

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 7 MESSAGE THERAPISTS
PART 4 REQUIREMENTS FOR LICENSURE BY EXAMINATION

16.7.4.1 ISSUING AGENCY: Regulation and Licensing Department, Massage Therapy Board.
[16.7.4.1 NMAC - Rp, 16.7.4.1 NMAC, 03/14/2023]

16.7.4.2 SCOPE: This part applies to applicants for licensure.
[16.7.4.2 NMAC - Rp, 16.7.4.2 NMAC, 03/14/2023]

16.7.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Massage Therapy Practice Act, Sections 61-12C-1 to -28 NMSA 1978.
[16.7.4.3 NMAC - Rp, 16.7.4.3 NMAC, 03/14/2023]

16.7.4.4 DURATION: Permanent.
[16.7.4.4 NMAC - Rp, 16.7.4.4 NMAC, 03/14/2023]

16.7.4.5 EFFECTIVE DATE: March 14, 2023, unless a later date is cited at the end of a section.
[16.7.4.5 NMAC - Rp, 16.7.4.5 NMAC, 03/14/2023]

16.7.4.6 OBJECTIVE: The objective of Part 4 is to promote, preserve and protect the public health, safety and welfare by regulating and setting professional standards for applicants for licensure by examination and temporary licensure.
[16.7.4.6 NMAC - Rp, 16.7.4.6 NMAC, 03/14/2023]

16.7.4.7 DEFINITIONS: (Refer to 16.7.1.7 NMAC).
[16.7.4.7 NMAC - Rp, 16.7.4.7 NMAC, 03/14/2023]

16.7.4.8 LICENSE OR REGISTRATION REQUIRED:

A. Massage therapists: A person must be licensed by the board in order to legally provide or offer to provide massage therapy as defined in 16.7.1.7 NMAC; or to use the title or represent themselves to be a massage therapist; or to use any other title, abbreviations, letters, figures, signs or devices that indicate the person is a massage therapist.

B. Massage therapy schools: Massage therapy schools must be registered by the board, as set forth in 16.7.5 NMAC, before they can legally operate and offer education, instruction or training in massage therapy.
[16.7.4.8 NMAC - Rp, 16.7.4.8 NMAC, 03/14/2023]

16.7.4.9 LICENSURE EXEMPTIONS:

A. The following are exempted from licensure by the board pursuant to the Massage Therapy Practice Act:

(1) qualified members of other recognized professions that are licensed or regulated under New Mexico law when rendering services within the scope of their licenses or regulations, provided that they do not represent themselves as massage therapists;

(2) students within the course of study of a registered massage therapy school; and

(3) sobadores; Hispanic traditional healers; Native American healers; reflexologists whose practices are limited to hands, feet and ears; practitioners of polarity, Trager approach, Feldenkrais method, craniosacral therapy, Rolfing structural integration, reiki, ortho-bionomy or ch'i gung; or practitioners of healing modalities not listed in this subsection who do not manipulate the soft tissues for therapeutic purposes.

B. An exempt practitioner who applies for a license pursuant to the Massage Therapy Practice Act shall comply with all licensure requirements of the act and rules of the board.
[16.7.4.9 NMAC - Rp, 16.7.4.9 NMAC, 03/14/2023]

16.7.4.10 GENERAL PROVISIONS FOR LICENSURE BY EXAMINATION:

A. Age: The applicant must be 18 years of age or older on the date the application is submitted.

B. Pre-requisite education: The applicant must have completed high school or its equivalent.

C. Application fee: The applicant must pay the required application-processing fee as set forth in Subsection D of 16.7.3.8 NMAC of the board's regulations.

D. Application form: The applicant must complete the application on an approved form; incomplete applications will not be accepted or will be returned to the applicant.

E. First Aid and cardiopulmonary resuscitation (CPR): The applicant must have completed four contact course hours of cardiopulmonary resuscitation (CPR) to include automatic external defibrillator (CPR/AED) and four contact course hours of first aid and must provide proof, with the application, of current certification in basic life support. *No* on-line courses will be accepted. Courses must be maintained in current standing. [16.7.4.10 NMAC - Rp, 16.7.4.10 NMAC, 03/14/2023]

F. Photograph: The applicant must upload a recent headshot only, color photograph, front-view of the face to their online portal.

