

BOARD OF MASSAGE EXAMINERS

Regular Meeting Day and Time: Quarterly test dates are established in January of each year, which are normally held in February, May, and August and November. In addition, the Board periodically meets to discuss and prepare new legislation and administration of test.

Approximate number of meetings: 2 meetings quarterly

Approximate number of hours involved in service by members: 1-2 hours prior to exam date reviewing the qualifications of applicants and 4 hours administering practical and written exam

Detailed list of duties:

The Board of Massage Examiners shall determine the qualifications of each applicant requesting a massage therapist license and shall submit such approval or disapproval to the Licensing Officer. The Board administers both written and practical examinations to determine the applicant's qualifications.

The Board establishes the minimum requirements required for qualification and establish rules and regulations relating to the examinations of the applicants.

May on occasion meet with City Council and attend public hearings to review proposed modifications or additions to legislation.

B. **Massage Therapist:** Any person seeking to obtain a license as a massage therapist shall submit a written application to the Licensing Officer containing, but not limited to, the following information:

1. The full name and present address of the applicant, and all aliases by which the applicant is or has been known.
2. The previous street and city addresses of the applicant for the two (2) years preceding the application.
3. At least three (3) notarized references that the application is of good moral character.
4. Written proof that the applicant is over the age of eighteen (18) years.
5. Applicant's height, weight, eye and hair color.
6. Two (2) color portrait photographs of the applicant at least two inches by two inches (2" x 2"), one of which shall be attached to any license issued.
7. Applicant's business, occupation or employment history for the three (3) years immediately preceding the date of application.
8. Applicant's massage or similar business license history; whether the applicant has been previously licensed in this or any city or state, and whether any such license has been revoked or suspended, the reason therefor, and the applicant's business activity or occupation pursued subsequent to such action, suspension or revocation.
9. All felony convictions or convictions involving moral turpitude for the five (5) years preceding application.
10. Applicant must furnish a diploma or certificate of graduation and a transcript of education from an approved school or other institution of learning, as defined by this Part 1, wherein the method, profession and work of massage therapy is taught.
11. Such other identification and information necessary to discover the truth of the statements contained in the application.

12. The applicant shall be fingerprinted by the City Police Department upon submission of the application.

13. Classification of license desired.

- C. **Renewal:** Application for renewal shall be submitted along with the appropriate annual fee at any time up to forty five (45) days prior to the date of expiration.
- D. **Consideration of Criminal History:** The criminal history record information of any applicant, licensee or employee by the Licensing Officer in the decision to grant, renew, revoke or suspend any license issued pursuant to this Section.
- E. **Nonrenewable of Abandoned License:** The City Licensing Officer is not required to renew an abandoned license as defined in Section 8-1-605 of this Chapter. (Ord. 94-106)

8-3-107: INVESTIGATION REQUIRED; DISCLOSURE: The Licensing Officer shall investigate the validity of the statements contained in each application for a license required under this Part 1 and shall submit such application to the Board of Massage Examiners for further investigation.

An applicant for any license provided for herein shall completely disclose all information required by the application. Willful refusal to submit a true and accurate application shall be grounds for the Licensing Officer or Board of Massage Examiners to refuse to accept such application or refuse to issue any license. (Ord. 94-106)

8-3-108: BOARD OF MASSAGE EXAMINERS:

- A. **Board Created, Appointments:** There are hereby created a Board of Massage Examiners. The Board shall consist of five (5) qualified persons appointed by City Council as follows: four (4) licensed massage therapist and one health care industry professional. Members shall serve for one 3-year term, which may be extended at Council's pleasure. Appointments to the Board shall be made in such manner as to achieve staggered three (3) year terms. Members shall serve without compensation.
- B. **Duties and Functions:** The Board shall determine the qualifications of each applicant requesting a license pursuant to this Article, and shall submit such approval or disapproval to the Licensing Officer.

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- C. Establish Rules and Regulations: The Board shall establish rules and regulations relating to the examination of applicants.
1. The Board shall, upon proposing said rules and regulations, give notice of a public hearing to afford interested persons an opportunity to submit views on the proposed rules and regulations.
 2. Said notice shall give the date, place, time and a summary of the proposed rules or regulations.
 3. The Board shall give interested persons an opportunity to be heard and shall accept written remonstrances, data and oral arguments at the public hearing.
 4. The Board shall issue a statement of the matters considered in the adoption or rejection of the rule or regulation and the matters proposed by any interested persons.
 5. No rule or regulation shall be in full force and effect until published by one of two (2) methods: first, publication in full one time in a newspaper of general circulation, or second, publication of a notice one time in a newspaper of general circulation, that such rules and regulations have been adopted, and are on file with the respective officials. The date of adoption shall also be stated.
 6. The Licensing Officer and the Board shall maintain a register of all adopted rules and regulations currently in force, which shall be made available to the public upon request.
 7. Appeal of the Board's adoption or rejection of a proposed rule or regulation shall be as prescribed in this Part 1.
- D. Records of the Board: The Board shall make a record of all its proceedings, which shall be filed in the office of the Licensing Officer and shall be a public record. (Ord. 94-106; Ord. 97-80)

8-3-109: **EXAMINATION PROCEDURES:**

- A. An applicant for a license under this Part 1 who has satisfactorily complied with subsection 8-3-106B11 of this Part 1 shall be examined by the Board to determine the applicant's qualifications. The examination may include, but need not be limited to , the following:
1. A practical demonstration in the practice of body massage by hand or by mechanical or vibratory devices;
 2. The use of oil rubs, salt glows, hot and cold packs, tub, shower and heat lamps;
 3. Demonstration of a knowledge of the principles of anatomy and physiology, either by written or by practical demonstration.
- B. The Board shall establish the minimum requirements required for qualification.
- C.
1. An applicant who fails the examination shall be entitled to re-examination, but in no case shall the applicant be entitled to be examined more than three (3) times in any six (6) month period under each application.
 2. Prior to each re-examination an applicant shall pay an additional fee of ten dollars (\$10.00).
- d. The Board shall submit in writing its approval or disapproval of each application and reasons therefor to the City Clerk within fifteen (15) days after the examination. (Ord. 94-106)

8-3-110: **APPEAL OF BOARD'S DECISION:**

- A. Upon protest of an adverse ruling of the Board of Massage Examiners, the Board shall hold a hearing, maintaining a record of the proceedings, and shall hear evidence of all interested persons to hear the validity of the protest. The Board shall issue a written decision as to the reasons for acceptance or rejection of the qualifications of the applicant after hearing all the evidence.
- B. The hearing shall be held within fifteen (15) days after disapproval by the Board of the qualifications of the applicant.
- C. The denial of a license by the Board of Massage Examiners is reviewable only by a court under CRCP 106(a)(4). (Ord. 94-106)