

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 82

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 82 MESSAGE THERAPY ESTABLISHMENTS AND SCHOOLS

001. SCOPE AND AUTHORITY. These regulations govern the licensing of massage therapy establishments and schools under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1701 to 38-1715 of the Massage Therapy Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions are set out in the Massage Therapy Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 9, 172 NAC 81, and these regulations.

002.01 CLIENT. As provided in 172 NAC 81.

002.02 HOUR. 50-60 minutes in duration.

002.03 IMPLEMENT. An electrical or mechanical tool, instrument, or a similar device, including, but not limited to, brushes, electrical massagers, hot stones, shells, hand tools, and any tool that comes in contact with the client.

002.04 MASSAGE THERAPY. As provided in 172 NAC 81.

002.05 MASSAGE THERAPY ESTABLISHMENT. As provided in Neb. Rev. Stat. § 38-1707. Massage Therapy Establishment does not include:

- (A) On-site massage performed at the location of the client;
- (B) Stand-alone devices, such as chairs, which are operated by the customer;
- (C) Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department; or
- (D) Corporate massage, such as, but not limited to, health fairs, bridal fairs, employment fairs, or similar events.

002.06 REGULARLY LICENSED PHYSICIAN. A physician licensed to practice medicine and surgery or osteopathy by the licensing authority in the jurisdiction where the school is located.

003. MASSAGE THERAPY ESTABLISHMENT LICENSE REQUIREMENTS. To obtain a massage therapy establishment license, the applicant must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of 172 NAC 9 and these regulations.

003.01 PHYSICAL SPACE. The establishment must have:

- (A) Adequate space for providing massage therapy services; and

- (B) Restroom facilities.

003.02 DOCUMENTATION. Documentation with the following information must be provided:

- (A) The name(s) of licensed massage therapist(s) who will be working in the establishment;
- (B) A floor plan of the proposed establishment, including restroom locations;
- (C) A completed self-inspection showing compliance with 172 NAC 82-005; and
- (D) A statement that the applicant has not operated a massage establishment at the address listed on the application; or if the applicant has operated a massage therapy establishment at that address, a statement of the number of days of operation.

004. MASSAGE THERAPY SCHOOL LICENSE REQUIREMENTS. To obtain a massage therapy school license, the applicant must submit a complete application provided by the Department and must meet the licensing requirements of 172 NAC 9 and these regulations. If the school provides massage therapy services in addition to the student training program, a massage therapy establishment license must be obtained.

004.01 REQUIREMENTS AND DOCUMENTATION. Applicants must provide documentation demonstrating that they meet the following requirements:

- (A) STAFF PHYSICIAN. Have a regularly licensed physician on staff.
- (B) COURSE OF STUDY. Provide documentation of a course of study consisting of at least 1,000 hours, including at least 100 hours in each of sub-sections (i) through (vii) and at least 300 hours in subsection (viii). For purposes of this section, continuing education is not considered study and training in massage therapy.
 - (i) ANATOMY. Anatomy hours may include structure of the human body, study of cells, tissues, bones, muscles, organ systems, histology, embryology, kinesiology, biomechanics, and cadaver study.
 - (ii) HEALTH SERVICE MANAGEMENT. Health Service Management must include a review of 172 NAC 81 and 82. Hours may include professional ethics, legalities of massage, business practices, promotion, employment opportunities, telephone techniques, marketing plan, sales techniques, resumes, bookkeeping, management techniques, insurance coverage, networking, interview techniques, interpersonal client contact, and professional communication.
 - (iii) HYDROTHERAPY. Hours may include the history and benefits of water treatment, body wraps and masks, salt glows, body scrubs, body shampoos, moisturizers, hot packs, steam cabinets, dry brushing, therapeutic water modalities, methods of cold application, heat therapy, contrast baths, skin contra-irritants, spas, and aromatherapy.
 - (iv) HYGIENE AND PRACTICAL DEMONSTRATION. Hygiene may include principles and practices that promote client safety, personal wellness, equipment and sanitation, and infectious and contagious disease control. Practical demonstration may include various massage therapy techniques and demonstration, hands-on training, student clinic hours, kinesiology, interpersonal client contact, professional communication, cardiopulmonary resuscitation (CPR), and first aid.

