

Questions & Answers

The following questions and answers are derived from administrative decisions made by the State Education Department. They are intended to provide general guidance to those who may have questions about licensing or professional conduct, not definitive legal opinions, law or regulation. Title VIII of the Education Law and 8NYCRR control both licensing and professional regulation. If you have questions that are not directly addressed by the document or believe that special factual circumstances may distinguish your issue from those addressed here, you are advised to consult private legal counsel or you may contact the State Board for Massage Therapy.

[Massage Therapy Education](#) | [The Massage Therapy Examination](#) | [Licensure by Endorsement](#) | [Limited Permits](#) | [Licensure and Registration](#) | [Professional Practice Issues](#) | [Exemptions](#)

Massage Therapy Education

1. If I have completed an acceptable massage therapy program with fewer than 1000 clock-hours of classroom instruction, can those hours be counted toward the 1000 clock-hour education requirement?

Yes. If the program you completed has at least 500 classroom hours and if you have earned a diploma or certificate, you can:

- enroll in a 1000 clock-hour massage therapy program registered by New York State;
- apply for licensure in massage therapy and make up course deficiencies in an acceptable program; or,
- meet the specific 800 clock-hour education requirement and an experience and examination requirement if you have been licensed by another state, country, or territory for five or more years and are able to apply for licensure by endorsement.

a) Enrolling in a massage therapy program registered by New York State.

Those who complete acceptable massage therapy programs in other states, countries, or territories may apply to a New York State registered program to be admitted as an advanced student. As of January 2002, the Department allows New York State registered programs to accept no more than 250 clock-hours completed in other approved schools or programs. The New York State registered program determines what courses may be accepted and the criteria used to evaluate the hours that they will accept. When you have completed the required clock-hours of the New York State registered program and have been issued a degree, diploma, or certificate, your education will be accepted by the Department without further review as meeting the education requirement for licensure.

b) Applying for licensure in massage therapy and remediating course deficiencies in an acceptable program.

If you have completed a program of at least 500 classroom hours and have received a diploma or certificate, you may apply for licensure. The Department will review your educational credentials. You will be informed if there are any educational deficiencies that you will have to remediate to complete the education requirement. These deficiencies can be remedied in any approved school or program for massage therapy. A diploma or certificate from the school or program would not be issued, but when you have completed the clock hours that are necessary to remedy the deficiencies, your final transcript will be reviewed by the Department to determine if you have met the education requirement.

c) Meeting the education requirement if you have been licensed more than five years in another state, country, or territory.

If you have been licensed in another state, country, or territory and have had professional practice experience as described below for at least five years within the past 10 years, and have passed a

licensing examination in that district that is acceptable to this Department and have satisfied the following professional education requirements for licensure in that state or country, and are in good standing in each jurisdiction in which you are licensed, you may request licensure in New York State through endorsement of that other license. For licensure by endorsement, the Department requires the completion of at least 800 clock-hours of specific education requirements. The experience must include at least an average of 12 hours of massage therapy a week for 52 weeks to be considered as one year of experience. Before final action can be taken on your application for licensure, all the documentation required for endorsement must be received and approved.

2. I have completed massage therapy courses in approved schools, but I did not finish the program. Can those courses be used to meet the education requirement?

If you have completed coursework in approved schools (either registered schools in New York State or approved or accredited schools in other states, countries, or territories) and seek to have that coursework accepted by a registered program in New York State or by an approved or accredited program in another state, country, or territory, it is up to the program to which you are applying to determine whether it will accept the coursework completed in the other program. As of January 2002, the Department allows New York State registered programs to accept no more than 250 hours completed in other approved schools or programs.

3. Who can teach massage therapy in NYS?

Only schools or institutes of massage therapy with programs registered by the State Education Department may teach massage therapy, including hands-on practice on other persons, to individuals who are not licensed as massage therapists or are not licensed in another profession authorized to practice massage therapy.

Massage theory and descriptions of practice may be taught in colleges or adult education courses that do not have registered massage therapy programs as long as the students do not apply these techniques to any other person, including students in the class. In such classes, students must be reminded that they may not engage in the practice of massage therapy.

Persons qualified to practice massage therapy in NYS may offer courses, workshops and seminars to any licensed massage therapists or otherwise authorized professionals as continuing education.

The Massage Therapy Examination

4. When may I apply to take the New York State Massage Therapy examination?

You may apply to take the New York State Massage Therapy examination after you have applied for licensure, paid the licensure fee, had the required documents submitted to the Education Department and your education has been approved. The education requirement must be completed and approved by the Education Department before you may take the licensing examination.

