

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Massage Therapy

(2) Agency Number: 16A

Identification Number: 728

(3) PA Code Cite:

49 Pa. Code §§ 20.1 and 20.11

(4) Short Title:

Virtual Instruction

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Thomas M. Davis, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) tmdavis@pa.gov.

Secondary Contact: Cathy A. Tully, Board Counsel, Massage Therapy, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) catully@pa.gov.

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This rulemaking is being promulgated by the State Board of Massage Therapy (Board) to allow massage therapy students to obtain a limited amount of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This rulemaking is authorized by the act of December 22, 2021, (P.L. 488, No. 100) (Act 100), which amended Chapter 31 (relating to powers and duties) of Title 63 of the Pennsylvania Consolidated Statutes by amending 63 Pa.C.S. § 3102 (relating to definitions) and adding 63 Pa.C.S. § 3107.1 (relating to virtual operation). Section 3107.1(d) provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner

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July 29, 2025

IRRC Number: 3452

that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.”

In addition, section 4(1) and (2) of the Massage Therapy Law (act) (63 P.S. § 627.4(1) and (2)) empowers the Board to pass upon the qualifications and fitness of applicants for licenses, and to promulgate regulations not inconsistent with this act and only as necessary to carry out the act. Further, section 5(a)(3) of the act (63 P.S. § 627.5(a)(3)) provides that applicants for licensure shall complete a massage program of at least 600 hours of in-class, postsecondary education instruction approved by the Board.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This regulation is required under 63 Pa.C.S. § 3107.1(d)), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.”

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This regulation is being proposed in accordance with 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.”

Section 5(a)(3) of the act (63 P.S. § 627.5(a)(3)) provides that applicants for licensure complete a massage program of at least 600 hours of in-class, postsecondary education instruction approved by the Board. Currently, § 20.1 (relating to definitions) defines “in-class” as follows: “In the physical presence of an instructor or under the immediate supervision of a clinical supervisor.” The proposed rulemaking is needed to satisfy the requirements of 63 Pa.C.S. § 3107.1(d), in that the proposed rulemaking will amend the Board’s definition of “in class” to allow for virtual instruction. Moreover, the proposed rulemaking will amend § 20.1 to include the definitions for the terms “virtual platform” and “virtual presence,” modeled after the terms “virtual platform” and “virtual supervision” as set forth in 63 Pa.C.S. § 3102.

Throughout the COVID-19 pandemic, the 29 boards and commissions under the jurisdiction of the Bureau of Professional and Occupational Affairs (BPOA) had to adjust how they conducted business to meet the needs of licensees. To accommodate these changes and allow operations to continue, COVID-19 waivers were put in place. Through time, several waivers have been identified as “common sense” measures that should remain in place permanently. This rulemaking is being promulgated to effectuate one of those measures, specifically: allowing massage therapy students to obtain as many as 125 hours of the required 600 hours of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology. A copy of the May 23, 2020 COVID-19 regulatory suspension (“waiver”) allowing a limited number of massage therapy education hours to be earned by means of distance learning, which expired August 31, 2021, is attached. (Attachment A)

Currently, the Board's regulations require that all 600 hours of in-class, postsecondary education instruction be obtained the physical presence of an instructor or under the immediate supervision of a clinical supervisor. The proposed rulemaking will allow massage therapy students to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of "virtual presence" technology which allows for supervision by means of a "virtual platform" defined as "[l]ive-stream synchronous videoconferencing or similar virtual presence technology." The Board receives approximately 425 applications for initial licensure annually. Therefore, the proposed rulemaking may benefit as many as 425 applicants annually, in that these applicants will have been able to complete their massage therapy education partially by means of a "virtual platform" which will be more convenient and cost-effective for massage therapy students.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions more stringent than federal standards because the federal government does not specifically draw a distinction between hours of instruction earned in-person as compared to hours of instruction earned by means of live-stream synchronous videoconferencing or similar virtual presence technology. For appointment as a Health Technician (Massage Therapy) in the Veterans Health Administration (VHA), candidates must complete "a minimum 500-hour massage therapy education program." VA Handbook 5005, Staffing, Part II, Appendix G56, dated March 12, 2019. Additionally, the VHA notes that several states do not offer a credential in massage therapy, and some states offer a credential that does not meet the 500-hour education program and/or state-issued examination requirements described in VA Handbook 5005. Accordingly, candidates may satisfy the basic requirement of licensure/certification/registration by possessing and maintaining a board certification from the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB). With regard to in-person vs. online learning, NCBTMB draws a distinction between candidates who attend accredited vs. non-accredited schools: Non-Accredited Schools – all 500 hours of core curriculum must be live, in class with an instructor present (NCBTMB no longer accepts online learning in core curriculum for Non-Accredited programs); Accredited Schools – NCBTMB will accept "a portion of classes" by means of online learning ("a portion" is not defined).

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed rulemaking will enhance the Commonwealth's ability to compete with other states because few states in the Northeast quadrant currently allow for online/distance education.

