

1 **20:76:01:01. Definitions.** Terms defined in SDCL chapter 36-35 have the same meaning
2 when used in this article. In addition, terms used in this article mean:

3 (1)"Applicant," any person seeking initial licensure or renewal of a license with the board;

4 (2)"Completed application," an application which has all the required documentation
5 necessary to prove an applicant's qualifications for licensure.

6 **Source:** 33 SDR 50, effective September 21, 2006.

7 **General Authority:** SDCL 36-35-24(1).

8 **Law Implemented:** SDCL 36-35-24.

9 **20:76:01:02. Application.** ~~The applicant must obtain an application from the board,~~
10 ~~complete it legibly, and submit the application with the application fee. The executive secretary~~
11 ~~may return an incomplete application.~~ An application for licensure, temporary permit, or renewal
12 of a license must be made in writing on a form prescribed by the board. The applicable
13 application fee must be submitted with the application. The application fee is non-refundable.
14 The applicable license fee must also accompany the application. The license fee is refundable if
15 the application is denied or withdrawn.

16 An application is not complete until all required documentation is received by the board.
17 The executive secretary may return an application for initial licensure or temporary permit that
18 remains uncomplete one year after the date of initial submission of the application. Materials
19 received by the board from a third party may not be returned to the applicant. A returned
20 application shall be considered withdrawn.

21 An applicant shall verify under the penalties of perjury that all the information submitted
22 on an application by the applicant is true and correct. An applicant who submits an application
23 by use of the internet agrees that submission of the application serves as the applicant's signature

1 and verification of the information of the application. An applicant must notify the board if
2 another state has disciplined the applicant with a reprimand, censure, suspension, temporary
3 suspension, probation, revocation, or refusal to renew a license. The applicant may be required to
4 clarify, expand, or provide additional information to fully evaluate all qualifications. If the
5 applicant does not meet the requirements; for licensure, a temporary permit, or renewal of a
6 license, the executive secretary shall write a letter of explanation. The applicant may return the
7 application and ask that it be submitted for board action. ~~An applicant shall submit the~~
8 ~~declarations page issued by the applicant's malpractice carrier with any application for initial~~
9 ~~license and renewal.~~

10 **Source:** 33 SDR 50, effective September 21, 2006; 37 SDR 29, effective August 30, 2010.

11 **General Authority:** SDCL 36-35-24(1).

12 **Law Implemented:** SDCL 36-35-12.

13 **20:76:01:03. Notification.** ~~The executive secretary shall notify an applicant of the board's~~
14 ~~approval or disapproval of the application. If the application is not approved, the applicant shall~~
15 ~~be given the reasons.~~ The board shall take final action upon any application no later than six
16 months after submission; of a completed application to the board. The board shall notify the
17 applicant of its determination in writing. If the application is denied, the board shall notify the
18 applicant of the reason for denial.

19 **Source:** 33 SDR 50, effective September 21, 2006; 37 SDR 29, effective August 30, 2010.

20 **General Authority:** SDCL 36-35-24(1).

21 **Law Implemented:** SDCL 36-35-24.

22 **20:76:01:04. Denial.** ~~In addition to a failure to meet any qualification in SDCL 36-35-12,~~
23 ~~the board may deny an application based on grounds stated in SDCL 36-35-13. An application~~

for initial licensure, temporary permit or renewal of a license may be denied for failure to meet the applicable requirements of such license or permit or based on the grounds stated in SDCL 36-35-13. An applicant whose application has been denied is entitled to a contested case hearing pursuant to SDCL chapter 1-26.

Source: 33 SDR 50, effective September 21, 2006.

General Authority: SDCL 36-35-24(1).

Law Implemented: SDCL 36-35-12, 36-35-13

20:76:01:06. Required training. An applicant for licensure as a massage therapist shall provide ~~an education verification form~~ proof of required training on a form prescribed by the board and completed by the school the recognized facility where the training was received, and official Official transcripts evidencing that the applicant has completed the required ~~classroom~~ training. shall be provided by the recognized facility. The board may consider other evidence of training if the ~~school~~ recognized facility has ceased operations. The required training ~~is as follows:~~ for licensure includes:

(1) One hundred twenty-five hours of training in the body's systems and anatomy, physiology, and kinesiology;

(2) Two hundred hours of training in massage and bodywork assessment, theory, and application;

(3) Forty hours of training in pathology;

(4) Ten hours total of training in business and ethics, with a minimum of six hours in ethics; and

(5) One hundred twenty-five hours of additional training in an area or related field that theoretically completes a massage program of study.

Fifty minutes of supervised classroom instruction is equal to one hour of training.

The board may approve an application from an applicant with required training from a combination of two or more recognized facilities. Online training is acceptable to meet the training requirements for licensure. At least 200 hours of hands-on training from a recognized facility must be completed.

The board may recognize qualifying continuing education to fulfill required training for licensure.

Source: 34 SDR 332, effective July 9, 2008; 37 SDR 29, effective August 30, 2010.

General Authority: SDCL 36-35-12(4), 36-35-24(2).

Law Implemented: SDCL 36-35-12.

