

37b – Business:
TX Massage Law Quiz



Which of the following terms is included in the definition of massage therapist?

- a) person who administers massage therapy to a client for compensation

Which of the following terms is included in the definition of massage therapist?

- a) person who administers massage therapy to a client for compensation
- b) masseuse, myotherapist, body massager, body rubber

Which of the following terms is included in the definition of massage therapist?

- a) person who administers massage therapy to a client for compensation
- b) masseuse, myotherapist ,body massager, body rubber
- c) person who administers massage therapy to a client regardless of compensation

Which of the following terms is included in the definition of massage therapist?

- a) person who administers massage therapy to a client for compensation
- b) masseuse, myotherapist, body massager, body rubber
- c) person who administers massage therapy to a client regardless of compensation
- d) a and b

Which of the following terms is included in the definition of massage therapist?

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- b) masseuse, myotherapist, body massager, body rubber
- c) person who administers massage therapy to a client regardless of compensation
- d) **a and b**

“Compensation” includes

“Compensation” includes

a) money

“Compensation” includes

- a) money
- b) goods and services

“Compensation” includes

- a) money
- b) goods and services
- c) barter

“Compensation” includes

- a) money
- b) goods and services
- c) Barter
- d) All of the above

“Compensation” includes

- a) money
- b) goods and services
- c) Barter
- d) **All of the above**

The definition of massage therapy specifies that
massage

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massage

a) is manipulation of soft tissue for the
purpose of body massage

The definition of massage therapy specifies that
massage

- a) is manipulation of soft tissue for the purpose of body massage
- b) May be done by hand or through a mechanical or electrical apparatus

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- a) is manipulation of soft tissue for the purpose of body massage
- b) May be done by hand or through a mechanical or electrical apparatus
- c) Includes “Swedish gymnastics”

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The definition of massage therapy specifies that
massage

- a) Is manipulation of soft tissue for the purpose of body massage
- b) May be done by hand or through a mechanical or electrical apparatus
- c) Includes “Swedish gymnastics”
- d) **All of the above**

The terms “therapy” and “therapeutic” do not include diagnosis, treatment of illness or disease, or any procedure for which a license to practice medicine, chiropractic, physical therapy or podiatry is required by law

The terms “therapy” and “therapeutic” do not include diagnosis, treatment of illness or disease, or any procedure for which a license to practice medicine, chiropractic, physical therapy or podiatry is required by law

- a) True
- b) False

The terms “therapy” and “therapeutic” do not include diagnosis, treatment of illness or disease, or any procedure for which a license to practice medicine, chiropractic, physical therapy or podiatry is required by law

a) True

b) False

Massage therapy may include the use of heat lamps, cabinet baths, ultrasound or jacuzzi

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- a) True
- b) False

Massage therapy may include the use of heat lamps, cabinet baths, ultrasound or jacuzzi

a) True

b) **False**

Swedish gymnastics includes

Swedish gymnastics includes

- a) passive and active joint movements

Swedish gymnastics includes

- a) passive and active joint movements
- b) Non-specific stretches, passive and active exercise

Swedish gymnastics includes

- a) passive and active joint movements
- b) Non-specific stretches, passive and active exercise
- c) A and B

Swedish gymnastics includes

- a) passive and active joint movements
- b) Non-specific stretches, passive and active exercise
- c) **A and B**

If an application is incomplete fees will be
refunded

If an application is incomplete fees will be refunded

- a) True
- b) False

If an application is incomplete fees will be refunded

a) True

b) **False**

For the initial massage therapist license the application fee is

For the initial massage therapist license the application fee is

a) \$117

For the initial massage therapist license the application fee is

- a) \$117
- b) \$106

For the initial massage therapist license the application fee is

- a) \$117
- b) \$106
- c) \$100

For the initial massage therapist license the application fee is

- a) \$117
- b) \$106
- c) \$100
- d) None of these

For the initial massage therapist license the application fee is

- a) \$117
- b) \$106
- c) \$100**
- d) None of these

Renewal fee for a two-year license is

Renewal fee for a two-year license is

a) \$200

Renewal fee for a two-year license is

- a) \$200
- b) \$100

Renewal fee for a two-year license is

- a) \$200
- b) \$100
- c) \$106

Renewal fee for a two-year license is

- a) \$200
- b) \$100
- c) \$106
- d) None of these

Renewal fee for a two-year license is

- a) \$200
- b) \$100
- c) \$106
- d) **None of these. It's \$75**

The fee for late renewal is

The fee for late renewal is

- a) One and a half times the regular fee

The fee for late renewal is

- a) One and a half times the regular fee
- b) Two times the regular fee

The fee for late renewal is

- a) One and a half times the regular fee
- b) Two times the regular fee
- c) Depends on how late you are