Of the 13 states that make up the Northeast quadrant of the United States, as defined by Executive Order 2017-03 (Oct. 24, 2017), 7 (including the Commonwealth) do not currently allow for online/distance education; 3 may allow for online/distance education but the law and regulations are vague; and 1 explicitly allows certain courses to be completed online/distance education.

In drafting this proposed regulation, the Board was contacted by the American Massage Therapy Association (AMTA) who offered to provide information they have collected with regard to initial massage therapist licensure, based on relevant law and regulation, in the Northeast quadrant of the United States. According to AMTA, the following states require that an applicant's initial massage therapy education be completed in person, that is, the massage therapy licensing authority in the following states does not accept online/distance education: Connecticut, Delaware, Maine, Maryland, Massachusetts, Pennsylvania, Rhode Island and West Virginia. The laws and regulations of New Jersey, New York and

Ohio do not specifically address in person as compared to online/distance education. New Hampshire requires that all “palpation dependent, hands-on courses” be completed in person, whereas “distance learning” is acceptable for courses that are not palpation dependent and/or hands-on. Vermont does not require massage therapist licensure. No states draw a distinction between traditional online classes and classes by means of live-stream synchronous videoconferencing or similar virtual presence technology.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking does not affect other regulations of the Board or other state agencies. However, the Division Chief of the Division of Law Enforcement Education and Trade Schools, Pennsylvania Department of Education attended the August 9, 2022 Board meeting and discussed the proposed regulation with the Board. The Division Chief explained that because the Department of Education licenses schools in the Commonwealth, massage therapy schools that wish to add online/distance education to their massage programs will have to submit a program change application to the Department of Education, and the Department of Education would then have to review that application and compare it to the Board’s regulations to determine whether the Board allows online/distance education for initial licensure. Accordingly, massage therapy schools that wish to add online/distance education to their massage programs will have to submit a program change application (available as an electronic form on the Department of Education Website (<https://www.pa.gov/content/dam/copapwp-pagov/en/education/documents/instruction/postsecondary-adult/college-and-career-education/private-licensed-schools/pde3744%20program%20change%20application.xlsx>)) to the Department of Education, and the Department of Education will have to review that application and compare it to the Board’s newly amended regulations. A school whose ownership has already been approved to offer Distance Education will have their application reviewed and approved by staff at a cost of \$0. Otherwise, the application cost is \$1,400. It would be exceedingly speculative to estimate how many schools (schools not already approved to offer Distance Education) would ultimately decide to submit a program change application and pay the \$1,400 fee. Accordingly, this number is not reflected in the chart in RAF question 23.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

This proposed regulation was discussed at 7 regularly scheduled Board meetings between April 5, 2022 and September 18, 2023. The Division Chief of the Division of Law Enforcement Education and Trade Schools, Pennsylvania Department of Education, attended the August 9, 2022 Board meeting and discussed the proposed regulation with the Board. Additionally, the Division Chief answered numerous questions posed by those in attendance.

At the November 15, 2022 meeting, the Board voted to release an exposure draft of the proposed rulemaking, and an exposure draft was released on November 18, 2022 to all interested parties and stakeholders (including the AMTA, Associated Bodywork & Massage Professionals (ABMP), Federation of State Massage Therapy Boards (FSMTB), National Certification Board for Therapeutic Massage & Bodywork (NCBTMB), and numerous other professional associations and individuals)). The Board received one comment, from the Division Chief of the Division of Law Enforcement Education and Trade Schools, on behalf of the State Board of Private Licensed Schools. The Division Chief: (1) asked if the Board was opposed to asynchronous on-line instruction; (2) opined that clarity was needed with regard to

exactly what content hours may be obtained online vs in person. Otherwise, the Division Chief stated that, “[t]he proposed regulatory changes appear to be consistent with other programming.” The Division Chief’s comments were discussed at the Board’s February 14, 2023 meeting, and the Board concluded that no amendments were needed.

Asynchronous On-line Instruction

This regulation is authorized by 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.” The Board considered amending the regulations to allow for traditional online/distance education (prepackaged classes students could take on their own time, rather than by means of live-stream synchronous videoconferencing or similar virtual presence technology, a/k/a “Asynchronous On-line Instruction”) because traditional online/distance education would possibly be more convenient for students and less costly for schools, however the act requires that all 600 hours of massage therapy education be obtained “in-class,” and the Board’s regulations currently require that all 600 hours of in-class, postsecondary education instruction be obtained in the physical presence of an instructor or under the immediate supervision of a clinical supervisor. The proposed rulemaking will allow massage therapy students to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of “virtual presence” technology which allows for supervision by means of a “virtual platform” defined as “[l]ive-stream synchronous videoconferencing or similar virtual presence technology.” Accordingly, neither the act nor 63 P.S. § 3107.1(d) allow for traditional online/distance education to meet the requirements for initial licensure.

The Board notes that 63 Pa.C.S. § 3107.1(c) provides for traditional “distance education” (a/k/a “Asynchronous On-line Instruction”) with regard to “continuing education” (which relates to license renewal) but not initial education.