20:76:02:01. Remittance of fees. Any fee shall be remitted to the board in the form of a personal check, cashier's check, certified check, or money order made payable to the state of South Dakota. The board may not take any action on any application for licensure, temporary permit, or renewal until the fee is received.

Source: 33 SDR 50, effective September 21, 2006; 34 SDR 101, effective October 22, 2007.

General Authority: SDCL 36-35-17, 36-35-24.

Law Implemented: SDCL 36-35-24.

CHAPTER 20:76:03

CONTINUING EDUCATION REQUIREMENTS

Section

20:76:03:01 Definitions.

20:76:03:02 Repealed.

1 20:76:03:03 Verification.
2 20:76:03:04 Qualifying activities.
3 20:76:03:05 Record keeping.
4 20:76:03:06 Repealed.
5 20:76:03:07 Continuing education compliance.
6 20:76:03:08 Prior approval of qualifying activities.

7 **20:76:03:01. Definitions.** Terms used in this chapter mean:

8 (1)"Contact hour," a minimum of 50 minutes of presentation or participation;

9 (2)"Continuing education cycle," a two year period that begins on October 1 of an even-
10 numbered year and ends on September 30 of the next even-numbered year;

11 ~~(2)~~ (3) "Electronic means," educational activities obtained via the internet, such as self-
12 study courses and audio/video tapes, with formal testing and passing scores recorded.

13 **Source:** 33 SDR 50, effective September 21, 2006; 37 SDR 29, effective August 30, 2010.

14 **General Authority:** SDCL 36-35-24(2).

15 **Law Implemented:** SDCL 36-35-19.

16 **20:76:03:03. Verification.** A licensee shall complete eight hours of qualifying continuing
17 education in each continuing education cycle. Continuing education required for renewal of a
18 license shall be prorated in six month increments for a licensee granted an initial license during a
19 continuing education cycle. Upon application for license renewal, a licensee shall verify under
20 the penalties of perjury that all contact hour continuing education information, which shall be
21 submitted in the form of copies of the certificates of completion, provided with the application is
22 true and correct. A licensee who submits a renewal form by use of the internet shall also agree
23 that submission of the renewal form serves as the licensee's signature and verification of the

~~information on the renewal form.~~ The licensee must supply sufficient detail to permit audit verification if notified by the board of an audit.

Source: 33 SDR 50, effective September 21, 2006; 34 SDR 101, effective October 22, 2007.

General Authority: SDCL 36-35-24(2).

Law Implemented: SDCL 36-35-19.

20:76:03:04. Qualifying activities. ~~A qualifying activity~~ Qualifying continuing education is any course with a clear purpose and objective which maintains, improves, or expands the skills and knowledge relevant to massage therapy of the human body. ~~Qualifying activities~~ continuing education must meet the definition of massage therapy pursuant to § 36-35-1(2) (3) or be education presented by an approved provider of the National Certification Board for Therapeutic Massage and Bodywork, ~~or American Medical Massage Association, or both.~~ Federation of State Massage Therapy Boards. College courses used to meet continuing education requirements must ~~not~~ replicate courses submitted by the licensee to meet the required licensing coursework. An academic semester credit equals 15 ~~contact~~ continuing education hours and a quarter credit equals 10 ~~contact~~ continuing education hours. ~~CPR certification from a national credentialing organization is accepted.~~

Cardiopulmonary resuscitation (CPR) certification from the American Heart Association, the American Red Cross or another course deemed equivalent by the board is qualifying continuing education for up to four hours in each continuing education cycle. In person attendance of a board meeting is qualifying continuing education for up to two hours in each continuing education cycle. No other qualifying continuing education may be repeated in consecutive continuing education cycles.

1 **Source:** 33 SDR 50, effective September 21, 2006; 37 SDR 29, effective August 30, 2010;
2 38 SDR 105, effective December 8, 2011.

3 **General Authority:** SDCL 36-35-24(2).

4 **Law Implemented:** SDCL 36-35-19.

5 **20:76:03:05. Record keeping.** The licensee shall maintain records to support ~~credits~~
6 continuing education claimed; to renew a license. These records must be maintained for ~~two~~ five
7 years after the date of renewal; of the license. A licensee shall keep the following records:

8 (1) A brochure or flyer showing the type of activity, sponsoring organization, location,
9 duration, instructor's or speaker's name, and ~~contact~~ continuing education hours earned; and

10 (2) Attendance verification records in the form of completion certificates or other
11 documents supporting evidence of attendance.

12 **Source:** 33 SDR 50, effective September 21, 2006; 34 SDR 101, effective October 22,
13 2007.

14 **General Authority:** SDCL 36-35-24(2).

15 **Law Implemented:** SDCL 36-35-19.

16 **20:76:03:07. Continuing education compliance.** ~~Upon failure to comply with continuing~~
17 ~~education requirements, the licensee has 90 calendar days after receipt of written notice of~~
18 ~~noncompliance to further reinforce the claim of contact hours or to acquire sufficient contact~~
19 ~~hours to meet the requirements.~~ The board may take into consideration hardship or extenuating
20 circumstances in allowing ~~correction of~~ a licensee to correct deficiencies; in continuing
21 education, but the deadline may not be extended more than one year. A licensee's request for an
22 extension to correct deficiencies in continuing education must be made to the board, in writing,
23 before the end of the current continuing education cycle.