16.7.4.11 MESSAGE SCHOOL REQUIREMENT: The applicant for licensure by examination as a massage therapist must have graduated from a massage therapy school approved to operate as a private post-secondary educational institution or its equivalent.

A. Out-of-state or multiple schools: The applicant who has graduated from an out-of-state massage therapy school or who has attended more than one massage therapy school must make arrangements for the school to provide the following items.

(1) the board's form "A" completed and submitted directly to the board by the massage therapy school(s) that the applicant attended as provided in 16.7.4.13 NMAC;

(2) an official transcript submitted directly to the board by the school(s) that meets the requirements in Subsection B of 16.7.4.11 NMAC;

(3) proof that the school is approved to operate as a private post-secondary educational institution or its equivalent. The respective state's department of higher education usually grants this approval. The name of the agency or entity may vary from state to state.

B. Official transcripts of massage therapy training: The applicant shall make arrangements for official transcript(s) to be sent directly to the board by the educational institution documenting that the applicant has completed the minimum curricula of 650 hours of massage therapy training as provided in 16.7.4.12 NMAC.

(1) if more than one massage therapy school was attended, at least one official transcript must document a minimum of 300 class hours of training in massage therapy as defined in 16.7.4.7 NMAC above;

(2) continuing education (CE) or continuing education units (CEU) may be accepted toward the educational requirements for licensure;

(3) if official transcripts are not available due to unusual circumstances (example: school closure, destroyed records), the applicant will be responsible to provide satisfactory evidence to the board of completion of the required massage therapy training. The board shall consider such documentation on a case-by-case basis.

[16.7.4.11 NMAC - Rp, 16.7.4.11 NMAC, 03/14/2023]

16.7.4.12 MINIMUM CURRICULA OF MASSAGE THERAPY TRAINING: The applicant for licensure by examination must have completed at least the 650 hour minimum curricula of massage therapy training. The massage therapy training must meet the following minimum curriculum requirements:

A. one hundred sixty five (165) hours minimum of anatomy and physiology, to include:

(1) physiology;

(2) anatomy;

(3) kinesiology; and

(4) 40 hours minimum of pathology.

B. one hundred fifty (150) hours minimum of training in massage therapy as defined in 16.7.1.7 NMAC.

(1) the massage therapy training shall include contraindications of massage therapy;

(2) a minimum of 100 hours of hands on training must be completed before the student is allowed to begin a clinical practicum as defined in 16.7.1.7 NMAC.

C. seventy-five hours minimum of general instruction to include.

(1) business; effective October 31, 2021, minimum of 20 hours;

(2) hydrotherapy; effective October 31, 2021, minimum of eight hours;

(3) 30 hours minimum of professional ethics;

(4) four hours of first aid; and

(5) four hours of cardiopulmonary resuscitation to include automatic external defibrillation (CPR/AED).

D. Electives may include:

- (1) additional massage therapy;
- (2) related hands-on modalities;
- (3) additional anatomy and physiology;
- (4) clinical practicum (not to exceed 150 hours);
- (5) counseling;
- (6) herbology;
- (7) homeopathy;
- (8) nutrition;
- (9) breathing and stretching techniques;
- (10) theory; and
- (11) other courses with prior board approval. See 16.7.4.14 NMAC for instructions.

E. The total number of hours in the massage therapy program is a minimum of 650 hours.

F. If an applicant is missing a core curriculum course or is missing a small portion of the core curriculum to complete the 650 hour requirement, the applicant may obtain the training course(s) from a continuing education provider, or from a massage therapy school that meets the requirements in 16.7.4.13 NMAC.

G. The board will accept professional work experience (not to exceed 150 hours) from applicants with documented proof accounting for all hours by completing Form C. These hours must have been performed legally and the applicant must provide proof of licensure or registration during the time the work was performed. [16.7.4.12 NMAC - Rp, 16.7.4.12 NMAC, 03/14/2023]

16.7.4.13 FORM “A” FROM MASSAGE SCHOOL REQUIREMENT:

A. The following circumstances require that the applicant’s massage school(s) submit a completed “form A for massage school” to the board office along with an official transcript and proof that the massage therapy school(s) is/was approved to operate as a private post-secondary educational institution or its equivalent at the time the applicant attended the school(s):

- (1) if the applicant attended a massage school that is located out-of-state; or
- (2) if the applicant has attended more than one massage therapy school whether in-state or out-of-state; or
- (3) if the applicant graduated from a massage therapy school more than two years ago.

