
MONTANA STATE BOARD OF MASSAGE THERAPY
ADMINISTRATIVE RULES

AS OF JUNE 30, 2021

This version of the Administrative Rules of Montana is provided as a tool for board members and department staff. In case of inconsistencies, the rule text in the Montana Administrative Register is the official rule text and will prevail.

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 155

MONTANA STATE BOARD OF MASSAGE THERAPY

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Subchapter 1 reserved

Subchapter 2

Organizational Rules

24.155.201 BOARD ORGANIZATION (1) The Board of Massage Therapy hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 2-4-201, 37-33-405, MCA; IMP, 2-4-201, MCA; NEW, 2010 MAR p. 750, Eff. 3/26/10.)

24.155.202 PROCEDURAL RULES (1) The Board of Massage Therapy hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 2-4-201, 37-33-405, MCA; IMP, 2-4-201, MCA; NEW, 2010 MAR p. 750, Eff. 3/26/10.)

24.155.203 PUBLIC PARTICIPATION (1) The Board of Massage Therapy hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of title 8. (History: 2-3-103, 37-33-405, MCA; IMP, 2-3-103, MCA; NEW, 2010 MAR p. 750, Eff. 3/26/10.)

Subchapter 3

Definitions

24.155.301 DEFINITIONS (1) "Board approved program" means any massage therapy program that meets or exceeds the curriculum guidelines as provided for in 37-33-502, MCA.

(2) "MBLEx" means massage and bodywork licensing examination.

(3) "NCETM" means national certification examination for therapeutic massage.

(4) "NCETMB" means national certification examination for therapeutic massage and bodywork.

(5) "NESL" means national examination for state licensing as provided by the NCBTMB.

(6) "School-sanctioned activity" for purposes of 37-33-404, MCA, means an activity:

(a) that is approved, endorsed, or provided by the board-approved program in which the student is enrolled;

(b) the purpose of which is to allow students to practice their massage therapy skills under particular, limited circumstances; and

(c) that does not allow or facilitate a student to establish a massage therapy practice or avoid licensure.

(7) "Supervision," for the purposes of 37-33-404, MCA, means the oversight and review of the student's work to a degree necessary to ensure the protection of the health, safety, and welfare of the public, but not to a degree less than the immediate and constant availability of the supervisor via telephone, throughout the school-sanctioned activity.

(8) For purposes of 37-33-501, MCA, a license that "has lapsed and has not been revived" means an "expired license" as defined in ARM 24.101.402. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-141, 37-33-404, 37-33-501, 37-33-502, MCA; NEW, 2010 MAR p. 746, Eff. 3/26/10; AMD, 2010 MAR p. 1185, Eff. 5/14/10; AMD, 2010 MAR, p. 2382, Eff. 10/15/10; AMD, 2014 MAR p. 1397, Eff. 6/27/14.)

Subchapter 4

General Provisions

24.155.401 FEE SCHEDULE (1) The department will collect the following fees:

- (a) application/licensing by credential \$140
- (b) application/licensing by examination 140
- (c) annual license renewal 90
- (d) annual inactive license renewal 45

(2) Additional standardized fees are specified in ARM 24.101.403.

(3) All fees are nonrefundable. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-134, 37-1-141, 37-33-502, MCA; NEW, 2010 MAR p. 746, Eff. 3/26/10; AMD, 2014 MAR p. 1397, Eff. 6/27/14.)

24.155.402 RECORDS (1) Licensees must maintain the following records for each client:

- (a) an initial intake form which includes:
 - (i) name of client;
 - (ii) health history;
 - (iii) current health status;
 - (iv) consent of the client to treat;
 - (v) date; and
 - (vi) client signature; and
- (b) session notes, including:
 - (i) date;
 - (ii) services provided;
 - (iii) comments from licensed therapist; and
 - (iv) signature or initials of licensed therapist.

(2) Licensees must document in the client's records, at the time the initial intake form is required, if the client refuses to complete the client intake form.

(3) Licensees are required to maintain records for four years from the last date of service to the client.

(4) Any violation of this rule is considered unprofessional conduct. (History: 37-1-131, 37-1-136, 37-1-319, MCA; IMP, 37-1-131, 37-1-136, 37-1-319, MCA; NEW, 2020 MAR p. 1327, Eff. 7/25/20.)