Additional Clarity

Currently, § 20.11 of the Board’s regulations (relating to minimum hour requirements for massage therapy programs) provides that massage therapy programs must provide at least 600 hours of in-class, postsecondary education instruction, and § 20.11(a)(1) – (4) provides the minimum number of hours that must be obtained by the applicant in specific categories of instruction (at least 175 “contact hours” in anatomy and physiology, kinesiology and pathology; at least 250 “contact hours” in massage therapy and bodywork assessment, theory and practice; etc.). Section 20.1 of the Board’s regulations (relating to definitions) currently define a “contact hour” as, “[a] 50 to 60 minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.” The proposed rulemaking will amend § 20.11(a)(1) – (4) to provide that only a portion of the required hours must be obtained by means of “contact hours.” For clarity, the board proposes to add and define a new term, “education instruction hour,” that encompasses all hours of instruction, including hours that must be earned in the physical presence of an instructor or supervisor (“contact hour”), and hours of instruction that may be obtained either virtually or in the physical presence of an instructor or supervisor (“education instruction hour”). For example, § 20.11(a)(1) currently states that a massage therapy program must provide at least 600 hours of in-class, postsecondary education instruction, including, “[a]t least 175 **contact hours** of instruction in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks.” (emphasis added). The proposed rulemaking will amend § 20.11(a)(1) to read as follows: “[a]t least 175 **education instruction hours** in anatomy and

physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks, at least 75 hours of which must be earned through **contact hours.**" (emphasis added).

Accordingly, the proposed rulemaking at § 20.11(a)(1) will provide that of the 175 education instruction hours in anatomy and physiology, kinesiology and pathology, at least 75 hours must be earned through **contact hours.** Therefore, the remaining 100 education instruction hours are not required to be earned through contact hours, which allows the applicant to obtain as many as 100 of the 175 education instruction hours by means of live-stream synchronous videoconferencing or similar virtual presence technology. The Board believes no further clarification is required.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Most massage therapists are employed by small businesses. According to the Pennsylvania Department of Labor and Industry (Department of Labor & Industry), in 2020, massage therapists held about 144,600 jobs nationally, and are employed in the following private sector positions: self-employed workers (38%); personal care services (31%); offices of all other health practitioners (11%); offices of chiropractors (8%); and accommodation (5%). There are approximately 8,625 licensed massage therapists in this Commonwealth.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the Small Business Administration (SBA) Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the 2022 NAICS standards to the types of businesses that would be impacted by this proposed regulation, a small business is one that has \$10 million or less in average annual receipts for massage therapists' offices (NAICS Industry Description: "Offices of All Other Miscellaneous Health Practitioners") (621399) and \$16.5 million or less for massage therapy schools (NAICS Industry Description: "All Other Miscellaneous Schools and Instruction") (611699).

Small businesses should not be affected by the proposed rulemaking, because businesses that employ massage therapists typically do not pay for schooling. However, the Board receives approximately 425 applications for initial licensure annually. Therefore, approximately 425 applicants annually will be affected by the proposed rulemaking. Each applicant will have been able to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of a "virtual platform" defined as "[l]ive-stream synchronous videoconferencing or similar virtual presence technology." The applicants will have been able to complete their massage therapy education partially by means of a "virtual platform", which will be more convenient for massage therapy students. The proposed rulemaking has the possibility of allowing massage therapy students to learn from home 21% more often than they currently do, spend 21% less on travel costs, and save money on food by eating at home 21% more often .

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

No persons, groups or entities, including small businesses will be required to comply with the proposed rulemaking. The proposed rulemaking merely allows schools to add online/distance education should they decide to do so. However, the Board is required to comply with 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.” Currently, the Board’s regulations require that all 600 hours of in-class, postsecondary education instruction be obtained the physical presence of an instructor or under the immediate supervision of a clinical supervisor. The proposed rulemaking will allow massage therapy students to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of a “virtual platform” defined as “[l]ive-stream synchronous videoconferencing or similar virtual presence technology.” The Board receives approximately 425 applications for initial licensure annually. Therefore, the proposed rulemaking may benefit as many as 425 applicants annually, in that these applicants will have been able to complete their massage therapy education partially by means of a “virtual platform”, which will be more convenient for massage therapy students.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Board does not anticipate there to be any financial, economic or social impact to individuals, small businesses, businesses and labor communities and other public and private organizations as a direct consequence of the proposed rulemaking. However, the proposed rulemaking may have a positive financial, economic and social impact on applicants for licensure as well as massage therapy schools that wish to add online/distance education to their massage programs. Massage therapy schools will have to perform their own cost/benefit analysis to determine whether adding online/distance education to their massage programs would be worthwhile. Additionally, the proposed rulemaking has the possibility of allowing massage therapy students to learn from home 21% more often than they currently do, spend 21% less on travel costs, etc. Again, no persons, groups or entities, including small businesses will be required to comply with the proposed rulemaking, so massage therapy schools that do not foresee any benefit to adding online/distance education to their massage programs need not do so.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Board is required to comply with 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.” The proposed rulemaking has the possibility of allowing massage therapy students to learn from home 21% more often than they currently do, spend 21% less on travel costs, etc. It is unknown if massage therapy schools will benefit from this regulation. Massage therapy schools will have to perform their own cost/benefit analysis to determine whether adding online/distance education to their massage programs would be worthwhile. Again, no persons, groups or entities, including small businesses will be required to comply with the proposed rulemaking, so massage therapy schools that do not foresee any benefit to adding online/distance education to their massage programs need not do so.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board does not anticipate any costs and/or savings to the regulated community as a direct consequence of the proposed rulemaking. However, the proposed rulemaking has the possibility of allowing massage therapy students to learn from home 21% more often than they currently do, spend 21% less on travel costs, etc. It is unknown if massage therapy schools will benefit from this regulation. Massage therapy schools will have to perform their own cost/benefit analysis to determine whether adding online/distance education to their massage programs would be worthwhile. Again, no persons, groups or entities, including small businesses will be required to comply with the proposed rulemaking, because schools will not be required to offer hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology. Massage therapy schools that do not foresee any benefit to adding online/distance education to their massage programs need not do so.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking will not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking will not result in costs or savings to the state government. Board staff works with the Board to ensure that every applicant for licensure has completed a massage therapy program that satisfies the Board's requirements. The proposed rulemaking will merely amend the Board's requirements, allowing Board staff to approve applications in which the applicant has obtained as many as 125 hours of the required 600 hours (approximately 21%) by means of a "virtual platform" defined as "[l]ive-stream synchronous videoconferencing or similar virtual presence technology."