- (v) MASSAGE. Hours may include history of massage, equipment and tools, psychology of massage, relaxation and visualization, proper draping techniques, general guidelines for massage, principles of body massage, and body mechanics.
 - (vi) PATHOLOGY. Hours may include definition of pathology and disease, pharmacology, pathology of body systems, disease entities including cause and effect, injury and soft tissue dysfunction, and immunology.
 - (vii) PHYSIOLOGY. Hours may include endocrinology, biochemistry, function of human body and organ systems, kinesiology, and biomechanics.
 - (viii) CLINICAL PRACTICE. The remaining 300 hours may be obtained through an internship in subject areas related to the clinical practice of massage therapy which may include reflexology, deep tissue modalities, structural integration modalities, energy modalities, Swedish massage, sports massage, pregnancy and infant massage, physiology and psychology of exercise, acupuncture therapy, review of health histories and documentation, and licensure examination subject areas.
- (C) INSTRUCTORS. Provide the name of the instructor who will be teaching each course set out in 172 NAC 82-004.01(B). Instructor requirements for the course of study follows:
- (i) Anatomy, health service management, pathology, and physiology may be taught by a person with appropriate education in the topic area and may be taught through e-learning, on-line or other digital means.
 - (ii) Hydrotherapy, hygiene and practical demonstration, massage, and clinical practice must be taught by a massage therapist who holds an active license in Nebraska or active credential in another state and the hands-on training for each of these course areas must be taught in-person.
- (D) CURRICULUM AND SYLLABI. Submit the following:
- (i) A copy of the curriculum plan which lists all of the subjects offered for completion of the massage therapy course of study.
 - (ii) A copy of the syllabus for each subject taught, to include:
 - (1) Title of course;
 - (2) Instructor's name;
 - (3) Hours associated with each subject;
 - (4) Description of each subject;
 - (5) Course objectives;
 - (6) Text books and resource or supplement references;
 - (7) Grading system; and
 - (8) Week by week or day by day class schedule.
 - (iii) A copy of the school rules and handbook.
- (E) STUDENT ENROLLMENT. Require a diploma from an accredited high school or its equivalent as a condition of student enrollment.
- (F) FLOOR PLAN. A detailed floor plan or blueprint of the proposed school building must be submitted to the Department at least 30 days prior to the anticipated opening date of the school.
- (G) SELF-INSPECTION. A copy of the completed self-inspection showing compliance with 172 NAC 82-005.
- (H) PRACTICE STATEMENT. A statement that the applicant has not operated the school or represented the school as holding a license in Nebraska before

submitting the application; or if the applicant has, a statement of the number of days the school operated.

005. INSPECTIONS. All in-state establishments and schools will receive an initial inspection and thereafter a routine inspection. Establishment and schools must be fully in compliance with 172 NAC 82-007 through 009.

005.01 INITIAL SELF-EVALUATION INSPECTION. Under 172 NAC 82-003, the applicant must conduct a self-evaluation inspection prior to the proposed opening date of the establishment.

005.02 INITIAL ON-SITE INSPECTION. The Department will conduct an initial unannounced on-site inspection within 1 year of receipt of a completed application for an establishment and 30 days of receipt of a completed application for schools.

005.03 TIMING OF INSPECTIONS. The Department may conduct an on-site unannounced inspection at any time it deems necessary.

005.04 FOCUSED SELECTION INSPECTIONS. The Department may conduct an unannounced inspection when the Department is informed of the following:

- (A) The passage of 5 years without an inspection; or
- (B) A complaint alleging a violation of statutes or regulations.

006. REQUIRED DOCUMENTS, PHYSICAL STRUCTURE, EQUIPMENT AND SUPPLIES. A school must have equipment necessary to teach massage therapy and an establishment must have equipment necessary to provide massage therapy services.

006.01 PHYSICAL STRUCTURE. The physical structure must have a clearly identifiable location and can be free-standing or part of an existing structure. It must be well ventilated and kept in a clean, orderly, and sanitary condition at all times.

