

BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(Amendment)

201 KAR 42:040. Renewal and reinstatement.

RELATES TO: KRS 309.357(1)(a), 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(1)(a) requires the board to establish a schedule of fees for the renewal of licenses, the reinstatement of licenses, and establishes requirements for placing licenses in inactive status and for restoring licensing to active status. KRS 309.361(1) designates a two (2) year renewal period. This administrative regulation establishes the requirements for renewal of licenses and the reinstatement of expired licenses that have been expired for less than five (5) years' time.

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 a completed Application for Renewal form and the following written information:

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

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

3. A list indicating completion of the continuing education hours 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; or

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

(c) Submission of a two (2) inch by two (2) inch or larger passport quality color head shot photograph of only 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 may be required to participate in an in-person interview with the board's Application Committee prior to renewal of the license. The purpose of this interview shall be to find if the licensee meets the requirement of good moral character established in KRS 309.358(1)(c). The interview shall be conducted pursuant to the board's authority under KRS 309.355(2), 309.362(1)(b), and 309.362(2), and in accordance with KRS 335B.010 to 335B.070.

(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 fingerprint supported background check performed by the Kentucky State Police and 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 the board denies an Application for Renewal, notice shall be sent to the licensee and the licensee shall have thirty (30) days from the date of the notice to request an Administrative Hearing in accordance with KRS Chapter 13B by filing a written request for an appeal with the board.

(4) A revoked license shall not be renewed.

Section 2. A licensee convicted of a felony or disciplined by the board of another jurisdiction, 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 twelve (12) 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) If ninety-one (91) days or more, but less than five (5) years, have elapsed since the license expiration, the licensee shall file an Application for Reinstatement.

Section 5.

(1) A licensee shall at all times display a copy of the licensee's current license certificate at the primary massage therapy service location. A digital copy of the licensee's certificate shall be provided to the licensee upon initial licensing and renewal and available for download by the licensee.

(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 seeking restoration to active status shall:

1. Provide proof to the board of completion of one (1) hour of continuing professional education for every six (6) months the license has been in an inactive state, not to exceed five (5) years, in accordance with 309.357(3). If an applicant obtained inactive status within ninety (90) days of a biennial renewal date, the applicant shall also provide proof of the twelve (12) required CE hours for renewal and pay the renewal fee;
2. Complete the Application for Inactive Status, Renewal of Inactive Status, 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 counted toward continuing education requirements 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 309.357(1)(d).

Section 7.

(1) A former licensee whose license has been expired for less than five (5) years shall apply for reinstatement of the license by:

- (a) Submitting a completed "Application for Reinstatement";
- (b) Submitting proof of completion of a total of credit hours of continuing professional education determined at the rate of one-half (1/2) credit hour for each month having passed since the license expired; and
- (c) Paying the applicable fee set forth in 201 KAR 42:020 Section 2(3).

(2) Continuing professional education credit hours completed by an applicant for reinstatement:

- (a) May have been obtained by the applicant at any time after the license expired, but must have been obtained prior to submitting the Application for Reinstatement; and
- (b) Must meet the requirements for board-approved continuing education courses set forth at 201 KAR 42:110 Section 3.

(3) A license shall not be reinstated if more than five (5) years have passed since the license expired pursuant to Section 3. A person may apply for and obtain a new license by meeting the current requirements for licensure.

(4)

(a) Each applicant for reinstatement who has been convicted of a crime since the license expired shall submit a fingerprint supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The background check shall be applied for within the ninety (90) days preceding the date the Application for Reinstatement is submitted.

(b) If an applicant for reinstatement has been convicted of a crime or has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction, the applicant shall include a written explanation of the charges and proof of dispositions with the application, and the board may require the applicant to participate in an in-person interview with the board's Application Committee prior to reinstatement of the license. The purpose of this interview shall be to find if the licensee meets the requirement of good moral character established in KRS 309.358(1)

(c). The interview shall be conducted pursuant to the board's authority under KRS 309.355(2), 309.362(1)(b), and 309.362(2), and in accordance with KRS 335B.010 to 335B.070.

(5) If the board denies an Application for Reinstatement, notice of the decision shall be sent to the applicant for reinstatement and the applicant shall have thirty (30) days from the date of the notice to request an Administrative Hearing in accordance with KRS Chapter 13B by filing a written request for an appeal with the board.

(6) A revoked license shall not be reinstated.

Section 8. Incorporation by Reference.

(1) The following forms are incorporated by reference:

- (a) "Application for Renewal", June 2021; and
- (b) "Application for Reinstatement", June 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

BRANDY MADDING, LMT, Chair

APPROVED BY AGENCY: September 13, 2021

FILED WITH LRC: September 15, 2021 at 9:58 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 8:00 a.m. EST on November 29, 2021, at 500 Mero Street, 133CE, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

CONTACT PERSON: Leah Cooper Boggs, General Counsel, Department of Professional Licensing, 500 Mero Street 237 CW, phone (office) (502) 782-0562, phone (cell) (502) 352-8095, fax (502) 564-3969, email LBoggs@ky.gov.