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- b) Two times the regular fee
- c) **Depends on how late you are**

Records of the dates, types, and billing information for each session must be maintained

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a) For three years

Records of the dates, types, and billing information for each session must be maintained

- a) For three years
- b) For two years

Records of the dates, types, and billing information for each session must be maintained

- a) For three years
- b) For two years
- c) For five years

Records of the dates, types, and billing information for each session must be maintained

- a) For three years
- b) For two years
- c) For five years
- d) As long as you are in practice

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- a) For three years
- b) For two years**
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To massage a person under the age of 17

To massage a person under the age of 17

- a) You must have the written consent of their parent or guardian

To massage a person under the age of 17

- a) You must have the written consent of their parent or guardian
- b) You must be certified in adolescent massage

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- b) You must be certified in adolescent massage
- c) It is illegal to massage a person under 17

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- a) You must have the written consent of their parent of guardian
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- c) It is illegal to massage a person under 17

As long as a person is licensed he or she can legally practice in an unlicensed massage establishment

As long as a person is licensed he or she can legally practice in an unlicensed massage establishment

- a) True
- b) False

As long as a person is licensed he or she can legally practice in an unlicensed massage establishment

a) True

b) **False**

A licensee must prominently display a sign in his/her primary place of business notifying clients of the name, mailing address and telephone number of the Department of State Health Services for the purpose of directing complaints to the department

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- a) On each written contract for services of a licensee

A licensee must prominently display a sign in his/her primary place of business notifying clients of the name, mailing address and telephone number of the Department of State Health Services for the purpose of directing complaints to the department

- a) On each written contract for services of a licensee
- b) On a sign prominently displayed in the primary place of business of each licensee

A licensee must prominently display a sign in his/her primary place of business notifying clients of the name, mailing address and telephone number of the Department of State Health Services for the purpose of directing complaints to the department

- a) On each written contract for services of a licensee
- b) On a sign prominently displayed in the primary place of business of each licensee
- c) On a bill for service provided by a licensee to a client or third party

A licensee must prominently display a sign in his/her primary place of business notifying clients of the name, mailing address and telephone number of the Department of State Health Services for the purpose of directing complaints to the department

- a) On each written contract for services of a licensee
- b) On a sign prominently displayed in the primary place of business of each licensee
- c) On a bill for service provided by a licensee to a client or third party
- d) By another written and documented method

A licensee must prominently display a sign in his/her primary place of business notifying clients of the name, mailing address and telephone number of the Department for the purpose of directing complaints to the department

- a) On each written contract for services of a licensee
- b) On a sign prominently displayed in the primary place of business of each licensee
- c) On a bill for service provided by a licensee to a client or third party
- d) By another written and documented method
- e) Any of the Above

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- c) On a bill for service provided by a licensee to a client or third party
- d) By another written and documented method
- e) **Any of the Above**

As long as you keep your license current you are not required to update the department regarding changes of name, address, phone number or employment

As long as you keep your license current you are not required to update the department regarding changes of name, address, phone number or employment

- a) True
- b) False

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a) True

b) **False**

For each client you must have on file an initial consultation document, signed by you and the client, detailing

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a) Areas to be massaged or avoided

For each client you must have on file an initial consultation document, signed by you and the client, detailing

- a) Areas to be massaged or avoided
- b) That draping will be used unless otherwise agreed upon by client and therapist

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- a) Areas to be massaged or avoided
- b) That draping will be used unless otherwise agreed upon by client and therapist
- c) A and B

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- a) Areas to be massaged or avoided
- b) That draping will be used unless otherwise agreed upon by client and therapist
- c) **A and B**

The initial consultation document must include a statement that

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- a) Breast massage will be done on female clients only with their consent

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- b) If uncomfortable for any reason the client may ask the therapist to cease the massage and the therapist will end the session

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- c) If the client is not satisfied, money will be refunded

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- d) A and B

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- a) Breast massage will be done on female clients only with their consent
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- d) **A and B**

Sexual misconduct

Sexual misconduct

- a) Includes inappropriate comments or improper clothing

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- a) Includes inappropriate comments or improper clothing
- b) Includes touching the clients genitalia

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- a) Includes inappropriate comments or improper clothing
- b) Includes touching the clients genitalia
- c) Includes any behavior, gestures, or expressions which may reasonably be interpreted as inappropriately seductive or sexual