B. The “form A for massage school” contains four sections corresponding to Subsections A, B, C, and D of 16.7.4.12 NMAC, and each section must be completed correctly to prevent delays in the applicant’s licensure process.

(1) an hourly breakdown must be provided for each course/category/subject listed that the school provided in the curriculum that the applicant completed. If a subject is taught within another subject, the school should provide a written explanation on school letterhead and attached to the form “A”;

(2) If there are no hours specified next to a course/category/subject, it will be an indication to the board that the course/category/subject was *not* part of the school’s curriculum.

[16.7.4.13 NMAC - Rp, 16.7.4.13 NMAC, 03/14/2023]

16.7.4.14 ELECTIVE COURSES IN THE “OTHER” CATEGORY: If an applicant has attended a massage therapy training program that is not a registered massage therapy school or provides proof of completion of elective courses that falls under the "other" category in Paragraph (11) of Subsection D of 16.7.4.12 NMAC, the course(s) will be reviewed on a case-by-case basis and may be accepted by the board. The applicant must provide the following.

A. A separate written request for consideration of the course(s).

B. An official transcript that clearly names the course(s) to be considered.

C. A copy of the school catalog that clearly describes the course(s) to be considered. In accordance with Paragraph (2) of Subsection B of 16.7.4.11 NMAC, continuing education will *NOT* be accepted.

D. An administrative review fee as set forth in Paragraph (7) of Subsection A of 16.7.3.8 NMAC.

[16.7.4.14 NMAC - Rp, 16.7.4.14 NMAC, 03/14/2023]

16.7.4.15 DOCUMENTS IN A FOREIGN LANGUAGE: Any document submitted in a foreign language must be accompanied by an accurate translation in English.

A. each translated document must bear the affidavit of the certified translator attesting to it being a true and complete translation of the original document;

- B.** the affidavit must also contain the translator's contact information, including name, address and phone number of the organization that granted the translator certification;
 - C.** each translated document must bear a notary seal and signature swearing that the document is that of the applicants; and
 - D.** translation of any document relevant to a person's application will be at the expense of the applicant.
- [16.7.4.15 NMAC - Rp, 16.7.4.15 NMAC, 03/14/2023]

16.7.4.16 SPECIFIC PROVISIONS FOR A TEMPORARY LICENSE: A license issued one time only for a maximum period of three months to practice massage therapy while the application for permanent license is in process, and which may only be issued to applicants who have never sat for a licensing examination.

- A. Qualifications for temporary license:**
 - (1)** the applicant for temporary license must meet all the requirements set forth in 16.7.4.10 through 16.7.4.15 NMAC;
 - (2)** the applicant for temporary license must not have previously sat for a certification examination for therapeutic massage and bodywork (NCETMB), the national certification examination for therapeutic massage (NCETM), the massage board licensing examination (MBLEx), or other examining or certification agency approved by the board;
 - (3)** the applicant may obtain a temporary license while waiting to sit for the national examination;
 - (4)** upon submitting the application for licensure, the applicant for a temporary license must submit a temporary license fee, as set forth in Subsection D of 16.7.3.8 NMAC;
 - (5)** the board may deny issuance of a temporary license for the same reasons a permanent license may be denied.

- B. Issuance of the temporary license:**
 - (1)** the applicant for temporary license may not begin work until the temporary license has been issued by the board, has been received by the licensee, and has been publicly posted in principal place of practice;
 - (2)** the temporary licensee may *not* advertise in the yellow pages or other similar advertising book;
 - (3)** the temporary licensee must keep the board informed at all times of any change in address and contact phone number(s).

- C. Surrender of temporary license required:**
 - (1)** if a temporary license holder fails the national examination, the temporary license immediately becomes null and void and must be surrendered directly to the board office within 15 days of the examination date; and the privileges to practice authorized by the temporary license are no longer valid;
 - (2)** expired or null and void temporary licenses shall be surrendered to the board;
 - (3)** if an applicant, who holds a temporary license that must be surrendered, has misplaced or lost the temporary license and cannot return it to the board as required, the applicant must provide the board with an affidavit attesting that the license has been lost or misplaced and that the applicant is no longer practicing massage therapy.