5. After I have taken the New York State Massage Therapy examination, can I obtain my score on-line?

No. At this time, it is not possible to report the score to you confidentially on-line. Once your license is issued, however, you will find your name and license number on the Office of the Professions' [Online License Verification service](#).

6. I have had a disability that has required reasonable accommodations during part of my education. How can I request these accommodations when I take the licensing examination?

When you apply for licensure, you should make it known that you are seeking reasonable accommodations. You will be asked to supply documentation about the disability and recommendations about the kind of accommodations that you may need. The Department will review this information and will make a decision. If additional information is needed, you will be asked to submit it.

Licensure by Endorsement

7. I have been licensed in a state where only municipalities or cities or regions issue licenses for the practice of massage therapy. Can I be licensed by endorsement in New York State?

No. You can only be licensed by endorsement in New York State when you have a license for the practice of massage therapy issued by another state, country, or territory. The [requirements for licensure by endorsement](#) are on this site and are also available in the printed *Massage Therapy Application Packet*.

8. If I work at least 24 hours a week, can that be counted as two weeks of experience to meet the endorsement requirement?

No. The requirement for endorsement is at least two years of experience. A year has been defined as 52 weeks during which an average of 12 hours per week of massage therapy has been performed.

9. If I took the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB), do I have to take the New York State Massage Therapy examination?

Yes. You may be required to take the New York State Massage Therapy examination unless another state used the NCETMB to license you and you have met all the requirements for the endorsement of your license from the other state, country or territory.

Limited Permits

10. Who is eligible for a limited permit?

A limited permit may be issued to a person who has not previously held a limited permit or previously failed the state licensing examination and who fulfills all except the examination and citizenship requirements for a license.

11. How do I obtain a limited permit?

You may be reviewed for a limited permit once you have applied for licensure, paid the fee, have had all your required documents submitted to the Education Department, and your education has been approved by the Department. The currently licensed and registered massage therapist who will supervise your work must also sign the limited permit application when it is submitted.

12. Do I have to get a "sponsor" before I can get a limited permit? Who can be a "sponsor"?

The term "sponsor" is not used in New York State in relation to a limited permit. A person who is seeking a limited permit must have a supervisor who signs the permit application. The supervisor must be present on-site when the limited permit holder is working, although this does not mean that the supervisor must always be in the same room. As long as the supervisor is present in the place where the limited permit holder is working and is available to oversee the work of the limited permit holder, that is sufficient.

13. When does a limited permit expire?

A limited permit is valid for not more than twelve months or until the results of the next licensing examination for which the person is eligible are officially available, whichever comes first.

14. Can a limited permit be renewed?

No. A limited permit cannot be renewed.

15. How many limited permits may I have?

There is no limit on the number of limited permits that you may obtain during the period when you are eligible to hold a limited permit, but each limited permit application must be signed by the New York State licensed and registered massage therapist who will supervise your work and be present on-site when you are providing massage therapy.

16. How many limited permit holders may a licensed and registered massage therapist supervise?

The Department has determined that a New York State licensed and registered massage therapist may supervise no more than three limited permit holders at one time. If a limited permit holder stops working with the licensed massage therapist, then the limited permit holder and the supervisor should notify the Department. The permit will no longer be valid. The supervisor could then sign the permit application and oversee another limited permit holder.

17. Where can a person practice massage therapy with a limited permit?

A person who has a limited permit in massage therapy may work as an employee of: a licensed massage therapist, another professional who is authorized to practice massage therapy as a part of his or her professional practice, or a business that is authorized by law to provide massage therapy. In all of these settings, the limited permit holder must be supervised by the licensed and registered massage therapist who has signed the permit application and is on-site at the same time that the limited permit holder is working. A person with a limited permit does not possess a license and may not engage in the private practice of massage therapy or in any practice, business or organization as a private contractor.

18. Can a professional who is not a licensed massage therapist be a supervisor for a person with a limited permit?

No. While certain professionals (physicians, nurses, chiropractors, podiatrists, physical therapists, and acupuncturists) are authorized to provide massage therapy as a part of their professional practice, they may not supervise a person with a limited permit in massage therapy. Professionals who employ limited permit holders must also employ licensed and registered massage therapists to provide supervision on-site whenever the limited permit holder is providing massage therapy. Employment by professionals must be based on a salary or a flat fee that is not a percentage of the income for the service or is not based on volume. While the patient is primarily the patient of the licensed professional, who is responsible for determining the patient's treatment plan, the employed licensed massage therapist and limited permit holder must make certain that the service that is offered falls within the scope of practice of massage therapy and is also provided according to the standards of practice of massage therapists.