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There should be no additional reporting, recordkeeping or other paperwork associated with this rulemaking. Massage Therapy schools already provide the Board with an educational transcript for each applicant. The schools may choose to delineate between online/distance education and contact hours, but this will not be required, because the Dean/Registrar/Chairperson of the massage therapy program must currently fill out a "Verification of Massage Therapy Education" form supplied by the Board, and it is on this form the Dean/Registrar/Chairperson must verify that the curriculum meets the "contact hours" requirements of § 20.11.

(22a) Are forms required for implementation of the regulation?

The Board's current "Verification of Massage Therapy Program" form must be amended to implement this regulation so that the Dean/Registrar/Chairperson of the massage therapy program can verify that the curriculum meets the "contact hours" requirements of § 20.11.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

A new "Verification of Massage Therapy Education" form is attached. (Attachment B)

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

| | Current FY 25-26 | FY +1 26-27 | FY +2 27-28 | FY +3 28-29 | FY +4 29-30 | FY +5 30-31 |
|-----------------------------|---------------------|----------------|----------------|----------------|----------------|----------------|
| SAVINGS: | \$ | \$ | \$ | \$ | \$ | \$ |
| Regulated Community | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Savings | N/A | N/A | N/A | N/A | N/A | N/A |
| COSTS: | | | | | | |
| Regulated Community | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Costs | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| REVENUE LOSSES: | | | | | | |
| Regulated Community | | | | | | |
| Local Government | | | | | | |
| State Government | | | | | | |
| Total Revenue Losses | N/A | N/A | N/A | N/A | N/A | N/A |

(23a) Provide the past three year expenditure history for programs affected by the regulation.

| Program | FY -3 2022-2023 (actual) | FY -2 2023-2024 (budget) | FY -1 2024-2025 (estimated budget) | Current FY 2025-2026 (projected budget) |
|--------------------------------|--------------------------------|--------------------------------|---|--|
| State Board of Massage Therapy | \$835,000.00 | \$794,000.00 | \$860,000.00 | \$1,025,000.00 |

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

The Board does not anticipate there to be any financial, economic and/or social impact to individuals, small businesses, businesses and labor communities and other public and private organizations as a direct consequence of the proposed rulemaking.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

There are no additional reporting, recordkeeping or other administrative costs, imposed by the Board, required for compliance with the proposed regulation.

(c) A statement of probable effect on impacted small businesses.

The proposed rulemaking will not require schools to offer online/distance education; the proposed rulemaking merely allows schools to add online/distance education should they decide to do so. Schools that offer massage therapy programs will have to perform their own cost/benefit analysis to determine whether adding online/distance education to their massage programs would be worthwhile.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

This rulemaking is required under 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.” The Board considered amending the regulations to allow for traditional online/distance education (prepackaged classes students could take on their own time, rather than by means of live-stream synchronous videoconferencing or similar virtual presence technology) because traditional online/distance education would possibly be more convenient for students and less costly for schools, however the act requires that all 600 hours of massage therapy education “in-class,” and the Board’s regulations currently require that all 600 hours of in-class, postsecondary education instruction be obtained the physical presence of an instructor or under the immediate supervision of a clinical supervisor. The proposed rulemaking will allow massage therapy students to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of “virtual presence” technology which allows for instruction by means of a “virtual platform” defined as “[l]ive-stream synchronous videoconferencing or similar virtual presence technology.” Accordingly, neither the act nor 63 Pa.C.S. § 3107.1(d) allow for traditional online/distance education to meet the requirements for initial licensure.