Sexual misconduct

- a) Includes inappropriate comments or improper clothing
- b) Includes touching the clients genitalia
- c) Includes any behavior, gestures, or expressions which may reasonably be interpreted as inappropriately seductive or sexual
- d) All of the above

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- a) Includes inappropriate comments or improper clothing
- b) Includes touching the clients genitalia
- c) Includes any behavior, gestures, or expressions which may reasonably be interpreted as inappropriately seductive or sexual
- d) **All of the above**

A licensee shall not perform massage therapy,
whether or not for compensation, at a sexually
oriented business

A licensee shall not perform massage therapy,
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oriented business

- a) True
- b) False

A licensee shall not perform massage therapy,
whether or not for compensation, at a sexually
oriented business

- a) True
- b) False

A licensee shall immediately discontinue the session or the professional relationship when a client initiates any verbal or physical contact that is intended to arouse or gratify the sexual desire of either person

A licensee shall immediately stop the session or the professional relationship when a client initiates any verbal or physical contact that is intended to arouse or gratify the sexual desire of either person

- a) True
- b) False

A licensee shall immediately stop the session or the professional relationship when a client initiates any verbal or physical contact that is intended to arouse or gratify the sexual desire of either person

- a) True
- b) False

A sexually oriented business may not use the following words on any form of advertising:

A sexually oriented business may not use the following words on any form of advertising:

a) Body

A sexually oriented business may not use the following words on any form of advertising:

- a) Body
- b) Bath

A sexually oriented business may not use the following words on any form of advertising:

- a) Body
- b) Bath
- c) Massage

A sexually oriented business may not use the following words on any form of advertising:

- a) Body
- b) Bath
- c) Massage
- d) B and C

A sexually oriented business may not use the following words on any form of advertising:

- a) Body
- b) Bath
- c) Massage
- d) **B and C**

A licensed massage therapist may not use
testimonials in advertising

A licensed massage therapist may not use testimonials in advertising

- a) True
- b) False

A licensed massage therapist may not use testimonials in advertising

- a) True
- b) False

A licensed massage therapist must use the
license number in any advertising

A licensed massage therapist must use the license number in any advertising

- a) True
- b) False

A licensed massage therapist must use the license number in any advertising

a) True

b) **False**

A licensed massage therapist who does not
have an office

A licensed massage therapist who does not
have an office

- a) Must carry a current identification card

A licensed massage therapist who does not
have an office

- a) Must carry a current identification card
- b) Must post his/her license at each
workplace

A licensed massage therapist who does not have an office

- a) Must carry a current identification card
- b) Must post his/her license or a copy at each workplace
- c) Does not have to have proof of licensure at the time of the massage

A licensed massage therapist who does not have an office

- a) **Must carry a current identification card**
- b) Must post his/her license or a copy at each workplace
- c) Does not have to have proof of licensure at the time of the massage

Applicants for licensure must be at least 18
years of age

Applicants for licensure must be at least 18
years of age

- a) True
- b) False

Applicants for licensure must be at least 18
years of age

- a) True
- b) False

If an applicant submits an incomplete application
the department

If an applicant submits an incomplete application
the department

- a) May void it immediately and keep the fees

If an applicant submits an incomplete application
the department

- a) May void it immediately and keep the fees
- b) Will notify the applicant and allow 30 days
for completing it

If an applicant submits an incomplete application
the department

- a) May void it immediately and keep the fees
- b) Will notify the applicant and allow 30 days
for completing it
- c) Will return the application and the fees

If an applicant submits an incomplete application
the department

- a) May void it immediately and keep the fees
- b) Will notify the applicant and allow 30 days for completing it
- c) Will return the application and the fees
- d) Will hold it for one year

If an applicant submits an incomplete application
the department

- a) May void it immediately and keep the fees
- b) **Will notify the applicant and allow 30 days for completing it**
- c) Will return the application and the fees
- d) Will hold it for one year

When applying applicants must submit SS#, and
information about any misdemeanor or felony
convictions

When applying applicants must submit SS#, and information about any misdemeanor or felony convictions

a) true

b) false

When applying applicants must submit SS#, and information about any misdemeanor or felony convictions

- a) true
- b) false

After graduating from a 500-hour program in Texas and submitting an application applicants must pass a written examination in order to be licensed

After graduating from a 500-hour program in Texas and submitting an application applicants must pass a written examination in order to be licensed

True

False

After graduating from a 500-hour program in Texas and submitting an application applicants must pass a written examination in order to be licensed