Licensure and Registration**19. What is the difference between licensure and registration?**

A license for professional practice authorizes the provider to use the titles and terms of the profession, such as "massage therapist" or "massage therapy," and to engage in the practices that are included within the scope of practice. Registration identifies to the Department and consumers that you are actively using these titles and terms and are engaged in practice in the State, or plan to do so. A license is issued for life, while those who are licensed must register every three years to continue in active practice.

20. I practice massage therapy in various locations. Do I need more than one registration form?

Yes. You should obtain a registration from the Department for each site in which you provide massage therapy where it should be conspicuously posted. If you travel from site to site and have one principal business address, then you should carry your registration with you. Your clients and patients have a right to see your registration if they wish to do so. The registration form may be cut and laminated, as long as all of the content is visible.

21. Can I obtain a license in New York State if I am not a citizen of the United States or have not been admitted for permanent residency?

No. The licensing law requires that you must be a citizen or an alien lawfully given permanent residency status for licensure as a massage therapist.

22. If I am "Nationally Certified," but not licensed as a massage therapist in New York State, am I legally authorized to provide massage therapy in New York State

No. National Certification does not authorize any person to provide massage therapy in New York State. To provide massage therapy in New York State, a person must possess a New York State license or limited permit for the practice of massage therapy. Some massage therapists who are licensed by New York State also possess National Certification. Practicing massage therapy in New York State without a New York State license may be a crime that can be prosecuted by the New York State Attorney General.

23. Do I have to take continuing education courses to renew my registration as a licensed massage therapist?

No. There is no continuing education requirement for the renewal of registration for licensed massage therapists.

24. Do I have to renew my Cardiopulmonary Resuscitation (CPR) card in order to renew my registration?

No. Training in CPR, with a certificate, is required for licensure, but it is not required for the renewal of registration. Nonetheless, licensed massage therapists are encouraged to maintain their skills in the practice of cardiopulmonary resuscitation, but following licensure, documentation of this to the Department is not required by law or regulation.

25. I am licensed in another state. If I get a license in New York State, will I have to give up my other license?

No. You may be licensed in other states or countries and still obtain or continue to possess a license as a massage therapist in New York State. If you do possess a license in New York State, but do not practice in New York, you may place your New York State license in an "inactive" registration status so that you will not have to pay the registration fee. Before you return to practice in New York State, you must register as an active licensee once again. Those licensed in other states should determine what the laws in those states require if they obtain a New York State license in massage therapy.

Professional Practice Issues**26. What techniques fall within the practice of massage therapists?**

There are many techniques that fall within the practice of massage therapy. These include, but are not limited to techniques and modalities used in practices described as, "Swedish massage," "medical massage," "Thai massage," "shiatsu," "connective tissue massage," "amma," "neuromuscular massage," "tui na," "reflexology," "acupressure," "polarity therapy," "craniosacral massage," "manual lymphatic drainage," and other types of bodywork or massage provided that they are within the scope of practice of massage therapy as defined in Section 7805 of the Education Law. Such techniques may be listed on letterhead and business cards, but the term "licensed" should not precede them, e.g., "licensed shiatsu practitioner." In advertising, a massage therapist may say "licensed massage therapist" and then list areas or techniques of practice.

27. As a licensed massage therapist, do I need a prescription to provide massage therapy to a patient who complains of a physical problem?

No. A physician, dentist, nurse practitioner, or other health professional may refer a patient to you, but you do not need a prescription to provide massage therapy. You may provide massage therapy based on the prescription of another health care provider, but you must also make an assessment or evaluation of the patient to know what massage

techniques should be used, or when to avoid providing a specific treatment. When you have determined that a patient should also receive the services of another health care practitioner, you should inform the patient. While you may assist the patient in making a referral, or confer with another health care practitioner, you may only do so with the consent of the patient.

28. May massage therapists use electrical stimulation or ultrasound in their practice?

No. Massage therapists may not use electrical stimulation or ultrasound as part of their practice. This restriction also applies when other health care practitioners who are authorized to use such devices employ massage therapists.

29. I have a patient who was referred by a dentist due to TMJ. May I include intra-oral massage as part of the massage therapy treatment?

Yes. Intra-oral massage can be a standard treatment when working with the muscles involved with TMJ.

30. I have taken a course on massage for animals. As a licensed massage therapist, may I provide massage therapy to animals?

No. The scope of practice of massage therapy confines the practice to humans. The only persons who may treat animals using massage therapy techniques are veterinarians and veterinary technicians under the supervision of a veterinarian.

31. Do I have to keep records of patients?

Yes. As a health professional licensed under Title VIII of the State Education Law, you are responsible for maintaining a record for each patient that 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.