20:76:05:01 Minimum limits.

20:76:05:02 Recordkeeping.

20:76:05:01. Minimum limits. A licensee shall carry malpractice or professional liability insurance, with a company with a certificate of authority from the South Dakota Division of Insurance, with limits of no less than \$250,000 per occurrence. A licensee shall notify the board of any change of carrier occurring after a license or renewal is granted.

An applicant shall submit the declarations page issued by the applicant's malpractice insurance carrier with any application for licensure, temporary permit or license renewal.

Source: 33 SDR 50, effective September 21, 2006.

General Authority: SDCL ~~36-35-24(5)~~. 36-35-21.

Law Implemented: SDCL 36-35-12, 36-35-21.

20:76:05:02. Recordkeeping. A licensee shall maintain records to verify compliance with malpractice insurance requirements. These records must prove the minimum coverage was in effect during the period the licensee held a license. These records must be maintained for at least five years after the date of the issuance of an initial license or renewal of a license.

General Authority: SDCL 36-35-21.

Law Implemented: SDCL 36-35-12(4), 36-35-21.

20:76:06:01. Inactive license. An active license may be placed on inactive status upon submission of an application and payment of the required fee. An inactive license has no expiration date and can be activated by paying the current license fee and providing proof of at least eight hours of compliant continuing education ~~acceptable to the board~~ in the two-year period immediately preceding the activation request.

Source: 34 SDR 101, effective October 22, 2007; 37 SDR 29, effective August 30, 2010;
38 SDR 105, effective December 8, 2011.

General Authority: SDCL 36-35-18.1, 36-35-24(3).

Law Implemented: SDCL 36-35-18.1, 36-35-24(3).

CHAPTER 20:76:08

LICENSING

Section

20:76:08:01 Recognized facilities.

20:76:08:02 Facilities that may be recognized by the board.

20:76:08:03 ~~Foreign-trained applicants.~~ Repealed.

20:76:08:01. Recognized facilities. The board may license an applicant who has completed the training required by § 20:76:01:06 from the following South Dakota facilities:

(1) Black Hills Health & Education Center;

(2) Headlines Academy;

(3) National American University;

(4) Pam's Massage School;

(5) ~~SD~~ South Dakota School of Massage Therapy;

(6) Sioux Falls Therapeutic Massage & Education Center; and

(7) Springs Bath House School of Massage-Therapy.

Source: 38 SDR 177, effective April 26, 2012; SL 2013, ch 184, § 18, effective July 1, 2013.

General Authority: SDCL 36-35-12, 36-35-24(2).

Law Implemented: SDCL 36-35-12(3), 36-35-24(2).

20:76:08:02. Facilities that may be recognized by the board. The board may accept an applicant's training required by § 20:76:01:06 from a facility not recognized pursuant to § 20:76:08:01 if the facility provides official evidence it meets at least one of the following criteria:

(1) The facility is licensed or approved by the state board of massage therapy where that training facility is located; or

(2) The facility is accredited by ~~one of the following:~~

~~—— (a) Commission on Massage Therapy Accreditation (COMTA);~~

~~—— (b) Accrediting Council for Independent Colleges and Schools (ACICS);~~

~~—— (c) National Accrediting Commission of Career Arts & Sciences (NACCAS);~~

~~—— (d) Accrediting Council for Continuing Education and Training (ACCET);~~

~~—— (e) Accrediting Commission of Career Schools and Colleges (ACCSCT);~~

~~—— (f) Accrediting Commission of the Distance Education and Training Council (DETC);~~

~~or~~

~~—— (g) Higher Learning Commission (HLC).~~

an accrediting body recognized by the United States Department of Education.

~~The board may recognize a facility that holds other accreditations. However, the~~ The training that allows an applicant to take a national examination does not require the board to recognize the facility, ~~as nationally accredited.~~

Source: 38 SDR 177, effective April 26, 2012.

General Authority: SDCL 36-35-12, 36-35-24.

Law Implemented: SDCL 36-35-12(3), 36-35-24(2).

1 **20:76:08:03. Foreign-trained applicants.** ~~An applicant trained in a foreign country shall~~
2 ~~have graduated with training required by § 20:76:01:06 and shall bear the expense to provide an~~
3 ~~equivalency evaluation of their educational credentials from the International Educational~~
4 ~~Research Foundations, Inc—Credentials Evaluation Service. Repealed.~~

5 **Source:** 38 SDR 177, effective April 26, 2012.

6 **General Authority:** ~~SDCL 36-35-12, 36-35-24.~~

7 **Law Implemented:** ~~SDCL 36-35-12, 36-35-24.~~

8 **Reference:** ~~International Educational Research Foundations, Inc—Credentials Evaluation~~
9 ~~Service, P.O. Box 3665, Culver City, CA 90231-3665, (310) 258-9451, www.icrf.org.~~