True

False

In addition to passing a written massage examination applicants must pass a test covering the rules and regulations

In addition to passing a written massage examination applicants must pass a test covering the rules and regulations

a) True only for initial license

In addition to passing a written massage examination applicants must pass a test covering the rules and regulations

- a) True only for initial license
- b) True for each renewal

In addition to passing a written massage examination applicants must pass a test covering the rules and regulations

- a) True only for initial license
- b) True for each renewal
- c) False

In addition to passing a written massage examination applicants must pass a test covering the rules and regulations

- a) True only for initial license
- b) True for each renewal
- c) False

Once you receive your initial license it is good

Once you receive your initial license it is good

a) For two years from the date of issue

Once you receive your initial license it is good

- a) For two years from the date of issue
- b) For one or two years, depending on the amount you paid

When issued your initial license it is good

- a) For two years from the date of issue
- b) For one or two years, depending on the amount you paid
- c) Until the last day of your birth month in the year following the date of issue

When issued your initial license it is good

- a) **For two years from the date of issue**
- b) For one or two years, depending on the amount you paid
- c) Until the last day of your birth month in the year following the date of issue

Renewal licenses

Renewal licenses

- a) Are issued for two years

Renewal licenses

- a) Are issued for two years
- b) Expire on the last day of your birth month

Renewal licenses

- a) Are issued for two years
- b) Expire on the last day of your birth month
- c) Are issued automatically

Renewal licenses

- a) Are issued for two years
- b) Expire on the last day of your birth month
- c) Are issued automatically
- d) A and B

Renewal licenses

- a) **Are issued for two years**
- b) Expire on the last day of your birth month
- c) Are issued automatically
- d) A and B

At least 30 days prior to expiration a notice will be sent to your last address of record stating the expiration date and cost of renewal

At least 30 days prior to expiration a notice will be sent to your last address of record stating the expiration date and cost of renewal

- a) True
- b) False

At least 30 days prior to expiration a notice will be sent to your last address of record stating the expiration date and cost of renewal

- a) True
- b) False

Proof of failure to receive notification from the
department will result in late penalties being
waived

Proof of failure to receive notification from the department will result in late penalties being waived

- a) True
- b) False

Proof of failure to receive notification from the department will result in late penalties being waived

a) True

b) **False**

A person whose license has expired for 90 days or less may renew for two times the normal fee

A person whose license has expired for 90 days or less may renew for two times the normal fee

- a) True
- b) False

A person whose license has expired for 90 days or less may renew for two times the normal fee

a) True

b) **False**

A person whose license has expired for more than 90 days may not renew

A person whose license has expired for more than 90 days may not renew

- a) True
- b) False

A person whose license has expired for more than 90 days may not renew

a) True

b) **False**

A person whose license has expired may continue to do massage for up to 90 days while the late renewal application is being processed

A person whose license has expired may continue to do massage for up to 90 days while the late renewal application is being processed

- a) True
- b) False

A person whose license has expired may continue to do massage for up to 90 days while the late renewal application is being processed

a) True

b) **False**

The End :D

37b – Business:
**TX Massage Law +
Find the Job You Want!**



The History of TX State Law & Rules

1984

- 250 hours
- first massage law and rules
- state test and practical

1990

- 300 hours
- + 50 hr internship

2007

- MBLEx
- BTW: TLC offered 750 hours since 1989

For TX Massage Therapy Law & Rules

Texas Department of Licensing and
Registration

tdlr.texas.gov

→ Massage Therapy → Law and Administrative
Rule

Discipline is remembering what you want.

What do you want?

Being an Employee: Advantages and Challenges

Advantages

- Greater possibilities for getting lots of clients quickly
- Part of team
- Easier re: paperwork, marketing, supplies needed, taxes, bookkeeping, scheduling
- Ability to focus on hands on work.
- Possible benefits in addition to salary.

Challenges

- Lack of control
- Possibly poor management, lack of freedom re: dress, choice of session design
- Difficult co-workers?, possibly less money, possibly unclear boundaries

Being Self-Employed: Advantages and Challenges

Advantages:

- more control over work atmosphere, session design, more repeat clients, environment, more autonomy, potentially more money

Challenges:

- more isolated, more risks and responsibility, more non-massage work required.