Subchapter 5 reserved

Subchapter 6

Licensure

24.155.601 LICENSURE BY GRANDFATHER CLAUSE (REPEALED)

(History: 37-1-131, 37-33-405, MCA; IMP, 37-1-131, 37-33-503, MCA; NEW, 2010 MAR p. 746, Eff. 3/26/10; REP, 2016 MAR p. 315, Eff. 2/20/16.)

Rules 24.155.602 and 24.155.603 reserved

24.155.604 LICENSURE BY EXAMINATION (1) All applicants for licensure by examination shall:

- (a) submit a completed application on a form prescribed by the department with:
 - (i) the appropriate fee;
 - (ii) a copy of an official transcript or certificate of completion evidencing to the board's satisfaction that the applicant has a high school diploma or its equivalent;
 - (iii) proof that the applicant is 18 years of age or older;
 - (iv) proof of successful completion of a massage therapy educational program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor;
 - (A) if the massage therapy transcript is not available from the custodian of record, the board may consider accepting a transcript that has been issued by the school and signed by the owner or person responsible for issuing the transcript; and
 - (v) a passing score on either the MBLEx, NCETMB, NESL, or the NCETM examination or a state examination deemed by the board to be equivalent. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-131, 37-33-502, MCA; NEW, 2010 MAR p. 746, Eff. 3/26/10; AMD, 2014 MAR p. 1397, Eff. 6/27/14; AMD, 2017 MAR p. 2193, Eff. 11/25/17; AMD, 2018 MAR p. 1038, Eff. 5/26/18.)

24.155.605 CURRICULUM GUIDELINES (1) The National Certification Board for Therapeutic Massage and Bodywork is a program currently accredited by the National Commission for Certifying Agencies and its curriculum guidelines meet or exceed the requirements of 37-33-502, MCA. Those curriculum guidelines are as follows:

(a) 200 hours of in-class and instructor-supervised massage and bodywork assessment, theory, and application instruction;

(b) 125 hours of instruction on the body systems (anatomy, physiology, and kinesiology);

(c) 40 hours of pathology;

(d) ten hours of business and ethics instruction (a minimum of six hours in ethics); and

(e) 125 hours of instruction in an area or related field that completes the massage program of study.

(2) Other curriculum guideline submissions will be evaluated by the board for compliance with 37-33-502, MCA, on a case-by-case basis. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-131, 37-33-502, MCA; NEW, 2010 MAR p. 1185, Eff. 5/14/10.)

Rules 24.155.606 and 24.155.607 reserved

24.155.608 LICENSURE OF OUT-OF-STATE APPLICANTS (1) All applicants for licensure with an out-of-state license shall submit a completed application on a form prescribed by the department.

(2) The application shall be deemed incomplete until all of the following are received by the board, in conjunction with the application:

(a) the appropriate fee;

(b) a copy of an official transcript or certificate of completion evidencing to the board's satisfaction that the applicant has a high school diploma or its equivalent;

(c) proof that the applicant is eighteen years of age or older; and

(d) verification of an active license, certification, or registration in good standing from another state or jurisdiction, whose current requirements are substantially equivalent to Montana requirements for licensure, including:

(i) proof of completing a massage therapy program demanding a course of studies that includes, at a minimum, 500 hours; and

(ii) a passing score on either the MBLEx, NCETMB, NESL, or the NCETM examination, or a state examination deemed to be equivalent. (History: 37-1-131, MCA; IMP, 37-1-131, 37-1-304, MCA; NEW, 2010 MAR p. 1185, Eff. 5/14/10; AMD, 2014 MAR p. 1397, Eff. 6/27/14; AMD, 2017 MAR p. 2193, Eff. 11/25/17; AMD, 2018 MAR p. 1038, Eff. 5/26/18; AMD, 2020 MAR p. 1327, Eff. 7/25/20.)

Rule 24.155.609 reserved

24.155.610 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a massage therapist.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a massage therapist. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1397, Eff. 6/27/14.)

Rules 24.155.611 and 24.155.612 reserved

24.155.613 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference with the following modification:

(a) Applications in which the applicant has, in the preceding five years, been a respondent in a complaint for unlicensed practice of massage therapy that led to a cease and desist letter or an injunctive action are considered nonroutine.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2014 MAR p. 1397, Eff. 6/27/14; AMD, 2017 MAR p. 2193, Eff. 11/25/17; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.155.614 reserved

24.155.615 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.155.616 INACTIVE LICENSE (1) A licensee who wishes to retain a license, but who will not be practicing massage therapy, may place the license on inactive status by submitting a written request on a form prescribed by the department.

