

Comments of the Independent Regulatory Review Commission



State Board of Massage Therapy Regulation #16A-726 (IRRC #3392)

Practice of Massage Therapy in Cosmetology or Esthetician Salons

February 15, 2024

We submit for your consideration the following comments on the proposed rulemaking published in the December 16, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the State Board of Massage Therapy (Board) to respond to all comments received from us or any other source.

Section 20.62. Practice of massage therapy in cosmetology or esthetician salons. – Fiscal impacts; Reasonableness of requirements.

Act 136 authorizes massage therapists to practice massage therapy within the approved premises of licensed cosmetology and esthetician salons under specified conditions. One condition is provided for in clause (a)(2)(ii)(A), which requires that massage therapy rooms be a minimum of 120 square feet in size. The Board states in the preamble that this is a generally accepted industry standard based on the size of a standard massage table and allowing room for a massage therapist to safely maneuver around it. However, a commenter is concerned that the requirement is overly restrictive without providing an opportunity for salons to request an exemption on a case-by-case basis. We agree that massage therapists currently employed by salons with rooms that do not meet the standard and that choose not to expand to meet the requirement may be negatively impacted.

We note that this proposed regulation is being promulgated in conjunction with the State Board of Cosmetology (Cosmetology Board) proposed regulation #16A-4518 (IRRC #3391, “Practice of Massage Therapy in Cosmetology or Esthetician Salons”) to ensure consistency between the standards of both boards. Therefore, we ask the Board to reevaluate with the Cosmetology Board the reasonableness of the appropriate minimum square-footage requirement in the final regulation, as well as ways to minimize fiscal impacts from implementation of the final regulation.