- (A) All rooms must have adequate lighting and ventilation.
- (B) A restroom must be available on the premises.
- (C) There must be a supply of hot and cold running water.
- (D) Doors, stairways, passageways, aisles, or other means of exit must provide safe and adequate access.
- (E) There must be an area that can be screened from public view for clients requesting privacy.
- (F) Each room where massage therapy services are provided must have an Environmental Protection Agency (EPA) registered disinfectant that is proven effective against HIV-1, or Hepatitis B, or is a Tuberculocidal, and have liquid soap and water or an instant sanitizer.
- (G) If a massage therapy establishment is located within the massage therapy school, the room(s) utilized by the establishment licensee(s) must be clearly identified by the name of the establishment. If these same room(s) are utilized by the establishment for student clinics, the room(s) must be clearly identified as 'student clinic' while utilized by the students.

006.02 MASSAGE TABLES AND CHAIRS. All tables and chairs must be safe and in a sanitary condition at all times.

- (A) Tables and chairs must be disinfected between clients with an Environmental Protection Agency (EPA) registered disinfectant that is proven effective against HIV-1, or Hepatitis B, or is a Tuberculocidal.
- (B) Clean linens must be used for each client.
- (C) Sheeting or pads that come in direct contact with the client or have been soiled must be removed and cleaned between clients.

006.03 STORAGE. Storage must meet the following requirements:

- (A) Flammable and combustible chemicals must be stored away from potential sources of ignition such as an open flame or an electrical device.
- (B) Cabinets, drawers, and containers used for storage of tools, equipment, implements, towels, and linens must be clean.
- (C) Tools, equipment, instruments, or towels and linens which have been used on a client must not be placed in a container with clean tools, equipment, instruments, or towels and linens.
- (D) All clean towels are stored in a clean, enclosed, dust-proof cabinet or container until used. Pillows are not required to be stored in a cabinet or container, but must have a clean covering before contact with a client.

006.04 TOWELS AND LINENS. All towels and linens must be clean and sanitary for each client and meet the following requirements:

- (A) Cloth towels and linens must be deposited in a closed receptacle after use.
- (B) Used cloth towels and linens must be not used again until properly laundered.
- (C) Disposable towels must be discarded in a covered waste receptacle immediately following each service.

006.05 PRODUCTS. The requirements for products used at a school or establishment are as follows:

- (A) All liquids, creams, and other products must be kept in clean, closed containers.
- (B) Original product bottles and containers must have an original manufacturer label, which discloses their contents.
- (C) All products used on a client must be dispensed by a spatula, scoop, spoon, squeeze bottle, pump, dropper or similar dispenser so that the remaining product is not contaminated.
- (D) If a product is poured into another container, such as a shaker, dispenser pump container, or spray container, the container must be labeled to identify the product.
- (E) Products applied to one client cannot be removed and reused on another client.

006.06 METHODS OF DISINFECTION. All electrical and mechanical tools, instruments, and implements must be disinfected before use on a client, using one of the following procedures:

- (A) Spray, immerse, soak, or saturate the implement until it is totally saturated with an Environmental Protection Agency (EPA) registered disinfectant that is proven effective against HIV-1, or Hepatitis B, or is a Tuberculocidal.
 - (i) Before removing the sanitized implement, wash hands with liquid soap and water or antibacterial solution.

- (ii) Rinse implement.
- (iii) Prior to storing, air-dry on a sanitary surface or dry with a clean sanitized towel.
- (iv) Store in a clean enclosed cabinet or covered container reserved for clean implements.
- (B) Autoclave implements in accordance with the manufacturer's instructions. Autoclaves must be cleaned and serviced at the frequency recommended by the manufacturer.

006.07 FOOT BATHS, FOOT SPAS, SHOWERS, AND HOT TUBS. All foot baths, foot spas, showers, and hot tubs must be disinfected with an Environmental Protection Agency (EPA) registered disinfectant that is proven effective against HIV-1, or Hepatitis B, or is a Tuberculocidal and in accordance with manufacturer's instructions.

006.08 PARAFFIN WAX MACHINES. Each paraffin wax machine must be kept clean, the paraffin wax must be removed for each client, and wax cannot be re-melted and used by another client.