(2) An individual licensed on inactive status may not practice massage therapy during the period in which the license remains on inactive status.

(3) A licensee on inactive status shall:

(a) renew along with active licensees according to renewal dates specified in ARM 24.101.413;

(b) pay the annual inactive status fee specified in ARM 24.155.401; and

(c) be exempt from continuing education requirements.

(4) A licensee on inactive status may change to active status by:

(a) submitting a written request on a form prescribed by the department;

(b) paying the balance of the renewal fee that would be due for an active license in the then-current renewal period; and

(c) providing proof that either of the following were completed within 12 months of activation:

(i) six hours of continuing education; or

(ii) any of the examinations identified in ARM 24.155.604. (History: 37-1-131, 37-1-319, 37-33-405, MCA; IMP, 37-1-131, 37-1-319, MCA; NEW, 2014 MAR p. 1397, Eff. 6/27/14.)

Rules 24.155.617 and 24.155.618 reserved

24.155.619 SCHOOL INSTRUCTORS AND ASSISTANTS REQUIRING A LICENSE IN MASSAGE THERAPY AND EXEMPTION (1) School instructors and assistants requiring a massage therapy license include anyone demonstrating massage therapy techniques or techniques considered to be within the scope of massage therapy.

(2) School instructors and assistants demonstrating palpatory anatomy that includes touching a person must either hold a license in massage therapy or hold a professional license that falls under the exemption provided for in 37-33-404(1), MCA.

(3) School instructors and assistants demonstrating a technique that requires a person meet the requirements for an exemption as provided for in 37-33-404(5), MCA, must either be licensed in massage therapy or meet the requirements of the exemptions provided for in 37-33-404(5), MCA. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-131, 37-33-404, 37-33-501, MCA; NEW, 2018 MAR p. 1038, Eff. 5/26/18.)

Subchapter 7 reserved

Subchapter 8

Continuing Education

24.155.801 CONTINUING EDUCATION REQUIREMENTS (1) The board will not preapprove continuing education programs or sponsors. Qualifying criteria for continuing education are specified in these rules. It is the responsibility of the licensee to select quality programs that contribute to his/her knowledge and competence which also meet these qualifications.

(2) A continuing education activity must meet the following criteria:

(a) The activity must have significant intellectual or practical content. The activity must deal with direct application of massage therapy knowledge, skills, business practices, or ethical standards. In addition, the board may accept continuing education activities from other professional groups or academic disciplines if the massage therapist demonstrates that the activity is substantially related to his or her role as a massage therapist.

(b) The activity itself must be conducted by an individual or group qualified by practical or academic experience.

(c) Continuing education credit earned by courses, seminars, or workshops must be supportable through a certificate of completion containing the following information:

(i) full name and credentials of the presenter, including provider number, if applicable;

(ii) title of the presentation attended;

(iii) number of hours and date of each presentation attended;

(iv) description of the presentation format; and

(v) name of licensee.

(d) It is the responsibility of the licensee to establish and maintain detailed records of continuing education compliance for a period of three years, following submission of a continuing education report.

(3) In general, one continuing education credit will be granted for each hour of participation in the continuing education activity. Credit will not be awarded for activities lasting less than one hour.

(4) A licensed massage therapist must earn at least 12 continuing education credits every two consecutive years by the licensee renewal date on even numbered years beginning in 2012.

(a) No continuing education is required for licensees licensed less than one full year on their first continuing education reporting date. Licensees licensed at least one year but less than two full years on the first continuing education reporting date shall submit six hours of continuing education.

(b) Active licensees will be required to affirm their understanding of the basic requirement upon annual renewal.

(c) Certificates of completion or program documentation for continuing education credits reported must be submitted upon request of the board.

(5) Acceptable continuing education courses include but are not limited to the following:

(a) courses, seminars, or workshops taken in person, by correspondence, or online or by other electronic means;

(b) teaching a course, with one continuing education credit allowed for each hour of preparation time for each credit hour offered, and one credit of continuing education allowed for each hour of presentation time for each credit hour offered, all credit being subject to proper documentation. Documentation for this activity includes:

(i) course name;

(ii) teaching format (in person, webinar, correspondence, online, etc.);

(iii) number of hours in the course;

(iv) a statement that demonstrates the activity is substantially related to your role as a massage therapist;

(v) number of hours preparing the course not to exceed the number of course hours;