The Board notes that 63 Pa.C.S. § 3107.1(c) provides for traditional “distance education” (a/k/a “Asynchronous On-line Instruction”) with regard to “continuing education” (which relates to license renewal) but not initial education.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board considered amending the regulations to allow for traditional online/distance education (prepackaged classes students could take on their own time, rather than by means of live-stream synchronous videoconferencing or similar virtual presence technology) because traditional online/distance education would possibly be more convenient for students and less costly for schools, however the act requires that all 600 hours of massage therapy education “in-class,” and the Board’s regulations currently require that all 600 hours of in-class, postsecondary education instruction be obtained the physical presence of an instructor or under the immediate supervision of a clinical supervisor. Moreover, at the Board’s April 5, 2022, a member of the massage therapy community stressed the importance of having an instructor available at all times so that students may be able to ask questions in real-time, and the Board agrees that this is an important aspect of massage therapy education.

At the Board’s April 5, 2022 meeting and its June 7, 2022 meeting, the Board debated how many hours of the required 600 hours of education may be obtained by means of virtual instruction. The Board cited the May 23, 2020 COVID-19 regulatory suspension (“waiver”) allowing a limited number of massage therapy education hours to be earned by means of distance learning (which expired August 31, 2021) and commented that because it worked during the COVID-19 emergency, there was reason to believe it will continue to serve the massage therapy community well moving forward. The Board briefly considered the possibility of allowing more than 125 hours to be obtained by means of live-stream synchronous videoconferencing or similar virtual presence technology, but the Board stressed the importance of “hands-on education” supervised by a clinical supervisor in a clinical training program, and decided not to offer more 125 hours to be obtained by means of live-stream synchronous videoconferencing or similar virtual presence technology.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;

The Massage Board did not consider less stringent compliance or reporting requirements for small businesses or for applicants that intend to work for small businesses. The proposed regulation does not include compliance or reporting requirements. The Dean/Registrar/Chairperson of the massage therapy program must currently fill out a “Verification of Massage Therapy Education” form supplied by the Board, and this person will henceforth be required to verify that the curriculum meets the “contact hours” requirements of § 20.11.

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

The Massage Board did not consider less stringent schedules or deadlines for compliance or reporting requirements for small businesses or for applicants that intend to work for small businesses. The proposed regulation does not include schedules or deadlines for compliance or reporting requirements.

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

The Massage Board did not consider consolidation or simplification of compliance or reporting requirements for small businesses or for applicants that intend to work for small businesses. The proposed regulation does not include consolidation or simplification of compliance or reporting requirements.

- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and

The Massage Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. The proposed regulation does not include reporting requirements or deadlines.

- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The Massage Board did not consider the exemption of small businesses from all or any part of the requirements contained in the regulation. The proposed regulation does not include requirements for small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days.
- B. The date or dates on which any public meetings or hearings will be held:

The Massage Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at the April 5, 2022, June 7, 2022, August 9, 2022, February 14, 2023, and April 2, 2024 public Board meetings. An exposure draft of the proposed regulation was released to interested parties and stakeholders on November 18, 2022. One comment

was received. The Massage Board voted to promulgate the proposed regulation on August 13, 2024.

- C. The expected date of the final-form regulation: (Fall of 2025).
- D. The expected effective date of the final-form regulation: Upon publication as final.
- E. The expected date by which compliance with the final-form regulation will be required: Upon publication as final.
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board is scheduled to meet on the following dates in 2025: August 11, September 23, December 3. More information can be found on the Massage Board's website (www.dos.pa.gov/massagetherapy).

Attachment A



May 23, 2020

Pennsylvania Temporarily Allows Limited Distance Education Hours for Massage Therapy Students During COVID-19

Summary:

To apply for licensure as a massage therapist in Pennsylvania, an individual must have completed at least 600 “contact hours” of in-class, postsecondary education instruction approved by the State Board of Massage Therapy Board at a regionally accredited college or university, Pennsylvania private licensed school or its equivalent. A *contact hour* is defined as a “50 to 60-minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.”

Board regulations require a minimum number of contact hours in four subject matter areas: (1) 175 hours of instruction in anatomy, physiology, kinesiology and pathology; (2) 250 hours in massage therapy and bodywork assessment, theory and practice; (3) 25 hours in professional ethics and business and law related to a massage therapy business; and (4) 150 hours in specified areas of subject matter aimed at providing students with the “knowledge base” needed to successfully and safely practice massage therapy.

The COVID-19 emergency has required the temporary closure of massage therapy schools and businesses. These closures have made the task of acquiring the minimum 600 hours of in-class instruction more difficult for massage therapy students.

To address this issue, the Department of State requested, and Governor Wolf approved, a temporary suspension of the requirement that the 600 hours of instruction be entirely “in-class” contact hours.

Instead, the Board will allow some instruction to be completed through distance learning during the COVID-19 emergency. **Specifically, massage therapy students in 600-hour programs may obtain up to 100 hours of online instruction in area #1, and up to 25 hours of online instruction in area #3.** Students in programs with more than 600 hours may obtain more than 100 hours and more than 25 hours, respectively, in these areas but in no event shall any massage therapy student – regardless of the number of hours in their education program – have fewer than 75 contact hours in area #1, 250 contact hours in area #2 and 150 contact hours in area #4.

This temporary suspension allows for the accumulation of distance learning hours during the course of the COVID-19 emergency only. Hours obtained via distance learning after the emergency ends will not be recognized or counted towards the minimum required in each instructional area.

