

# THE FLORIDA BOARD OF MASSAGE THERAPY

## ANNUAL REGULATORY PLAN 2017-18

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes* (2017). The Plan covers the period beginning October 1, 2017 and ending September 30, 2018.

### PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2017 Legislative Session which creates or modifies the duties or authority of the Board of Massage Therapy. §120.74(1)(a), Fla. Stat. (2017).

Law Enacted or Modified on or after Oct. 1, 2016	Florida Statute (modified or created)	Rule (impacted)	Must Agency Adopt Rules?	If Rulemaking Necessary, Notice of Development Published in Florida Administrative Register?	Expected Publication Date for Notice of Proposed Rulemaking	If Rulemaking Not Necessary, Explain
None						


**PART TWO**

**LAWS EXPECTED TO BE IMPLEMENTED THROUGH RULEMAKING**

Part Two of this plan addresses those laws which the Board of Massage Therapy intends to implement through rulemaking by July 1, 2018 that are otherwise not covered pursuant to Part One of this Plan. This Part does not include emergency rulemaking or any other rulemaking that may become

necessary that was not evident to the Board at the time of the submission of this plan. Additionally, the listing of a law to be implemented does not mean the rule will necessarily be adopted or effective by July 1, 2018. §120.74(1)(b), Fla. Stat. (2017).

Rule Number And Title	Law Expected to Be Implemented Through Rulemaking	Intent of Rulemaking
64B7-27.100 F.A.C. Fees	§456.013(2) F.S. Department; general licensing provisions §456.025(1)(1),F.S. Fees; receipts; disposition §456.036(4) F.S. Licenses; active and inactive status; delinquency §456.065(3) F.S. Unlicensed practice of a health care profession; intent; cease and desist notice; penalties, enforcement; citations; fees; allocation and disposition of moneys collected §480.043(7) F.S. Massage establishments; prohibited practices §480.044 F.S. Fees; disposition	Increase fees to eliminate trust fund negative cash balance.

<p>64B7-25.001 Examination Requirements</p>	<p>§456.013(7) F.S. Department; general licensing provisions §456.017(1)(c), F.S. Examinations §456.0635 F.S. Health care fraud; disqualification for license, certificate or registration §480.041 F.S. Massage therapists; qualifications; licensure; endorsement §480.042 F.S. Examinations §480.044 F.S. Fees; disposition</p>	<p>Clarify, consolidate related rules, delete unnecessary language</p>
<p>64B7-25.0011 Colonic Irrigation Application</p>	<p>§480.041(4)(b) F.S. Massage therapists; qualifications; licensure; endorsement</p>	<p>Repealing; consolidated with Rule 64B7- 25.001</p>

<p>64B7-25.004 F.A.C. Endorsements</p>	<p>§456.013(2) F. S. Department; general licensing provisions §480.041(4)(c) Massage therapists; qualifications; licensure; endorsement</p>	<p>Clarification of rule</p>
<p>64B7-26.001 F.A.C. Definitions</p>	<p>§480.043(7) F.S. Massage establishments; requisites; licensure; inspection</p>	<p>Clarify the difference between an “owner” and the responsible person who must comply with the background check requirements</p>
<p>64B7-26.002 F.A.C. Licensure of Massage Establishments</p>	<p>§456.0635 F.S. Health care fraud; disqualification for license, certificate or registration §480.043 F.S. Massage establishments; requisites; licensure; inspection §480.044 F.S. Fees; disposition</p>	<p>Update form</p>

64B7-26.003 F.A.C. Massage Establish Operations	§480.043(2) F.S. Massage establishments; requisites; licensure; inspection	Clarify for Department of Health establishment inspectors the expectations of the Board concerning compliance with the rule at the request of the inspectors
64B7-26.007 F.A.C. Transfer of Massage Establish License	§456.0635 F.S. Health care fraud; disqualification for license, certificate or registration §480.043 F.S. Massage establishments; requisites; licensure; inspection	Update form
64B7-28.002 F.A.C. Biennial Renewal of Massage Establishment License	§480.043 F.S. Massage establishments; requisites; licensure; inspection §480.044 F.S. Fees; disposition	Delete unnecessary language