(vi) the date and location of the course taught; and

(vii) the course outline;

(c) published articles or books applicable to the practice of massage authored by the licensee with the hours awarded as determined at the discretion of the board. Documentation for this activity includes:

(i) a copy of the publication;

(ii) the source of publication;

(iii) the date of publication; and

(iv) number of credit hours requested;

(d) books, audio, or other media with the hours to be awarded as determined at the discretion of the board. Trade magazines and journals do not qualify for credit. Documentation for this activity includes:

(i) the title of the presentation;

(ii) the author of the presentation;

(iii) the number of pages in the book or number of hours' duration of the media;

(iv) a summary of what was learned from the presentation;

(v) notes regarding how this material applies to your massage therapy practice;

(vi) dates when the activity occurred; and

(vii) number of credit hours requested;

(e) cardiopulmonary resuscitation (CPR) with certificate;

(f) two hours per renewal cycle will be allowed for voluntarily attending the Montana Board of Massage Therapy meetings. Each licensee will be required to identify themselves at the board meeting and must be physically present or in person for at least two hours.

(6) Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete the previous reporting period may be used to meet the continuing education requirements for the next continuing education reporting period.

(7) If a licensee is unable to acquire sufficient continuing education credits to meet the requirements, he or she may request an exemption. All requests for exemptions will be considered by the board and evaluated on an individual basis. (History: 37-1-131, 37-1-319, 37-33-405, MCA; IMP, 37-1-306, 37-33-405, MCA; NEW, 2010 MAR p. 2382, Eff. 10/15/10; AMD, 2018 MAR p. 1038, Eff. 5/26/18.)

Subchapter 9

Unprofessional Conduct

24.155.901 UNPROFESSIONAL CONDUCT (1) The following conduct is unprofessional conduct justifying disciplinary action against a licensee:

(a) incompetence, negligence, or use of any modality procedure in the practice of a profession which results in an unreasonable risk of physical injury to the client;

(b) accepting and performing massage therapy responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;

(c) engaging in or soliciting sexual contact or sexual intercourse, as those terms are defined in 45-2-101, MCA, with a client, when such act or solicitation is related to the practice of massage therapy, or failing to refrain from any provision of ARM 24.155.902(6);

(d) advertising massage therapy services or instruction in a manner that is inaccurate, deceptive, sexually suggestive, or explicitly sexual;

(e) failing to adequately supervise auxiliary staff or massage therapy students to the extent that the consumer's health or safety is at risk;

(f) failing to comply with continuing education requirements set forth in ARM Title 24, chapter 155, or failing to supply continuing education documentation as requested by the board in accordance with applicable statutes and rules, or supplying misleading, incomplete, or false information relative to continuing education;

(g) failing to cooperate with an investigation that is the result of a complaint;

(h) failing to maintain records in accordance with ARM 24.155.402;

(i) violation of any of the provisions of statute or rule applicable to the practice of massage therapy; or

(j) failing to display licensee's license conspicuously in licensee's principal place of business while performing any activities related to massage therapy.

Licensees with a mobile practice will show the license upon request by the client.

(History: 37-1-131, 37-1-136, 37-1-319, MCA; IMP, 37-1-136, 37-1-316, 37-1-319, MCA; NEW, 2010 MAR p. 2382, Eff. 10/15/10; AMD, 2018 MAR p. 1038, Eff. 5/26/18; AMD, 2020 MAR p. 1327, Eff. 7/25/20.)

24.155.902 STANDARDS OF PRACTICE AND CODE OF ETHICS

(1) **PROFESSIONALISM.** The licensee must provide optimal levels of professional therapeutic massage and bodywork services and demonstrate excellence in practice by promoting healing and well-being through responsible, compassionate, and respectful touch. In the licensee's professional role, the licensee shall:

(a) treat each client with respect, dignity, and worth;

(b) use professional verbal, nonverbal, and written communications;

(c) provide an environment that is safe and comfortable for the client and which, at a minimum, meets all legal requirements for health and safety;