For more information, please contact the [State Board of Massage Therapy](#).

Attachment B

State Board of Massage Therapy

2525 North 7th Street

Harrisburg PA 17110



State Board of Massage Therapy

P O Box 2649

Harrisburg PA 17105-2649

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

VERIFICATION OF MASSAGE THERAPY EDUCATION

Please send this form to your Massage Therapy program to complete and attach your transcripts. FAILURE TO SEND THIS DOCUMENT MAY DELAY THE PROCESSING OF THE APPLICATION.

APPLICANT INFORMATION

| | | | |
|---------------------|------|-----------------------|--------|
| NAME: | Last | First | Middle |
| OTHER NAME: | | | |
| DATE OF BIRTH : | | LAST 4 DIGITS OF SSN: | |
| ADDRESS: | | | |
| CITY / STATE / ZIP: | | | |

This section to be completed by the Dean, Registrar, or Chairperson of the Massage Therapy program at the United States school which the applicant COMPLETED. DO NOT complete this form in anticipation of program completion.

FAILURE TO COMPLETE ALL SECTIONS MAY DELAY THE PROCESSING OF THE APPLICATION.

PLEASE NOTE: Pursuant to the Board's regulations, "contact hour" is defined as follows: "A 50 to 60 minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor." (49 Pa. Code § 20.1). Furthermore, neither externship hours, nor hours practicing assigned techniques under indirect supervision, may be included in the minimum 600 hours of in-class, postsecondary education instruction. (49 Pa. Code § 20.11).

1) _____ successfully completed a Massage Therapy Program
(Name of Applicant)

at _____
(School name)

on _____.
(Date)

2) The curriculum completed by Applicant equals or exceeds the curriculum requirements set forth in 49 Pa. Code § 20.11. **Hours completed** _____.
NOTE: By completing this section you are verifying that the curriculum meets the "contact hours" requirements noted below.

_____ Hours At least 175 education instruction hours in anatomy & physiology, kinesiology & pathology, including training in the human immunodeficiency virus & related risks, at least 75 hours of which were earned through contact hours.

_____ Hours At least 250 education instruction hours of massage therapy & bodywork assessment, theory & practice including sanitation, safety, & hygiene, all of which were earned through contact hours.

_____ Hours At least 25 education instruction hours of professional ethics, and business & law related to a massage therapy business.

_____ Hours At least 150 education instruction hours of related courses appropriate to a massage therapy curriculum as set forth in Section 20.13 (related to required knowledge base), including cardiopulmonary resuscitation, all of which were earned through contact hours.

3) The school is:

- A Pennsylvania Private Licensed School
- Operated within a regionally accredited College or University

Name of College or University: _____

Accredited by: _____

- Approved by the MT Board or Department of Education of _____
(State)

Printed name of Dean/Registrar/Chairperson of M. T. Program _____

Signature _____ (Date) _____

| | |
|----------------|--|
| SCHOOL SEAL | Name of Program _____ Name of Controlling Institution _____ Address _____ _____ |
|----------------|--|

OUT-OF-STATE SCHOOLS - PLEASE ATTACH A COPY OF THE SCHOOL CERTIFICATE OF ACCREDITATION OR CERTIFICATE OF APPROVAL FROM THE DEPARTMENT OF EDUCATION FOR THE TIMEFRAME THE STUDENT ATTENDED THE MASSAGE THERAPY PROGRAM

SCHOOL SHALL RETURN AN ORIGINAL COMPLETED FORM DIRECTLY TO BOARD OFFICE IN AN OFFICIAL SCHOOL ENVELOPE AND ATTACH STUDENT TRANSCRIPTS. (DO NOT send a copy of this form or return this form in an envelope provided by the applicant.)

Official school envelopes must have the school return address printed on the envelope, we will not accept stamped return addresses or printed labels with a return address.

RETURN ADDRESS:

**State Board of Massage Therapy
P O Box 2649
Harrisburg PA 17105-2649
7177837155**

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

Independent Regulatory
Review Commission

July 29, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

**Amy M
Elliott**
BY: _____
(DEPUTY ATTORNEY GENERAL)

Digitally signed by Amy M Elliott
DN: cn=amy M Elliott, o=Office of
Attorney General, ou=Legal Review
Section
email=amylett@attorneygeneral.gov,
c=US
Date: 2025.07.16 11:49:45 -04'00'

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

State Board of Massage Therapy
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-728

7/16/2025

DATE OF APPROVAL

DATE OF ADOPTION: _____

2/27/2025

DATE OF APPROVAL

BY: Bryan A. Strawser
Bryan A. Strawser, L.M.T.

Copy below is approved as
to form and legality.
Executive or Independent
Agencies.

BY: Adrie A. Nelson

Check if applicable
Copy not approved.
Objections attached.
 Check if applicable. No
Attorney General approval or
objection within 30 day after
submission.

