



# TEXAS DEPARTMENT OF LICENSING & REGULATION

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[www.tdlr.texas.gov](http://www.tdlr.texas.gov)

## MESSAGE ESTABLISHMENT REFERENCE GUIDE

STATUTE	RULE	REQUIREMENT
<b>FACILITY UNLICENSED ACTIVITY</b>		
	117.82(b)	No massage establishment shall be operated until the department has approved and licensed the establishment.
	117.84(b)	Unless the person is exempt from the licensing requirement, a person may not represent that the person is a massage establishment unless the person holds an appropriate license under this subchapter.
455.202(a)	117.82(a)	A massage establishment shall employ or contract with only licensed massage therapists to perform massage therapy or other massage services.
	117.90(l)	A licensee shall not allow an unlicensed person to engage in activity for which licensure is required.
455.202(b)(2)	117.82(g)(2)	Employing a minor unless authorization in writing by parent or legal guardian.
455.202(b)(1)	117.82(g)(1)	Employ or contract with an individual who is not a United States citizen or a legal permanent resident with a valid work permit;
<b>CHANGE OF OWNERSHIP</b>		
	117.85(b)	The massage establishment must notify the department of the change in ownership within thirty (30) days before the change in ownership to request that the department, in lieu of a full application, accept a partial application.
455.206	117.85(e)	No massage establishment license shall be transferred to another location.
<b>INDIVIDUAL LICENSE AND LICENSING REQUIREMENTS</b>		
455.151(a)		Unless the person is exempt from the licensing requirement, a person may not act as a massage therapist or massage establishment unless the person holds an appropriate license issued under this chapter.
	117.24(e)	A person whose license has expired may not engage in the activities of a massage therapist and may not hold himself or herself out as a massage therapist.
	117.90(k)	A licensee shall not practice in an unlicensed massage establishment.
	117.90(r)	A licensee shall keep his or her licensure file updated by notifying the department, in writing, of changes of names, address, telephone number and employment.
	117.90(b)	A licensee shall not use a work area, equipment or clothing that is unclean or unsanitary.
<b>REQUIRED POSTINGS AND DOCUMENTS</b>		
	117.90(q)	Failed notify each client of the name, mailing address, telephone number, and web address of the department for the purpose of directing complaints to the department on (1) each written contract; or (2) on sign prominently displayed in primary place of business; or (3) on a bill for services; or (4) by another written and documented method.
455.204(a)	117.82(d)	A massage establishment must display the license in a prominent location in the establishment where it is available for inspection by the public.
455.204(c)		Failed to present the person's license on the request of the department.
	117.23(b)	Failed to display the massage therapist license in an appropriate and public manner at the business location of the licensed business. In the absence of a primary office or place of employment, the licensed individual shall carry a current identification card.
	117.23(d)	Failed to attach to the displayed license under subsection (b) a current photograph of the individual massage therapist.
	117.82(h)(2)	Failed to maintain a current list of all establishment employees and/or contractors with full name and license number and expiration date (if licensed as a massage therapist).
	117.82(a)(3)	Failed to make available a completed I-9 form if an Employee, or if Independent Contractor a copy of the contract signed by both the owner or operator and the licensed massage therapist.