- (d) use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting;
 - (e) wear clothing that is clean, modest, and professional;
 - (f) obtain voluntary and informed consent from the client prior to initiating the session;
 - (g) if applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed;
 - (h) use appropriate draping to protect the client's physical and emotional privacy;
 - (i) be knowledgeable of the licensee's scope of practice and practice only within these limitations;
 - (j) refer to other professionals when in the best interest of the client and practitioner;
 - (k) seek other professional advice when needed;
 - (l) respect the traditions and practices of other professionals and foster collegial relationships; and
 - (m) not falsely impugn the reputation of any colleague.
- (2) **LEGAL AND ETHICAL REQUIREMENTS.** The licensee must comply with all the legal requirements in applicable jurisdictions regulating the profession of therapeutic massage and bodywork. In the licensee's professional role, the licensee shall:
- (a) obey all local, state, and federal laws;
 - (b) refrain from any behavior that results in illegal, discriminatory, or unethical actions;
 - (c) accept responsibility for the licensee's own actions;
 - (d) report to the proper massage therapy regulatory body within 30 days of discovery of any evidence, such as first-hand knowledge, indicating any unethical, incompetent, or illegal act committed by other licensees;
 - (e) maintain accurate and truthful records.
- (3) **CONFIDENTIALITY.** The licensee shall respect the confidentiality of client information and safeguard all records. In the licensee's professional role, the licensee shall:
- (a) protect the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law;
 - (b) protect the interests of clients who are minors or clients who are unable to give voluntary and informed consent by obtaining prior written permission from a legal guardian;
 - (c) solicit only information that is relevant to the professional client/therapist relationship;
 - (d) securely retain client files for a minimum period of four years from the termination of the therapeutic relationship; and
 - (e) dispose of client files in a secure manner.

(4) BUSINESS PRACTICES. The licensee shall practice with honesty, integrity, and lawfulness in the business of therapeutic massage and bodywork. In the licensee's professional role, the licensee shall:

- (a) provide a physical setting that is safe and meets all applicable legal requirements for health and safety;
- (b) maintain adequate progress notes for each client session, if applicable;
- (c) accurately and truthfully inform the public of services provided;
- (d) honestly represent all professional qualifications and affiliations;
- (e) promote the licensee's business with integrity and avoid potential and actual conflicts of interest;
- (f) advertise in a manner that is honest, dignified, accurate and representative of services provided and remains consistent with board statutes and rules;
- (g) advertise in a manner that is not misleading to the public and shall never use sensational, sexual, or provocative language and/or pictures to promote the licensee's business;
- (h) comply with all laws regarding sexual harassment;
- (i) not exploit the trust and dependency of others, including clients and employees/co-workers;
- (j) disclose a schedule of fees in advance of the session;
- (k) make financial arrangements in advance which are clearly understood by, and safeguard the best interests of, the client or consumer;
- (l) follow Generally Accepted Accounting Principles;
- (m) file all applicable municipal, state, and federal taxes;
- (n) maintain accurate financial records, contracts and legal obligations, appointment records, tax reports, and receipts for the most recent three fiscal years;
- (o) act in a manner that justifies public trust and confidence, enhances the reputation of the profession, and safeguards the interest of individual clients. The licensee will:
 - (i) have a sincere commitment to provide the highest quality of care to those who seek their professional services;
 - (ii) represent their qualifications honestly, including education and professional affiliations, and provide only those services that they are qualified to perform;
 - (iii) accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline;
 - (iv) acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals;
 - (v) provide treatment only where there is reasonable expectation that it will be advantageous to the client;
 - (vi) consistently maintain and improve professional knowledge and competence, striving for professional excellence through regular assessment of personal and professional strengths and weaknesses and through continued education training;

(vii) conduct their business and professional activities with honesty and integrity, and respect the inherent worth of all persons;

(viii) refuse to unjustly discriminate against clients and/or health professionals;

(ix) safeguard the confidentiality of the client's identity and information in all conversations, advertisements, and any and all other matters unless disclosure of identifiable information is requested by the client in writing, is medically necessary, or is required by law;

(x) respect the client's right to treatment with informed and voluntary consent. The licensee will obtain and record the informed consent of the client, or client's advocate, before providing treatment. This consent may be written or verbal;

(xi) respect the client's right to refuse, modify, or terminate treatment regardless of prior consent given;

(xii) provide draping and treatment in a way that ensures the safety, comfort, and privacy of the client;

(xiii) exercise the right to refuse to treat any person or part of the body for just and reasonable cause;

(xiv) refrain, under all circumstances, from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/therapist relationship and for a minimum of six months after the termination of the client therapist relationship, unless an ongoing current sexual relationship existed prior to the date the therapeutic relationship began;

(xv) avoid any interest, activity, or influence which might be in conflict with the practitioner's obligation to act in the best interests of the client or the profession;

(xvi) respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and the client's reasonable expectations of professional behavior. Practitioners will respect the client's autonomy; and

(xvii) refuse any gifts or benefits that are intended to influence a referral, decision or treatment, or that are purely for personal gain and not for the good of the client.