(Executive Deputy General Counsel
Strike inapplicable title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

**NOTICE OF PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MASSAGE THERAPY
49 PA CODE, CHAPTER 20**

§§ 20.1 and 20.11

VIRTUAL INSTRUCTION

The State Board of Massage Therapy (board) proposes to amend § 20.1 (relating to definitions) and § 20.11 (relating to the minimum hour requirements for massage therapy programs) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

This rulemaking is authorized by the act of December 22, 2021, (P.L. 488, No. 100) (Act 100), which amended Chapter 31 (relating to powers and duties) of Title 63 of the Pennsylvania Consolidated Statutes by amending 63 Pa.C.S. § 3102 (relating to definitions) and adding 63 Pa.C.S. § 3107.1 (relating to virtual operation). Section 3107.1(d) provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.”

In addition, section 4(1) and (2) of the Massage Therapy Law (act) (63 P.S. § 627.4(1) and (2)) empowers the board to pass upon the qualifications and fitness of applicants for licenses, and to promulgate regulations not inconsistent with this act and only as necessary to carry out the act. Further, section 5(a)(3) of the act (63 P.S. § 627.5(a)(3)) provides that applicants for licensure shall complete a massage program of at least 600 hours of in-class, postsecondary education instruction approved by the board. Moreover, section 506 of The Administrative Code of 1929 (71 P.S. § 186) empowers the several departmental administrative boards and commissions to prescribe rules and

regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions.

Background and Purpose

This rulemaking is being proposed in accordance with 63 Pa.C.S. § 3107.1(d), which provides that, “[e]ach licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission.”

Section 5(a)(3) of the act (63 P.S. § 627.5(a)(3)) provides that applicants for licensure complete a massage program of at least 600 hours of in-class, postsecondary education instruction approved by the board. Currently, § 20.1 (relating to definitions) defines “in-class” as follows: “In the physical presence of an instructor or under the immediate supervision of a clinical supervisor.”

The proposed rulemaking is needed to satisfy the requirements of 63 Pa.C.S. § 3107.1(d), in that the proposed rulemaking will amend the board’s definition of “in class” to allow for virtual instruction. Moreover, the proposed rulemaking will amend § 20.1 to include the definitions for the terms “virtual platform” and “virtual presence,” modeled after the definitions for the terms “virtual platform” and “virtual supervision” as set forth in 63 Pa.C.S. § 3102.

Throughout the COVID-19 pandemic, the 29 boards and commissions under the jurisdiction of the Bureau of Professional and Occupational Affairs (BPOA) had to adjust how they conducted business to meet the needs of licensees. To accommodate these changes and allow operations to continue, COVID-19 waivers were put in place. Through time, several waivers have

been identified as “common sense” measures that should remain in place permanently. This rulemaking is being promulgated to effectuate one of those measures, specifically: allowing massage therapy students to obtain as many as 125 hours of the required 600 hours of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Currently, the board requires that all 600 hours of in-class, postsecondary education instruction be obtained the physical presence of an instructor or under the immediate supervision of a clinical supervisor or instructor. The proposed rulemaking will allow massage therapy students to obtain as many as 125 hours of the required 600 hours (approximately 21%) by means of “virtual presence” technology which allows for instruction by means of a “virtual platform” defined as “[l]ive-stream synchronous videoconferencing or similar virtual presence technology.”

Massage therapy is the very definition of a “hands-on” profession. Accordingly, the board has always drawn a distinction between didactic and clinical courses. To ensure students continue to learn proper techniques, and in the interest of safety and public protection, the board insists that clinical courses must be taught in the physical presence of an instructor or under the immediate supervision of a clinical supervisor or instructor. However, the board proposes to amend its regulations to allow a limited number of credit hours in didactic courses to be obtained “virtual presence” technology.

The board receives approximately 425 applications for initial licensure annually. Therefore, the proposed rulemaking may benefit as many as 425 applicants annually, in that these applicants will have been able to complete their massage therapy education partially by means of

a “virtual platform” which will be more convenient and cost-effective for massage therapy students.

Description of the Proposed Amendments

According to § 20.11(b), “[m]assage therapy programs may meet the 600-hour requirement through both didactic and clinical courses.” In § 20.1 board proposes to define the terms “didactic” and “clinical.” Additionally, the board proposes to amend the definition of “immediate supervision” in § 20.1 to clarify that it applies only to *clinical* instruction, as compared to *didactic* instruction, and to amend the definition of “in class” in § 20.1 to allow for either the physical or “virtual” presence of an instructor. Additionally, § 20.1 would be amended to include definitions for the terms “virtual platform” and “virtual presence,” modeled after the definitions for the terms “virtual platform” and “virtual supervision” as set forth in 63 Pa.C.S. § 3102. The board proposes to utilize the term “virtual *presence*” in place of the term “virtual *supervision*” to help emphasize that virtual presence technology is inapplicable to clinical instruction. Clinical instruction requires “immediate supervision,” which means the clinical supervisor or instructor must be physically present on the premises and within the visual or audible range of the individual being supervised.

