736 Foreign-trained applicants; licensure; requirements.

Rule 36. An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and the rules promulgated under the code, the applicant shall satisfy both of the following requirements:

(a) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722 or R 338.722a, as applicable. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.

(b) Pass an examination required under R 338.734.

R 338.737 Licensure by endorsement; requirements.

Rule 37. An applicant for a license by endorsement, pursuant to section 17959(2) of the code, MCL 333.17959, shall hold an active massage therapist license in good standing in another state, country, jurisdiction, territory, or province at the time of application. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, the applicant shall submit a completed application on a form provided by the department together with the required fee and shall satisfy all of the following requirements as noted by (√) below:

		Licensed for less than 3 years.	Licensed 3 years or more.
(a)	Establish that he or she is of good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(b)	Establish that he or she is at least 18 years of age.	√	√
(c)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(d)	Have satisfied 1 of the following requirements: (i) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 or R 338.722a, as applicable. (ii) Have provided evidence that the applicant has completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722 or R 338.722a, as applicable. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the National	√	

	Association of Credential Evaluation Services.		
(e)	Achieve a passing score on an examination adopted under R 338.734.	√	
(f)	Comply with both of the following: (i) Disclose each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country on the application form. (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√

R 338.738 Relicensure.

Rule 38. (1) An applicant whose license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, if the applicant meets the requirements of the code, the administrative rules promulgated under the code, and satisfies the following requirements as noted by a (√) below:

(a) For a massage therapist who has let his or her Michigan license lapse and is not currently licensed in another state, country, jurisdiction, territory, or province:		Lapsed less than 3 years	Lapsed 3 years but less than 7 years	Lapsed 7 years or more
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that he or she is of good moral character as defined and determined under 1974 PA 381,	√	√	√

	MCL 338.41 to 338.47.			
(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 18 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	Pass the examination approved pursuant to R 338.734 within the 3-year period immediately preceding the application for relicensure.			√
(vi)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√	√
(b)	For a massage therapist who has let his or her Michigan license lapse and is currently licensed in another state, country, jurisdiction, territory, or province:	Lapsed less than 3 years	Lapsed 3 years but less than 7 years	Lapsed 7 years or more
(i)	Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(ii)	Establish that he or she is of good moral character as defined and determined under 1974 PA 381, MCL 338.41 to 338.47.	√	√	√

(iii)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(iv)	Submit proof of having completed 18 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(v)	An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√	√

(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.

R 338.739 License renewals; massage therapist; requirements; applicability.

Rule 39. (1) An applicant for license renewal shall satisfy the requirements of R 338.7001 to R 338.7005, and shall accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during each license cycle.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 5 years from the date of application for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(3) The requirements of this rule do not apply if a licensee has been licensed for less than 3 years.

(4) A request for a waiver pursuant to section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(5) The department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (1) of this rule.

FILED WITH SECRETARY OF STATE

ON 11/21/22 AT 9:57 A.M.