(5) ROLES AND BOUNDARIES. The licensee shall adhere to ethical boundaries and perform the professional roles designed to protect both the client and the practitioner, and safeguard the therapeutic value of the relationship. In the licensee's professional role, the licensee shall:

(a) recognize the licensee's personal limitations and practice only within these limitations;

(b) recognize the licensee's influential position with the client and not exploit the relationship for personal or other gain;

(c) recognize and limit the impact of transference and counter-transference between the client and the licensee;

(d) avoid dual or multidimensional relationships that could impair professional judgment or result in exploitation of a client, student, employee, supervisee, mentee, trainee, or anyone else with whom a power differential exists;

(e) acknowledge and respect the client's freedom of choice in the therapeutic session;

(f) respect the client's right to refuse the therapeutic session or any part of the therapeutic session;

(g) refrain from practicing under the influence of alcohol, drugs, or any illegal substances, with the exception of a prescribed dosage of prescription medication which does not impair the licensee;

(h) have the right to refuse and/or terminate the service to a client who is abusive or under the influence of alcohol, drugs, or any illegal substance; and

(i) have the right to refuse and/or terminate the service to a client who exhibits language or behavior which the therapist deems as an immediate or potential risk to the safety of the client, the licensee, or the therapeutic relationship.

(6) PREVENTION OF SEXUAL MISCONDUCT AND INAPPROPRIATE TOUCH. The licensee shall refrain from any behavior that sexualizes, or appears to sexualize, the client/therapist relationship. The licensee recognizes the intimacy of the therapeutic relationship may activate practitioner and/or client needs and/or desires that weaken boundaries which may lead to sexualizing the therapeutic relationship. In the licensee's professional role, the licensee shall:

(a) refrain from participating in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/therapist relationship and for a minimum of six months after the termination of the client/therapist relationship, unless an ongoing current sexual relationship existed prior to the date the therapeutic relationship began. In the case of a pre-existing ongoing sexual relationship, providing therapeutic massage and bodywork on such a person is discouraged, but may be done with informed consent which acknowledges the power differential in a therapeutic relationship and the complexities of dual relationships;

(b) in the event the client initiates sexual behavior, interrupt therapy to clarify the purpose of the therapeutic session. Provided that the client's initial sexual behavior ceases, the licensee may, at the licensee's discretion, take action to terminate or continue the session. The licensee shall terminate the session if the sexual conduct continues;

(c) with the exception of a pre-existing ongoing sexual relationship, as set forth in (a), recognize that sexual activity with clients, students, employees, supervisees, mentees, trainees, or anyone else with whom a power differential exists, is prohibited even if consensual;

(d) not touch the genitalia;

(e) only perform therapeutic treatments beyond the normal narrowing of the ear canal and normal narrowing of the nasal passages:

(i) as indicated in the plan of care; and

(ii) after receiving informed voluntary written consent;

(f) only perform therapeutic treatments in the oral cavity:

(i) as indicated in the plan of care; and

(ii) after receiving informed voluntary written consent;

- (g) only perform therapeutic treatments into the anal canal:
 - (i) as indicated in the plan of care; and
 - (ii) after receiving informed voluntary written consent; and
- (h) only provide therapeutic breast massage:
 - (i) as indicated in the plan of care; and
 - (ii) after receiving informed voluntary written consent.
- (7) Any violation of this rule is unprofessional conduct and may subject a licensee to disciplinary proceedings. (History: 37-1-131, 37-1-136, 37-1-319, MCA; IMP, 37-1-131, 37-1-136, 37-1-319, MCA; NEW, 2020 MAR p. 1327, Eff. 7/25/20.)

Rule 24.155.903 reserved

24.155.904 ANONYMOUS COMPLAINTS (1) Anonymous complaints will be viewed with greater skepticism than other complaints. The screening panel for the board is less likely to investigate an anonymous complaint to seek information regarding witnesses or other corroborative evidence. An anonymous complaint may also be dismissed whenever a reasonable basis for the use of anonymity is not apparent to the screening panel. (History: 37-1-131, 37-33-405, MCA; IMP, 37-1-307, 37-1-308, MCA; NEW, 2014 MAR p. 1397, Eff. 6/27/14.)