Massage therapists are also required to make available to a patient or client, upon request, copies of documents in their possession or under their control, which have been prepared for and paid for by the patient or client.

32. If I close my practice, do I still have to maintain the records of my patients/clients?

Yes. The Rules of the Board of Regents on Unprofessional Conduct require that you maintain records of evaluation and treatment 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. If you are a salaried employee of a business that is authorized to practice massage therapy, and you terminate your salaried employment, you should make the business aware that these records must be maintained.

33. I work in a health club. Do I have to take a health history or ask my clients/patients anything about their current health?

Yes. A work setting does not change the standards of good practice for licensed massage therapists. Massage therapists should be aware of the current state of the client or patients' health and their use of medication, as well as anything of significance in the health history, to avoid the possibility of harm.

34. Is fee splitting permitted?

Massage therapists who are considering working for businesses or professionals authorized to provide massage therapy should seek advice about the specific situation from an attorney or others who are qualified to provide such advice prior to accepting such employment. The following general guidance is based on the Education Law and regulations governing massage therapy.

- a. Massage therapists may not directly or indirectly offer, give, solicit, or receive or agree 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.

- b. Massage therapists may be employed by other massage therapists, or by firms, partnerships, or corporations, owned by unlicensed persons, that are authorized to practice massage therapy. Such employment may be on a salary, flat hourly fee, or contractual basis where the salary of professional employees or the amount due the owner of the firm, partnership or corporation may be computed on the basis of a percentage of the receipts from the performance of professional services.
- c. When massage therapists are employed by other professionals licensed under **Title VIII of the State Education Law**, such as physicians, chiropractors, physical therapists, or others authorized to practice massage therapy, the massage therapists must be paid on a salary basis or a flat hourly fee that is not based upon a percentage of income received or the number of patients treated.
- d. Massage therapists who are employed by persons licensed and registered as massage therapists may share profits and may be paid based on a percentage of income received or the number of patients treated.

35. Can you tell me what CPT codes to use or how to file my insurance forms?

No. The State Education Department does not give advice about insurance reimbursement or about what CPT codes you may use. You should consult with the insurer, an attorney, an accountant, your professional organizations, or the New York State Insurance Department for additional information.

Exemptions

36. Are there any exemptions that permit persons to practice massage therapy without being licensed as massage therapists?

Yes. The practice of massage therapy may be done by any person who is authorized to practice medicine, nursing, physical therapy, podiatry, or chiropractic as a part of the practice of his or her profession.

The massage that is customarily given in barber shops or beauty salons for purposes of beautification may be provided by a licensed barber or appearance enhancement practitioner as long as it is "light massage of the surface tissues solely for purposes of beautification" and is confined to those areas of the body where the licensee is authorized to provide services. This does not include manual lymphatic drainage or any other massage that is not light massage solely of surface tissues.

Persons who are employed by hospitals that are licensed or chartered by the State of New York may provide massage therapy, as long as they are under the on-site supervision of a person licensed to practice massage therapy or a physician, nurse, podiatrist, chiropractor, or physical therapist.

A student who is enrolled in a massage therapy program of a school or institute of massage therapy that is registered by the State Education Department may provide massage therapy as long as the student is under the on-site supervision of a licensed massage therapist, or other authorized person. Registered massage therapy programs must have such practica or internship courses approved by the State Education Department.

A person who is duly employed as a trainer by a professional athletic association, club or team or is employed as a member of the physical education department of an accredited university, college, or high school is also exempt from licensure as a massage therapist.

Massage therapy may also be provided by any person employed by a corporation or association organized exclusively for the moral or mental improvement of men, women or children. This exemption does not apply to churches or religious organizations. It applies only to the YMCA, YWCA, YMHA, and YWHA, or to similar organizations that specify that they are organized exclusively for the moral or mental improvement of men, women or children in their corporation or association's statement of purpose.

37. Do persons who practice Reiki, the Alexander Technique, or the Feldenkrais Method require a license as a massage therapist?

No. But if persons practicing these techniques claim that they are diagnosing or treating any human pain, disease,

disorder or physical condition, they must be licensed in a profession that is authorized to diagnose or to provide treatment.

38. Are there any guidelines that are published by the Department?

Yes. The Department publishes *Guidelines for Practice of Massage Therapy* and *Precautions for Massage/Bodywork Therapy*. Print copies of these are available by writing to the Office of the State Board for Massage Therapy or by e-mail at opforms@mail.nysed.gov.

<http://www.op.nysed.gov/mtquesans.htm>

Page last updated: 03/29/2007 09:23:02