[16.7.4.16 NMAC - Rp, 16.7.4.16 NMAC, 03/14/2023]

16.7.4.17 SPECIFIC PROVISION FOR PERMANENT LICENSURE: The applicant must meet all the requirements set forth in 16.7.4.10 through 16.7.4.15 NMAC, in addition to the following requirements:

- A. Jurisprudence examination:** The applicant for permanent licensure must successfully pass the board's jurisprudence examination as set forth in 16.7.10.8 NMAC.
- B.** Pass a licensing or certification exam approved by the board (including MBLEx, NCETM or NCETMB), and must make arrangements for the national examining agency to send official examination results, as defined in 16.7.4.7 NMAC, directly to the board.
- C. Licensure fee:** Upon written notification, sent by the board that the applicant has met all other requirements for licensure, the applicant must submit the initial license fee as stated in the notification based on the fee structure set forth in Subsection A of 16.7.3.8 NMAC.
 - (1)** the initial licensure fee must be paid in full before the permanent license will be issued;

(2) if the applicant fails to pay the initial license fee within 30 days of receipt of the notification of approval, the application will be deemed withdrawn and subject to the provisions in 16.7.4.19 NMAC.

[16.7.4.17 NMAC - Rp, 16.7.4.17 NMAC, 03/14/2023]

16.7.4.18 APPLICATION EXPIRATION, WITHDRAWAL, AND DESTRUCTION:

A. Expiration or withdrawal of application: The application for licensure expires as follows and all previously paid fees will be forfeited if:

(1) the applicant fails to complete all requirements for temporary or permanent licensure within one year from the date the applicant's application file is started by board office staff; or

(2) the applicant withdraws the application, either by notifying the board in writing or by not paying the initial license fee within the time allowed in Subsection C of 16.7.4.17 NMAC.

B. If the applicant still wishes to seek licensure after the application has expired or been withdrawn and it is still within one year after the application expired was withdrawn, the applicant shall complete the following procedure.

(1) submit a "reapplication form for withdrawn or expired application;"

(2) submit whatever the application fee is at the time of reapplication;

(3) complete any other requirements or submit any other documentation pending when the application was expired or withdrawn.

C. Application destruction: The board will maintain the expired or withdrawn application file for a period of one year after the expiration or withdrawal date.

(1) after that date, the file will be purged from the board's records and destroyed;

(2) the applicant whose application has been purged from the board's records must complete the entire application process again if, in the future, they are interested in licensure.

D. Temporary license unavailable: The option for a temporary license will no longer be available to a person whose application has expired, been withdrawn, or been destroyed from the board's records.

[16.7.4.18 NMAC - Rp 16.7.4.19 NMAC, 03/14/2023]

16.7.4.19 INITIAL LICENSE PERIOD: Initial licenses, including initial licenses issued to applicants for expedited licensure by credentials, shall be issued for a period of up to two years, depending on when in the renewal cycle the initial license is issued, in order to schedule the license to renew on October 31.

A. The first renewal cycle may be for as short a period as one year and the initial license fee may be prorated accordingly based on the fee structure set forth in Subsection A of 16.7.3.8 NMAC.

B. After the license is renewed the first time, the license will be scheduled into a biennial cycle and will be renewed every two years.

[16.7.4.19 NMAC - Rp 16.7.4.20 NMAC, 03/14/2023]

16.7.4.20 DISPLAY OF LICENSE: While performing massage therapy the, licensee must display their current license to practice massage therapy in a conspicuous place of their practice location or place of their business.

[16.7.4.20 NMAC - Rp 16.7.4.21 NMAC, 11/15/2019]

16.7.4.21 ADDRESS AND EMPLOYMENT PRACTICE CHANGES: It is the licensee's responsibility to provide written notification to the board of any changes in addresses, phone numbers, and practice location(s) within 30 days in order that renewal notices and other correspondence from the board will be received by the licensee in a timely manner, and in order for the board to be able to maintain accurate licensing records. A form is available for this purpose from the board office or from the board's website at www.rld.state.nm.us, or a letter to the board advising of the changes will also be adequate.

