



**ASHLEY MOODY  
ATTORNEY GENERAL  
STATE OF FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL  
Administrative Law**

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**M E M O R A N D U M**

**TO:** Ernie Reddick  
Bureau of Administrative Code

**FROM:**   
Cassandra P. Fullove, Paralegal Specialist

**RE:** **Emergency Rule 64B7ER20-29 (64B7-32.003, F.A.C.)**

**DATE:** July 15, 2020

Enclosed please find the Emergency Rule Certificate, Minor Violation Certificate, Emergency Rule Notice and the propose rule text to be filed.

Should you have any questions regarding the rule, please contact me at 414-3766.

Please forward a stamped copy of the emergency filing.

Thank you.

Attachment(s)

**FILED**  
2020 JUL 15 AM 10:32  
OFFICE OF THE ATTORNEY GENERAL  
TALLAHASSEE, FLORIDA

CERTIFICATION OF  
BOARD OF MASSAGE THERAPY EMERGENCY RULE  
FILED WITH THE DEPARTMENT OF STATE

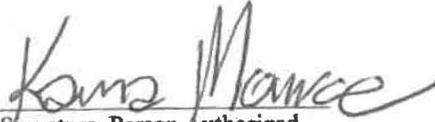
I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with subsection 120.54(4), Florida Statutes. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No.

64B7ER20-29

Under the provision of subparagraph 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing is set out below:

Effective: \_\_\_\_\_  
(Month) (Day) (Year)



Signature, Person Authorized  
To Certify Rules

Executive Director for Christopher Brooks, LMT, Chair  
Title

\_\_\_\_\_  
Number of Pages Certified

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DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule Not(s).

Rules covered by this certification:

Rule Not(s).

64B7ER20-29

  
Signature of Agency Head

Executive Director for Christopher Brooks, LMT, Chair  
Title

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2020 JUL 15 AM 10:33

CLERK OF THE CIRCUIT COURT  
TALLAHASSEE, FLORIDA

NOTICE OF EMERGENCY RULE

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:      RULE TITLE:

64B7ER20-29    Minimum Requirements for Board Approved Massage Schools

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Board of Massage Therapy (hereinafter the "Board") is statutorily mandated to adopt rules establishing minimum requirements for Board approved Massage schools. Pursuant to this authority, the Board has promulgated rules setting forth the minimum requirements for Board approved Massage Schools.

Rule 64B7-32.003, Florida Administrative Code, sets out the minimum requirements for Board Approved Massage Schools. Subsection (1)(c) requires the course of study includes, at a minimum, 500 classroom hours in specific areas of study.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. The State of Emergency has been extended by Executive Orders numbers 20-114 and 20-166. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. The Center for Disease Control ("CDC") recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential air travel and to avoid crowds as much as possible.

Since the issuance of the Executive Orders and declaration of a public health emergency by the State Health Officer and Surgeon General Dr. Rivkees, the Board office has received numerous calls and emails from Board approved massage schools concerned about the dangers of personal contact related to COVID-19 and inquiries as to whether there is an alternative method by which they can offer the specific education required for licensure. Some schools are concerned about the dangers of being in large groups of people in close contact in the classroom. The Board office also relates that some schools have been advised by the Department of Education to offer educational content by distanced learning

Ensuring that Florida's citizens training to be massage therapists are not unnecessarily put at risk is essential during this

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healthcare emergency. Given this emergency, citizens have an increased likelihood of being exposed to COVID-19 if they attend training in classrooms.

Accordingly, the Board, by emergency rule, waives the minimum requirements for classroom hours for the following areas of study: Anatomy and Physiology; 25 of the 100 classroom hours required for Theory/History; Business; 3 of the classroom hours required for Hydrotherapy; Laws and Rules; Professional Ethics; HIV/AIDs; and Medical Errors, and permit citizens to complete those courses in a distance learning format. The Board finds that these actions are a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 and to protect the citizens and educators themselves from exposure to COVID-19.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:**

Given the recently declared emergency in the State of Florida and the recent guidance from the CDC, the fact that the minimum education required by Board Approved Massage Schools, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this emergency meeting was published in the Florida Administrative Register on June 3, 2020. In addition, notice of the Board's emergency meeting was posted on the Board's official website.

**SUMMARY:** The proposed emergency rule waives the classroom requirement for Board approved massage schools and permits citizens to complete training in those specified courses in a distance learning format.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Kama Monroe, J.D., Executive Director, Board Massage Therapy, 4052 Bald Cypress Way, Bin # C-06 Tallahassee, Florida 32399-3257.

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

64B7ER20-29 (64B7-32.003) Minimum Requirements for Board Approved Massage Schools.

(1) In order to receive and maintain Board approval, an in-state school, and any satellite location of a previously approved in-state school, must:

(a) Submit a completed application on form DH-MQA 1266, Rev. 1/18, "Application for Massage Therapy School Approval," The form is incorporated herein by reference and may be obtained from the Board office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at <http://floridasmassagetherapy.gov/applications/app-mt-school.pdf> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-09169>. To apply on-line, visit <http://flhealthsource.gov/mqa-services>.

