

**Massage Therapy Program
TDLR Rules – 16 TAC Chapter 117**

TDLR Rules 16 TAC Chapter 117	DSHS Rules 22 TAC Chapter 140	Statutory Authority and Implementation	Substantive Changes and Additional Notes
Subchapter A. General Provisions			
§117.1. Authority	NONE	Occ. Code Chapter 51 Occ. Code Chapter 455	
§117.2. Definitions	§140.300. Definitions	Occ. Code §455.001, Definitions	Amended Terms <ul style="list-style-type: none"> • Commissioner • Department • Director • Massage School
Subchapter C. Licensed Massage Therapist			
§117.20. Massage Therapists License-- General Requirements and Application.	§140.310 Qualifications for Licensure as a Massage Therapist §140.311. Massage Therapist Application Procedures and Documentation	Occ. Code §455.054, §455.153 16 TAC 60	Simplified list of requirements. Removed department procedures/forms from rule.
§117.21. Massage Therapist License-- Reciprocity	§140.310 Qualifications for Licensure as a Massage Therapist §140.311. Massage Therapist Application Procedures and Documentation	Occ. Code §455.054, §455.153 16 TAC 51	Clarified reciprocity requirements.
§117.22. Massage Therapist License-- Examination Requirements	§140.313 Examinations Required for Licensure as a Massage Therapists	Occ. Code §455.101, §455.156(2)	Removed “Transition” Language

§117.23. Massage Therapist Licenses-- Issuance of License	§140.307. Massage Therapy Licenses	Occ. Code §455.054, §455.151 16 TAC 60	
§117.24. Massage Therapist License Term; Renewals	§140.314. Massage Therapist License Renewal	Occ. Code §455.054, §455.160, §455.251, 16 TAC 60	Removed language that will no longer be supported by statute on September 1, 2017. Reorganized/Simplified renewal requirements for clarity.
Subchapter D. Continuing Education			
§117.30. Massage Therapists Continuing Education--Hours	§140.320. Hour Requirements for Continuing Education for Massage Therapists	Occ. Code §455.0571 Occ. Code §51.405	
§117.31. Massage Therapists -- Approved Continuing Education Courses and Providers	§140.321. Acceptable Continuing Education for Massage Therapists	Occ. Code §455.0571 Occ. Code §51.405	
§117.32. Massage Therapists Continuing Education--Unacceptable Activities	§140.322. Activities Unacceptable as Continuing Education for Massage Therapists	Occ. Code §455.0571 Occ. Code §51.405	Re-worded
§117.33. Massage Therapists Continuing Education--Records and Audits	§140.324. Reporting Continuing Education	Occ. Code §455.0571 Occ. Code §51.405	Added audit process language. Licensees are now responsible for maintaining records for a period of five years. Requires licensees to report hours.
§117.34. Approved Continuing Education Providers--Requirements and Application	§140.323. Pre-approved Continuing Education Providers	Occ. Code §455.0571 Occ. Code §51.405 16 TAC 59 CE Providers	Change requires continuing education providers to maintain attendance records for five years.
Subchapter E. Licensed Massage Therapy Instructors			

§117.40. Massage Therapy Instructor—General Requirements and Application.	§140.333. Massage School Instructors	Occ. Code §455.055, §455.101, §455.203	
§117.41. Massage Therapy Instructor License Term; Renewals		Occ. Code §455.055, §455.101, §455.203	
Subchapter F. Licensed Massage Schools			
§117.50. Massage Therapy School License--General Requirements and Application	§140.330. Massage School General Provisions and Inspections §140.331. Massage School Application Procedures and Documentation	Occ. Code §455.053, §455.101, §455.203, §455.104	Combined §140.330 and §140.331. Moved Unannounced Inspections to another section §117.55 (§140.347) Moved School Closure notification to another section §117.66 (§140.344) Removed requirement to notify the department in writing of any legal action.
§117.51. Massage School Locations	§140.337. Massage School Locations §140.350 Massage School Fire Safety	Occ. Code §455.053, §455.203	Combine §140.337 and §140.350.
§117.52. Change of Massage School Ownership	§140.335. Change of Massage School Ownership	Occ. Code §455.053	Massage school must notify department of change in ownership at least 30 days before change.
§117.53. Massage School Equipment and Facility Requirements	§140.347. Massage School Equipment and Facility Requirement	Occ. Code §455.053	
§117.54 Massage School Sanitation Requirements	§140.351. Massage School Sanitation	Occ. Code §455.053	Cleaned up language for simplification/remove redundancies.

§117.55. Massage School Inspections	§140.330. Massage School General Provisions and Inspections	Occ. Code. §455.053, §455.104	Added language concerning corrective modifications.
§117.56. Massage School Financial Stability--Documents and Requirements	§140.334. Massage School Financial Stability	Occ. Code §455.053	
§117.57. Massage School License Renewal	§140.336. Massage School License Renewal	Occ. Code §455.053, §455.160 16 TAC 60	Removed language already in Chapter 60 about applications and TDLR procedures.
§117.58 Massage School Administrative Personnel	§140.332. Massage School Administrative Personnel	Occ. Code. §455.053	
§117.59. Massage School Curriculum Outline and Internship	§140.338. Massage School Curriculum Outline and Internship	Occ. Code §455.053, §455.203, §455.055, §455.156, §455.158, §455.159	
§117.60. Massage School Advanced Course Work	§140.339. Advanced Course Work	Occ. Code §455.053	
§117.61. Massage School Admission Requirements	§140.340. Massage School Admission Requirements	Occ. Code §455.053, §455.203	
§117.62. Massage School Enrollment Procedures	§140.341. Massage School Enrollment Procedures	Occ. Code §455.053, §455.203	Changed Address to TDLR. Changed reference to Chapter 117
§117.63. Massage School Tuition and Fees	§140.342. Massage School Tuition and Fees	Occ. Code §455.053, §455.203 Occ. Code §51.202	
§117.64. Massage School Transcripts and Records	§140.348. Massage School Transcripts and Records	Occ. Code §455.053, §455.203	