[16.7.4.21 NMAC - Rp 16.7.4.22 NMAC, 03/14/2023]

16.7.4.22 ELECTRONIC APPLICATIONS: In accordance with the Uniform Electronic Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978, the board or its designee will accept electronic application.

A. A person seeking licensure as a New Mexico massage therapist or registrant may do so by submitting an electronic application. Applicants shall submit all information as required by 16.7.4 NMAC.

B. A massage therapist may renew his or her license, and a registrant may renew his or her registration, electronically through a designated website provided by the board. A person renewing his or her license or certificate shall submit all documentation as required by 16.7.12 NMAC.

C. A massage therapist or registrant who is currently on inactive status may submit an electronic applications requesting reactivation of his or her license or registration. A person requesting reactivation of his or her license or registration shall submit all documentation as required by the Massage Therapy Practice Act, Section 61-12C-18 NMSA 1978, and 16.7.12.9 and 16.7.12.15 NMAC.

D. A person whose massage therapy license or registration has been suspended or revoked, or has expired, may in accordance with the Massage Therapy Act, the board's rules and any lawful board or court order, submit an electronic application seeking reinstatement. Applicants shall submit all information as required by the Massage Therapy Practice Act, NMSA 1978. Chapter 61, Article 12C NMSA and the board's rules.
[16.7.4.22 NMAC - Rp 16.7.4.23 NMAC, 03/14/2023]

16.7.4.23 CRIMINAL CONVICTIONS:

A. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or a licensee retaining a license issued by the board:

- (1) homicide or manslaughter;
- (2) kidnapping, false imprisonment, aggravated assault or aggravated battery;
- (3) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, promoting prostitution, accepting the earnings of a prostitute, human trafficking, willfully or knowingly failing to comply with the registration or verification requirements of the sex offender registration and notification act, or other related felony sexual offenses;
- (4) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, forgery, embezzlement, credit card fraud, or receiving stolen property;
- (5) failure to comply with a proclamation of the governor; or
- (6) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

B. The board shall not consider the fact of a criminal conviction as part of an application for licensure or licensure renewal unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of 16.7.4.24 NMAC.

C. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of 16.7.4.24 NMAC.

D. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Massage Therapy Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of 16.7.4.24 NMAC.

E. In connection with an application for licensure or license renewal, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of 16.7.4.21 NMAC.

[16.7.4.23 NMAC - Rp 16.7.4.24 NMAC, 03/14/2023]

16.7.4.24 [RESERVED]

HISTORY OF 16.7.4 NMAC:

Pre-NMAC History: The material in this part is derived from that previously filed with the State Records Center and Archives under: Rule 92-2, Requirements for Licensure, 1/17/1992.

Rule 92-2, Requirements for Licensure, 9/9/1992;

Regulation 2, Requirements for Licensure, 1/5/1994;

Rule 92-3, Licensure Without Examination, 1/17/1992;

Rule 92-3, Licensure by Credentials, 9/9/1992;
Regulation 3, Licensure by Credentials, 1/5/1994;
Rule 92-4, Application Procedure, 1/17/1992;
Rule 92-4, Application Procedure, 9/9/1992;
Regulation 4, Application Procedure, 1/5/1994;
Rule 92-5, Provisional License, 1/17/1992;
Rule 92-5, Provisional License, 9/9/1992;
Regulation 5, Temporary License, 1/5/1994.

History of Repealed Material:

16 NMAC 7.4, Requirements for Licensure - Repealed 12/24/1999.
16.7.4 NMAC, Requirements for Licensure - Repealed 5/29/2001.
16.7.4 NMAC, Requirements for Licensure filed 6/28/2005, Repealed 11/15/2019.
16.7.4 NMAC, Requirements for Licensure filed 10/16/2019, Repealed 03/14/2023.

Other History:

16.7.4 NMAC, Requirements for Licensure filed 6/28/2005 was replaced by 16.7.4 NMAC, Requirements for Licensure effective 11/15/2019.
16.7.4 NMAC, Requirements for Licensure filed 10/16/2019 was replaced by 16.7.4 NMAC, Requirements for Licensure effective 03/14/2023.