(b) Meet the requirements of and be licensed by the Department of Education pursuant to chapter 1005, F.S., or be within the public school system of the State of Florida; and,

(c) Offer a course of study that includes, ~~at a minimum, the 500 classroom~~ all required hours in each subject area listed below in chart A, except that from March 1, 2020 to March 31, 2022 some hours may be delivered as instruction hours as detailed in chart B. All hours must be completed at a rate of no more than 6 ~~classroom~~ hours per day and no more than 30 ~~classroom~~ hours per calendar week:

Chart A

<u>Area of Study-Subject Area</u>	<u>Required Classroom Hours</u>
Anatomy and Physiology	150
Basic Massage Theory and History	100
Clinical Practicum	125
Allied Modalities	76
Business	15
Theory and Practice of Hydrotherapy	15
Florida Laws and Rules (Chapters 456 and 480, F.S., and Chapter 64B7, F.A.C.)	10
Professional Ethics	4
HIV/AIDS Education	3
Medical Errors	2

Chart B

<u>Subject Area</u>	<u>Required Classroom Hours</u>	<u>Total Required Hours (classroom and instruction)</u>
<u>Anatomy and Physiology</u>	<u>0</u>	<u>150 hours</u>
<u>Basic Massage Theory and History</u>	<u>75</u>	<u>100 hours</u>
<u>Clinical Practicum</u>	<u>125</u>	<u>125 hours</u>
<u>Allied Modalities</u>	<u>76</u>	<u>76 hours</u>
<u>Business</u>	<u>0</u>	<u>15 hours</u>
<u>Theory and Practice of Hydrotherapy</u>	<u>12</u>	<u>15 hours</u>
<u>Florida Laws and Rules (Chapters 456 and 480, F.S., and Chapter 64B7, F.A.C.)</u>	<u>0</u>	<u>10 hours</u>

<u>Professional Ethics</u>	<u>0</u>	<u>4 hours</u>
<u>HIV/AIDS Education</u>	<u>0</u>	<u>3 hours</u>
<u>Medical Errors</u>	<u>0</u>	<u>2 hours</u>

(d) Achieve a graduate passage rate not lower than 10 percentage points less than the average passage rate for graduates of comparable degree programs who are first-time examinees on a Board approved examination during a calendar year.

1. If an in-state Board approved massage school's graduate passage rates do not equal or exceed required passage rates for two consecutive calendar years, the school will be placed on probationary status pursuant to chapter 120, F.S. The Board may require the program director to present a plan for remediation at a regularly scheduled meeting.

2. The Board will remove probationary status at a regularly scheduled meeting following release of the school's graduate passage rate by the Board approved testing vendor and once the school achieves a graduate passage rate for any one calendar year that equals or exceeds the required passage rate.

(2) An in-state Board approved school must notify the Board within 90 days of:

- (a) Changes in curriculum;
- (b) Changes in address;
- (c) Changes in name;
- (d) Changes in approved signer;
- (e) Changes in ownership.

(3) Approval of an in-state Board approved massage school shall be rescinded or other action taken if the school:

(a) Modifies its course of study to fall below minimum standards, or fails to require its students to complete its course of study in order to graduate;

(b) Submits on behalf of an applicant for licensure documents containing information the school, through its owner, manager, faculty, or other employees or agents, knows to be false;

(c) Violates any standard applicable to the school pursuant to licensure by the Department of Education;

(d) Violates any applicable rule herein;

(e) Does not achieve the required passage rate for any one calendar year during the two calendar years following placement on probationary status, pursuant to chapter 120, F.S.

(4) If an in-state Board approved massage school or any owner, manager, faculty, or other employee or agent is alleged to have violated any provision of chapter 480, F.S., and rule chapter 64B7-32, F.A.C., or part therein:

(a) The Board shall inform the school of any alleged violations in writing. The school shall respond in writing. The school may request an appearance before the Board at the next scheduled meeting to explain any mitigating factors;

(b) If the Board determines that a school is in noncompliance, it may impose one of the following:

1. Corrective action required which shall include the time period in which the school must comply; or
2. Rescission of Board approval.

(c) The Board shall inform the Florida Department of Education of the action taken.

(5) The Board shall review approval of an in-state school when a change in ownership occurs. If the Board determines that the school is in noncompliance with any provision of chapter 480, F.S., and rule chapter 64B7-32, F.A.C., or part therein, it may impose one of the following:

(a) Corrective action required which shall include the time period in which the school must demonstrate compliance;

(b) Rescission of Board approval.

Rulemaking Authority 480.033(9), 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History--New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, 10-30-07, 4-25-10, 5-8-12, 3-21-18, \_\_\_\_\_.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

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Medical Errors	2
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