

201 KAR 42:040. Renewal.

RELATES TO: KRS 309.357(3), (4), (5), (6), 309.361, 309.362

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and authorizes licensure renewal. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357(3) requires all licenses to be renewed. This administrative regulation establishes the requirements for renewal of licenses.

Section 1. (1) A license to practice massage therapy shall be renewed upon:

(a) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2), on or before the anniversary date of issue of license;

(b) Submission to the board of the Application for Renewal form and the following written information:

1. Current complete home address, email address to receive communications from the board, and telephone number;

2. Current complete name, address, and telephone number of each location in which massage therapy service is provided;

3. A list indicating completion of the continuing education units taken during the licensure renewal period as required by 201 KAR 42:110. The list shall:

a. Itemize the number of clock hours credited for each course; and

b. Designate the courses that fulfill the three (3) required hours of ethics training; and

4. Confirmation that, since the license was issued or renewed, the licensee has not:

a. Been convicted of a felony;

b. Had his or her license disciplined and is not currently under disciplinary review in another state; or

c. Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) pursuant to KRS 164.772; and

(c) Submission of a two (2) inch by two (2) inch or larger passport quality color photograph of the applicant to the board affixed to the Application for Renewal form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.

(2)(a) A licensee who has been convicted of a crime or who has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for Renewal shall participate in an in-person interview with the board's Application Committee prior to renewal of the license. The purpose of this interview with the board's application committee shall be to find if the licensee met the requirement of good moral character established in KRS 309.358(3) and 335B.040. The interview shall be conducted pursuant to the board's authority under KRS 309.355(3), 309.362(1)(b), and 309.362(4).

(b) Each applicant for renewal who has been convicted of a crime or who has been disciplined by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for Renewal shall submit a recent background check performed by the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date the Application for Renewal is submitted.

(3) If, upon a preliminary review, the board determines that an Application for Renewal shall be denied, notice of the preliminary decision shall be sent to the licensee and the licensee

shall have thirty (30) days from the date of the letter to request a hearing in writing by certified mail with the board. If a request for hearing by the licensee is not received by the board within thirty (30) days of the letter, the licensee shall be found to have voluntarily withdrawn his or her Application for Renewal.

Section 2. A licensee convicted of a felony or disciplined by the board of another jurisdiction in the interim period between issuance and renewal of the license, or between renewal periods, shall submit notice of the conviction or discipline to the board within sixty (60) days of the discipline or conviction.

Section 3. If payment and complete information are not received by the board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent himself or herself as a massage therapist in Kentucky.

Section 4. (1) An expired license shall be renewed within ninety (90) days of expiration if the applicant submits:

(a) A completed Application for Renewal form;

(b) Documentation of successful completion of twenty-four (24) hours of continuing professional education, which:

1. Includes studies in ethics, business practices, science, and techniques related to massage therapy;

2. Have been credited within two (2) years prior to the renewal deadline; and

3. Have not been previously used within the same renewal period to satisfy Kentucky license renewal requirements; and

(c) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2), (5), or (6).

(2)(a) A written request for an extension of time to file a completed Application for Renewal form shall be submitted to the board no later than ninety (90) days after the expiration of the license.

(b) An applicant submitting an Application for Renewal form later than ninety (90) days after the expiration date shall attach a written explanation for the late filing to the form. An Application for Renewal submitted later than ninety (90) days without a written explanation for the late filing shall be considered incomplete.

(c) The board shall permit late renewal beyond ninety (90) days after the expiration of the license for an applicant submitting documented proof of a medical disability or illness, or active military service that precluded the timely submission of an Application for Renewal form.

(d) The board shall not waive the late renewal fee required by KRS 309.357(6)(a).

Section 5. (1) Upon initial licensing, a licensee shall be furnished a wall certificate which shall be displayed at the primary massage therapy service location.

(2) A licensee shall provide verification of current licensure upon request if he or she is currently engaged in the practice of massage therapy, intends to engage within a reasonable time in the practice of massage therapy, or has engaged in the practice of massage therapy immediately prior to the request.

(3) Official verification of licensure status shall be available on the board's Web site at <http://bmt.ky.gov>.

Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Before the expiration of five (5) years of inactive status, a licensee requesting to return to active status shall:

1. Provide proof to the board of continuing education required by KRS 309.362(3). At least three (3) of the continuing education hours submitted shall be focused on the area of ethics;
 2. Complete the Application for Inactive or Return to Active Status, as required by 201 KAR 42:020, Section 2(8); and
 3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).
- (b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection may be used for the next regular renewal period.
- (2) After more than five (5) years of inactive status, a person requesting to return to active status shall reapply as required by KRS 309.362(3).

Section 7. Incorporation by Reference. (1) "Application for Renewal", October 2016, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m. (32 Ky.R. 1017; Am. 1226; eff. 2-3-2006; 33 Ky.R. 1885; 2935; eff. 4-6-2007; 37 Ky.R. 1699; 1991; eff. 3-4-2011; 38 Ky.R. 1657; 1856; eff. 6-1-2012; 39 Ky.R. 1938; eff. 5-31-2013; 40 Ky.R. 2204; 41 Ky.R. 442; eff. 10-3-2014; 42 Ky.R. 1592; 2054; eff. 2-5-2016; 43 Ky.R. 792, 1729; eff. 5-5-2017.)