006.09 PROHIBITED ACTIVITIES. The following activities are prohibited:

- (A) Smoking or vaping; and
- (B) Consuming, serving, or in any manner possessing intoxicating beverages upon the premises during the hours the establishment and school is open to the public.

006.10 DOCUMENTS AND RECORDS. The following must be posted or available in establishments and schools:

006.10(A) POSTED. Copies of the following documents must be posted for public viewing:

- (i) The current establishment and school license.
- (ii) A sign containing the name of the establishment and school. The sign must be located at the entrance to the establishment and school.
- (iii) The current license of each massage therapist who practices massage therapy in the establishment.
- (iv) The current license of each massage therapist who teaches massage therapy in the school.
- (v) The current license of the regularly licensed physician.

006.10(B) AVAILABLE. At least one copy of the latest edition of the Massage Therapy Practice Act and one copy of the latest edition of 172 NAC 81 and 82 must be available.

007. SCHOOL OPERATING REQUIREMENTS. Operating requirements for schools are as follows:

007.01 REQUIREMENTS. The owner of a school must:

- (A) Ensure that all students are under the supervision of an instructor at all times. Students in internships and practicums must have an onsite supervisor who is a licensed health care provider whose scope of practice includes massage techniques and who reports directly to the school instructor who must also be a licensed massage therapist.

- (B) Record student hours on a daily basis.
- (C) Give periodic evaluations that are graded according to a formula established by the school. A student's final average, when in training, must be no less than an average of 75%. A final practical examination, as described below, must be given before issuance of a diploma. The examination must test over the following techniques and skills:
 - (i) Effleurage;
 - (ii) Petrissage;
 - (iii) Tapotement or Percussion;
 - (iv) Friction;
 - (v) Vibration;
 - (vi) Draping; and
 - (vii) Hygiene and sanitation.
- (D) Administer the practical examination to each student. The examination must be administered by at least 2 instructors who must score each part of the examination, and the average of the scores must be the final score for the student.
- (E) Allow the Massage Therapy Board to observe any practical examination administered by the school for the purpose of ensuring adherence to the required techniques and skills specified in 172 NAC 82-006.01(C).
- (F) Post and adhere to all class schedules and the school curriculum.
- (G) Ensure that massage therapy students do not teach the massage curriculum.
- (H) Issue an official transcript, under the original seal of the school, to each student completing the program. The transcript must clearly identify each of the required coursework areas as defined in 172 NA C 81-004.01(B), the hours earned in each coursework area, the name of the student, and the enrollment and graduation date.
- (I) Ensure that all advertising by the school states that services are performed by students who are in training in massage therapy.

007.02 PROHIBITED ACTIVITIES. The owner of a school must not:

- (A) Pay direct compensation to any of its students; tips are considered direct compensation.
- (B) Credit a student with hours except when such hours were earned in the study or practice of massage therapy in accordance with the required curriculum, except massage schools may transfer college or university credit into the massage course of study.

008. CHANGE IN LICENSE FOR AN EXISTING ESTABLISHMENT AND SCHOOL. Owners may request a change in ownership, location, or name of an establishment or school.

008.01 CHANGE IN OWNERSHIP OR LOCATION. To change the ownership, location, or name of the establishment or school, the applicant must apply to the Department for and obtain another license as specified in 172 NAC 83-003 or 004 at least 15 days prior to the change. If the establishment is mobile, the owner is not required to obtain another credential for each location change. If applying for a school, the applicant must also identify:

- (A) Any changes to the school's curriculum plan, staff employed, handbook or school bulletin, or schedule of proposed hours of operation; and
- (B) Any change in the physical design. If a change in the physical design has occurred, passage of an inspection maybe required prior to issuance of a license.

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008.02 CHANGE IN NAME. The applicant must submit a request for a change in the establishment or school name at least 15 days prior to the change and submit the required fee for a reissued license.

009. RENEWAL. The applicant must meet the requirements set out in 172 NAC 9 and these regulations. All massage therapy establishment and school licenses issued by the Department will expire on November 1 of each odd-numbered year.

010. REAPPLICATION. Establishments and schools that were previously licensed in Nebraska and seek the authority to return to operation must meet the requirements set out in 172 NAC 9.

011. FEES. Fees referred to in these regulations are set out in 172 NAC 2.