(More re: Self-employment in class 45b)

Employee Settings

- Day Spas
- Massage Centers
- Destination Resorts & Luxury Hotel Spas
- Cruise Ships
- Dental/Medical Spas
- Wellness Centers

ISPA 2018 Update: Spa Industry Surpasses \$17.5 Billion Revenue Mark

10/08/2018

THE BIG FIVE STATISTICS

ISPA 2018 U.S. SPA INDUSTRY STUDY

The Big Five Statistics: 2017 out-turn and percentage change in 2017

	2016 (Year End)	2017 (Year End)	% Change
Revenue	\$16.8 billion	\$17.5 billion	4.3%
Spa Visits	184 million	187 million	1.6%
Locations	21,260	21,770	2.4%
Revenue per visit	\$91.3	\$93.7	2.7%
	2017 (May)	2018 (May)	% Change
Total Employees	365,200	372,100	1.9%
Full-Time	165,800	170,900	3.1%
Part-Time	164,500	173,900	5.7%
Contract	35,000	27,300	-22.0%

*Calculations of percentage change are based on unrounded figures.

Spa

Corporate/Spa “Community” Culture

Important considerations:

- Treat employees and customers with respect
- Discourage gossip
- Good team work/mutual support
- May have dress and conduct code
- Required duties other than massage? Training for those? Pay?
- Continuing Education training- provided? How much?
- Scheduling- recommended never more than 3 back-to-back sessions.
- Recommended: No more than 6hrs of massaging in a day

Spa (continued)

Ethical considerations:

- addressing sexual misconduct
- working outside scope of practice
- not detailed intake form (to screen for contraindications / effective session planning)
- compensation inequities / dishonesty / pay too low – (min. acceptable \$20/hr up to \$70 + tips in any case.)
- benefits – health ins., paid vacation, paid sick days, pension plans, profit-sharing, 401-K, reimbursement for CE's.
- confidentiality
- seniority – how do they assign customers to therapists?

Spa (continued)

- Study brochures, website, talk with former and current employees, visit (incognito)
- What is the spa's vision?,
- How long is a shift?
- What rate of turnover does the spa have?
- Strong team environment?
- Methods of communication/structure for mutual feedback?
- How is seniority handled?
- What are the treatment rooms and general environment like?
- What you bring to the table – advanced trainings.
- Compensation?

Spa (continued)

- Review policy and procedures manuals.
- Set your boundaries with care and some acceptance of the realities.
- Support their marketing of you and others.
- Support optimizing you employer's income as much as possible (within appropriate boundaries).
- Keep good records.
- Practice good self-care.
- consider: "body treatments" (i.e. salt scrubs, mud wraps, Vichy showers, etc.) can be welcomed "hand-saving" alternatives to strictly doing massage.

Massage Centers

- You will gain a great deal of experience (of all varieties) in a short period of time
- Pay can be low
- Be careful, checking re: policies in general
especially scheduling - *before taking the job*
- Self-care is super-important

Destination, Resort and Luxury Hotel Spas

- Affluent clientele
- Little repeat business
- Often fully booked
- Often very pretty work environment.
- Do your research – decide FOR SURE where you want to be. Show them through repeated contacts that you have chosen them as **the** place you want to work.
- You often provide alternative treatments to “just massage” - salt scrubs, body wraps, Ayurvedic treatments, etc. are often a welcomed break for your hands.

Cruise Ships

- 12-hour workday (not uncommon)? incl. spa treatments
- You will gain lots of experience!
- Save some money
- Travel (albeit most while working a lot!)
- Captive environment
- Sea-sickness
- Privacy issues
- Little time off
- At times may be expected to help with serving banquets or cleaning, etc!

Dental / Medical Spa

- Research reputations on-line and with employees
- In medical setting – demonstrate:
 - proficiency with medical terminology
 - excellent record-keeping
 - know your clinical bodywork
 - knowledge of contraindications/indications

Medical Settings for Complementary and Alternative Medicine

**including: Hospitals, medical centers,
orthopedic/sports medicine clinics,
chiropractic/physical therapy practices**

- Knowledge of clinical techniques
- Assessment skills
- Short and long-term treatment plans / goals
- Medical terminology & record-keeping.
- Dress and hygiene code
- Be a great employee – understand and respect the structure and hierarchy of where you are employed.

Wellness Centers

Often combine alternative & allopathic therapies such as **Chiropractic Medicine, Osteopathy, Medical Doctors, Nurse Practitioners, Physical Therapists, Psychotherapists, Acupuncturists, Midwives/Doulas, Athletic Trainers, Yoga Instructors, Pilates Instructors, Personal Trainers and Massage Therapists.**

- Talk with employees and clients if possible.
- Understand the referral structure and expectations- what is your pay if/ when not booked?

The End (again) :D