

## Notice of Change/Withdrawal

### DEPARTMENT OF HEALTH

#### Board of Massage Therapy

#### RULE NOS.:RULE TITLES:

64B7-28.009 Required Continuing Education for Massage Therapists

64B7-28.0096 Minimum Standards for Continuing Education

64B7-28.010 Requirements for Board Approval of Continuing Education Programs

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 46 No. 47, March 9, 2020 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a public meeting held May 20, 2020 and July 9-10, 2020. The changes are as follows:

64B7-28.009 Required Continuing Education for Massage Therapists.

(1) through (2) No change.

(3) During the first biennial renewal cycle, the licensee shall complete:

(a) through (b) No change.

(c) One instruction hour, ~~up to a maximum requirement of 24 hours~~, for each month or partial month licensed.

The overall number of required hours for renewal in the first biennial renewal cycle shall include the required hours of instruction in prevention of medical errors and human trafficking awareness.

(4) During each subsequent biennial renewal cycle, the licensee shall complete:

(a) through (d) No change.

(e) Twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in Section 480.033(3).

(f) No change.

(g) Notwithstanding any other provision of this rule, for the 2019-2021 biennial renewal period, all CE required by this rule may be completed by distanced learning.

(5) No change.

(6) A licensee may substitute the following activities for the requirements above:

(a) through (b) No change.

(c) Up to six hours of classroom instruction which is relevant to and focused on massage therapy techniques, skills, and protocols as defined in Section 480.033(3), F.S., or up to six hours of general instruction may be substituted for the performance of pro-bono services, on an hour-for-hour basis, provided that:

1. The proposed services are to be performed for indigent or underserved populations or in areas of critical need within the state of Florida as recognize by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services ~~(01/2020)(02/19)~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref->

<https://www.federalregister.gov/documents/2020/01/17/2020-00858/annual-update-of-the-hhs-poverty-guidelines> hereby adopted and incorporated by reference, in connection with a tax-exempt organization under s. 501(c) of the Internal Revenue Code, in response to a disaster as defined in Section 252.34(2), F.S., for first responders as defined in Section 196.091(6)(c)1., or

2. through 3. No change.

(7) through (8) No change.

Rulemaking Authority 456.01(6), (7), (8), ~~(9)~~, 456.024(2), 480.035(7), 480.0415 FS. Law Implemented 456.013(6), (7), (9), 456.024(2), 456.0341, 480.0415 FS. History—New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05, 3-1-07, 5-1-07, 1-2-14, 9-1-15, \_\_\_\_\_.

64B7-28.0096 Minimum Standards for Continuing Education.

(1) through (4) No change.

(5) For the purposes of this section, “approved course” means a course of study offered by an approved provider and instructed by an approved instructor.

(a) All approved courses must have stated learner objectives, a breakdown of the total continuing education hours offered for each objective, subject matter which corresponds to each objective, an evaluation measuring the student’s mastery of each learning objective, and teaching methods which use principles of adult education.

(b) through (c) No change.

(d) Approved courses which provide instruction in human trafficking awareness pursuant to Section 456.0431 ~~480.0431~~, F.S. must address both sex trafficking and labor trafficking, how to identify individuals who may be victims of human trafficking, how to report cases of human trafficking, resources available to victims, and how to seek assistance as a victim of trafficking.

(6) through (8) No change.

Rulemaking Authority 456.025(7), 480.035(7), 480.0415 FS. Law Implemented 456.013, 456.025(7), 456.0341, 480.0415 FS. New\_\_\_\_\_.

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

To apply for registration as an approved provider, an applicant shall:

(1) through (2) No change.

(3) The following courses, that meet the criteria for approval under this section, and conform to Section 480.033(3), F.S., are approved by the Board:

(a) through (f) No change.

Rulemaking Authority 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 456.036, 480.0415 FS. History–New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05, 7-5-06, 2-25-07, 5-8-07, 1-26-14, 3-21-18,\_\_\_\_\_.

The current copy of the Federal Poverty income guidelines produced by the United States Department of Health and Human Services, January, 2020 will be incorporated in to Rule 64B7-28.2009, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kama Monroe, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253 or Kama.Monroe@flhealth.gov.