§177.65. Massage School Conduct and Grievance Policy	§140.343. Massage School Conduct Policy §140.349. Student Grievances	Occ. Code §455.053	Combined §140.343 and §140.349.
§117.66. Massage School Cancellation, Refund, and School Closure Policies	§140.344. Massage School Cancellation and Refund Policy §140.330. Massage School General Provisions and Inspections	Occ. Code. §455.053,	School Closure provision from §140.330 moved here.
§117.67. Massage School Minimum Progress Standards	§140.345. Massage School Minimum Progress Standards	Occ. Code §455.053	
§117.68. Massage School Attendance Policy	§140.346. Massage School Attendance Standards	Occ. Code. §455.053	
Subchapter G. Licensed Massage Establishments			
§117.80. Massage Establishment Application Procedures and Licensure	§140.360. Massage Establishment Application and Procedures	Occ. Code. §455.052, §455.151, §455.202 16 TAC 60	
§117.81. Massage Establishment Renewal Requirements	§140.363. Massage Establishment Renewal.	Occ. Code §455.052, §455.160 16 TAC 60	Removed redundant language to Chapter 60.
§117.82. Massage Establishments-- General Requirements	§140.361. General Requirements for Massage Establishments	Occ. Code §455.052, §455.151, §455.202, §455.204	Removed requirement to notify the department in writing of any legal action. More clear inspection provisions added and inspection will occur at least once every two years.

§117.83. Sanitation Requirements for Massage Establishments	§140.362. Sanitation Requirements for Massage Establishments	Occ. Code §455.052	
§117.84. Massage Establishment Exemptions	§140.364. Massage Establishment Exemptions.	Occ. Code §455.052, §455.155	
§117.85. Massage Establishment Change of Ownership or Change of Location	§140.365. Massage Establishment Change of Ownership or Change of Location	Occ. Code §455.052, §455.206	Must notify within 30 days of change of ownership.
Subchapter H. Responsibilities of the Licensee and Code of Ethics			
§117.90. General Ethical Requirements	§140.303. General Ethical Requirements	Occ. Code §455.054, §455.156	
§117.91. Consultation Document	§140.304. Consultation Document	Occ. Code §455.054, §455.202	
§117.92. Sexual Misconduct	§140.305. Sexual Misconduct	Occ. Code §455.054, §455.202, §455.205, §455.251	
§177.93. Advertising	§140.306. Advertising	Occ. Code §455.205 16 TAC 51	
Subchapter I. Fees			
§117.100. Fees	§140.301. Fees	Occ. Code §51.202	TDLR Fees 16 TAC 60
Subchapter J. Enforcement Provisions.			
§117.110. Complaints	§140.370. Filing Complaints	Occ. Code §51.351 16 TAC §60.22	Added CE providers
§117.111. Administrative Penalties and Sanctions	§140.372. Grounds for Denial of License or Disciplinary Action	Occ. Code Chapter 51 Occ. Code §455.302	TDLR Language - Chapter 51

§117.112. Enforcement Authority	§140.375. Informal Disposition §140.373. Formal Hearings §140.376. Licensing of Persons with Criminal Background §140.377 Request for Criminal History Evaluation Letter.	Occ. Code Chapter 51 and §455.251, §455.351, §455.352	TDLR Language - Chapter 51
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NOTE 1: The DSHS rules that are not listed in the chart above were not incorporated into the TDLR rules for several reasons:

- 1) TDLR eliminated rules that were already addressed in the Commission’s and Department’s enabling statute, Occupations Code Chapter 51, and in the procedural rules at 16 TAC Chapter 60, both of which apply to all TDLR programs. Examples include:
 - Late Renewal Timeframes
 - Petitions for Rulemaking
 - Complaints and Alleged Violations
 - Administrative Hearings
 - Enforcement and Disciplinary Actions
 - Provisions Regarding Applicants with Criminal Histories
 - Military Licensing Provisions
- 2) TDLR eliminated rules that are no longer relevant based on differences between the DSHS and the TDLR structures, processes, or procedures;
- 3) TDLR eliminated rules on issues that are addressed by other methods such as the Criminal Conviction Guidelines and the Enforcement Penalty Matrix.
- 4) TDLR eliminated rules that are not supported or authorized by the current statute (with the exception of standard of care and scope of practice rules).

NOTE 2: The fees section of the TDLR rules has been reformatted using the fee structure and amounts for programs regulated by TDLR.

TDLR removed program-specific rules and adopted the TDLR standard fees for:

- Dishonored Payment Device (16 TAC §60.82) = \$50.
- Criminal History Determination Letter (16 TAC §60.42) = \$25.
- Late Renewal Fee Schedule (Occ. Code §51.401 and 16 TAC §60.83):
 - Expired 90 days or less = One and one half times the regular renewal fee;
 - Expired 91 days to less than 18 months = Two times the regular renewal fee;
 - Expired 18 months to less than 3 years (with Executive Director’s approval) = Two times the regular renewal fee.
- Standardized fee changes for the items above resulted in some TDLR fees being higher and some being lower than the DSHS fees.

TDLR rules also eliminated the following DSHS fees that are not charged by TDLR:

- Subscription and convenience fees for initial and renewal applications processed through Texas Online.
- Fees charged for initial and renewal applications to fund the Office of Patient Protection, Health Professions Council.