<p>64B7-28.008 F.A.C. Display of Licenses</p>	<p>§456.072(1)(t) F.S. Grounds for discipline; penalties; enforcement §480.043(2) F.S. Massage establishments; requisites; licensure; inspection</p>	<p>Clarify for Department of Health establishment inspectors the expectations of the Board concerning compliance with the rule at the request of the inspectors</p>
<p>64B9-28.0095 F.A.C. Continuing Education for Pro Bono Services</p>	<p>§456.013 F.S. Department; general licensing provisions §480.0415 F.S. License renewal</p>	<p>Update form</p>
<p>64B9-28.010 F.A.C. Requirements for Board Approval of Continuing Education Programs</p>	<p>§456.013(8) F.S. Department; general licensing provisions §456.025(7) F.S. Fees; receipts; disposition §456.036 F.S. Licenses; active and inactive status; delinquency §480.0415 F.S. License renewal</p>	<p>Incorporate form</p>

64B7-29.001 Definitions	§480.041(4)(a) F. S. Massage therapists; qualifications; licensure; endorsement	Redefine terms used in Chapter 64B7-29 to shorten language in related rules
64B7-29.002 Qualification	§456.013 F.S. Department; general licensing provisions §480.041(5)(a) Massage therapists; qualifications; licensure; endorsement	Reword to clarify and delete unnecessary language
64B7-29.003, F.A.C. Apprenticeship Training Program	§480.041(1)(b), (4) F.S. Massage therapists; qualifications; licensure; endorsement	Restructure for clarity and delete unnecessary language



64B7-29.004 F.A.C. Termination	§480.041(1)(b) F.S. Massage therapists; qualifications; licensure; endorsement	Edit with new definitions to shorten rule, delete unnecessary language
64B7-29.006 F.A.C. Change of Sponsoring Massage Therapist	§480.041(1)(b) (4) F.S. Massage therapists; qualifications; licensure; endorsement	Delete unnecessary language
64B7-29.007 F.A.C. Colonics Training through Apprenticeship	§480.041(4) F.S. Massage therapists; qualifications; licensure; endorsement	Delete unnecessary language and define contents of sponsor's report

<p>64B7-30.002 F.A.C. Disciplinary Guidelines</p>	<p>§456.072(2) F.S. Grounds for discipline; penalties; enforcement §456.079 F.S. Disciplinary guidelines §480.041 F.S. Massage therapists; qualifications; licensure; endorsement §480.043 F.S. Massage establishments; requisites; licensure, inspection §480.046 F.S. Grounds for disciplinary action by the board §480.047 F.S. Penalties</p>	<p>Update disciplinary guidelines to conform to statutory references and define ranges of penalties</p>
<p>64B7-30.006 F.A.C. Notices of Noncompliance</p>	<p>§120.695 F.S. Notice of noncompliance §456.073(3) F.S. Disciplinary proceedings</p>	<p>Delete obsolete language</p>

<p>64B7-32.001 F.A.C. Definitions</p>	<p>§480.033(9) F.S. Definitions §480.041 F.S. Massage therapists; qualifications; licensure; endorsement</p>	<p>Adding additional definitions to clarify documentation necessary for licensure</p>
<p>64B7-32.002 F.A.C. Proof of Graduation</p>	<p>§480.033(9) F.S. Definitions §480.041 F.S. Massage therapists; qualifications; licensure; endorsement</p>	<p>Eliminating electronic requirements that proved unworkable and clarifying the information necessary on a transcript, including an acceptable signing authority</p>
<p>64B7-32.003 F.A.C. Minimum Requirements for Board Approved Massage Schools</p>	<p>§480.033(9) F.S. Definitions §480.041 F.S. Massage therapists; qualifications; licensure; endorsement</p>	<p>Reorganize the rule for clarity and efficiency</p>

<p>64B7-32.005 F.A.C. Minimum Standards for Colonics Irrigation Training</p>	<p>§480.033(9) F.S. Definitions §480.041 F.S. Massage therapists; qualifications; licensure; endorsement</p>	<p>Reorganize the rule for clarity and efficiency</p>
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**PART THREE**  
**UPDATES TO PRIOR YEAR'S PLAN**

Part Three of the Plan address whether there are any updates to the prior year's regulatory plan. §120.74(c), Fla. Stat. (2017).

- There are not any updates to the prior year's annual regulatory plan.

**PART FOUR**  
**CERTIFICATION PURSUANT TO §120.74(1)(d), Fla. Stat. (2017)**

The undersigned hereby certify that they have reviewed this Annual Regulatory Plan and that the Board of Massage Therapy regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most comprehensive enhanced review having been completed on the

/s/ Lydia Nixon

Electronic Signature

Lydia Nixon

Chair of the Board of Massage Therapy

/s/ Lee Gustafson

Electronic Signature

Lee Ann Gustafson

Senior Assistant Attorney General

Counsel to the Board of Massage Therapy

9-14-17  
Date Signed

9/14/17  
Date Signed