STATUTE	RULE	REQUIREMENT
<b>FACILITY REQUIREMENTS &amp; CLEANLINESS</b>		
455.154(b)	117.23(a)	Licenses and identification cards issued by the department remain the property of the department, must not be altered in any way, and must be surrendered to the department on demand.
455.202(b)(6)	117.82(k)	Allowing any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment.
	117.82(c)	A massage establishment must maintain separation from rooms used wholly or in part for residential or sleeping purposes by a solid wall or by a wall with a solid door which shall remain locked during business hours.
	117.83(b)	A massage establishment and all fixed equipment shall: be thoroughly cleaned on a routine basis; be rendered free from harmful organisms by the application of an accepted bactericidal agent; and be in good working condition at all times.
	117.83(c)	Toilet facilities shall be kept clean, sanitary, and in working order at all times. Restrooms shall not be used as storage rooms.
	117.83(d)	Each location shall provide hand washing facilities, including hot and cold running water, located near or adjacent to the toilet room or rooms.
	117.83(e)	All trash containers must be emptied daily and kept clean by washing or using plastic liners.
	117.83(f)	Disposable sheets, towels, or protectors which cannot be disinfected will be disposed of in a waste receptacle immediately after use.
	117.83(g)	Furniture, equipment, and other fixtures shall be of a washable material and kept clean and in good repair.
	117.83(g)	Electrical equipment shall be kept sanitary and safe at all times.
	117.83(h)	Clean linens shall be used on each client.
	117.83(i)	After linens have been used once, they must be deposited in a fully closed or partially closed container and shall not be used again until properly washed and disinfected in chlorinated bleach and hot water.
	117.83(j)	Lubricants, including oils, must be kept in closed containers.
<b>CLIENT RECORDS</b>		
455.202(c)(1)	117.82(h)(1)	Failed to properly maintain and secure for each client the initial consultation documents, all session notes, and related billing records;
455.202(c)(2)		A massage establishment shall make available to the department on request the information kept as provided by Subdivision (1).
	117.90(f)	For each client, a licensee shall keep accurate records of the dates of massage therapy services, types of massage therapy and billing information. Such records must be maintained for a minimum of two years.
	117.90(g)	A licensee must obtain the written consent of a parent or guardian to provide massage therapy services to a person under the age of 17.
	117.91(a)	A licensee shall provide an initial consultation to each client before the first massage therapy session and obtain the signature of the client on the consultation document. The consultation document should include:
	117.91(a)(1)	Failed to specify the type of massage therapy services or techniques the licensee anticipates using during the massage therapy session;
	117.91(a)(2)	Failed to specify the parts of the client's body that will be massaged or the areas of the client's body that will be avoided during the session, including indications and contraindications;
	117.91(a)(3)	Failed to have a statement that the licensee shall drape the breasts of all female clients and not engage in breast massage of female clients without the written consent of the client;
	117.91(a)(4)	Failed to have a statement that draping of the genital area and gluteal cleavage will be used at all times during the session for all clients;

STATUTE	RULE	REQUIREMENT
<b>CLIENT RECORDS (continued)</b>		
	117.91(a)(5)	Failed to have a statement that if uncomfortable for any reason, the client may ask the licensee to cease the massage and the licensee will end the massage session;
	117.91(a)(6)	Failed for the consultation document to have the signature of both the client and the licensee.
	117.91(b)	Failed to have an updated consultation form for any therapy changes in subsection (a)(1)-(4).
<b>CODE OF ETHICS</b>		
	117.90(t)	A licensee shall not make any false, misleading, deceptive, fraudulent, or exaggerated claim or statement about the licensee's services.
<b>REQUIREMENTS</b>		
	117.82(f)(3)	The establishment owner, manager, or their representative shall cooperate with the inspector in the performance of the inspection.
	117.90(n)	A licensee shall not interfere with a department investigation by the willful misrepresentation of facts to the department or its authorized representative, or by the use of threats, retaliation, or harassment against any person.
<b>IN ORDER TO QUALIFY FOR SOLE PRACTITIONER EXEMPTION</b>		
455.151(b)		Unless the person is exempt from the licensing requirement, a person may not represent that the person is a massage therapist or massage establishment unless the person holds an appropriate license issued under this chapter.
455.155(c)(2)(B)	117.84(a)(2)(B)	Failed to provide the massage therapist's full legal name or license number in each advertisement and each time the business name or assumed name appears in writing;
455.205(c)		A person who is not licensed under this chapter may NOT use the word "massage" on any form of advertising unless the person is expressly exempt from the licensing requirements of this chapter.
<b>MISCONDUCT</b>		
455.155(d)	117.80(b)	A sexually oriented business may not obtain a license from the department or operate as a massage establishment.
455.202(b)(3)	117.82(g)(3)	Allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;
455.202(b)(4)	117.82(g)(4)	Allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment;
455.202(b)(5)	117.82(g)(5)	Allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual;
	117.82(i)(1)	Wear clothing in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts or any portion of the genitals or buttocks;
	117.92(a)	A licensee shall not engage in sexual contact during a session with a client.
	117.92(b)	A licensee shall not allow any individual, including a client, student, licensee, employee, participant in a continuing education program, or one's self to engage in sexual contact on the premises of any massage school, massage establishment, or the licensee's own place of business.
	117.92(c)	A licensee shall not allow any individual, including a student, licensee, employee, or one's self to practice massage therapy or provide other massage therapy services in the nude, while partially nude, or in clothing designed to arouse or gratify the sexual desire of any individual.
455.205(a)	117.92(d)	A licensee shall not perform massage therapy, whether or not for compensation, at or for a sexually oriented business.
	117.92(e)	A licensee shall immediately discontinue the massage therapy session, activity or the professional relationship when a client initiates any verbal or physical contact with the licensee that is intended to arouse or gratify the sexual desire of either person.