“Contact hour” is defined in § 20.1 as, “[a] 50 to 60 minute period of instruction related to the practice of massage therapy *in the physical presence of an instructor or supervisor.*” (emphasis added). Currently, all 600 hours of instruction must be completed “in-class,” and all 600 hours must be obtained through “contact hours.” For clarity, the board proposes to add and define a new term, “education instruction hour,” that encompasses all hours of instruction, including hours that must be earned in the physical presence of an instructor or supervisor (“contact hour”), and hours of instruction that may be obtained either virtually or in the physical presence

of an instructor or supervisor (“education instruction hour”). The board proposes to define “education instruction hour” as, “[a] 50 to 60 minute period of instruction related to the practice of massage therapy.”

Additionally, the board proposes to amend § 20.11 to allow massage therapy students to obtain a limited amount of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology. Currently, § 20.11 provides that massage therapy programs must provide at least 600 hours of in-class, postsecondary education instruction, and § 20.11(a)(1)–(4) provide the minimum number of hours that must be obtained by the applicant in specific categories of instruction (at least 175 “contact hours” in anatomy and physiology, kinesiology and pathology; at least 250 “contact hours” in massage therapy and bodywork assessment, theory and practice; and so forth). Section 20.1 currently defines a “contact hour” as, “[a] 50 to 60 minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.” The board proposes to amend § 20.11(a)(1) – (4) to provide that only a portion of the required hours must be obtained by means of “contact hours” in the physical presence of an instructor or supervisor.

Specifically, § 20.11(a)(1) currently states that a massage therapy program must provide at least 600 hours of in-class, postsecondary education instruction, including, “[a]t least 175 **contact hours** of instruction in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks.” The board proposes to amend § 20.11(a)(1) to read as follows: “[a]t least 175 **hours** of instruction in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks, **at least 75 hours of which must be earned through contact hours.**” Accordingly, of the 175 hours of

instruction in anatomy and physiology, kinesiology and pathology, at least 75 hours must be earned through contact hours and the remaining 100 hours are not required to be earned through contact hours, which allows the applicant to obtain as many as 100 of the 175 hours by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Additionally, § 20.11(a)(2) currently states that a massage therapy program must provide at least 600 hours of in-class, postsecondary education instruction, including, “[a]t least 250 **contact hours** in massage therapy and bodywork assessment, theory and practice including sanitation, safety and hygiene.” The board proposes to amend § 20.11(a)(2) to read as follows: “[a]t least 250 **hours** in massage therapy and bodywork assessment, theory and practice including sanitation, safety and hygiene, **all of which must be earned through contact hours.**” Accordingly, all 250 hours in massage therapy and bodywork assessment, theory and practice must be earned through **contact hours**. Therefore, none of these 250 hours may be earned by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Section 20.11(a)(3) currently states that a massage therapy program must provide at least 600 hours of in-class, postsecondary education instruction, including, “[a]t least 25 **contact hours** in professional ethics, and business and law related to a massage therapy business.” The board proposes to amend § 20.11(a)(3) to read as follows: “[a]t least 25 **hours** in professional ethics, and business and law related to a massage therapy business.” Accordingly, all 25 hours in professional ethics, and business and law may be earned by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Finally, § 20.11(a)(4) currently states that a massage therapy program must provide at least 600 hours of in-class, postsecondary education instruction, including, “[a]t least 150 **contact hours**

in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation.” The board proposes to amend § 20.11(a)(4) to read as follows: “[a]t least 150 **hours** in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation, ***all of which must be earned through contact hours***. Accordingly, of the 150 hours of instruction in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation, all 150 hours must be earned through contact hours. Therefore, none of these 150 hours may be earned by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Fiscal Impact and Paperwork Requirements

The board does not anticipate there to be any negative financial, economic or social impact to individuals, small businesses, businesses and labor communities and other public and private organizations as a direct consequence of the proposed rulemaking. However, the proposed rulemaking may have a positive financial, economic and social impact on applicants for licensure as well as massage therapy schools that wish to add online/distance education to their massage programs. The proposed rulemaking has the possibility of allowing massage therapy students to learn from home 21% more often than they currently do, spend 21% less on travel costs, etc. Massage therapy schools will have to perform their own cost/benefit analysis to determine whether adding online/distance education to their massage programs would be worthwhile. Accordingly, massage therapy schools that do not foresee any benefit to adding online/distance education to their massage programs need not do so.

The board's current "Verification of Massage Therapy Education" form must be amended to implement this regulation so that the Dean/Registrar/Chairperson of the massage therapy program can verify that the curriculum meets the "contact hours" requirements of § 20.11.

Sunset Date

The board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 29, 2025, the board submitted a copy of this proposed rulemaking and a copy of a regulatory analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Consumer Protection and Professional Licensure Committee of the Senate and the Professional Licensure Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking to: Regulatory Counsel, Department of State at P.O. Box 69523, Harrisburg, PA 17106-9523; or by e-mail to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-728 (Virtual Instruction).

BRYAN A. STRAWSER, L.M.T.
Chairperson

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 20. STATE BOARD OF MASSAGE THERAPY

GENERAL PROVISIONS

§ 20.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Massage Therapy Law (63 P.S. §§ 627.1—627.50).

Board—The State Board of Massage Therapy.

Client—Any individual, group of individuals, or organization to which an L.M.T. provides massage therapy services.

Clinical—Relating to the observation and treatment of individuals.

Contact hour—A 50 to 60 minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.

Didactic—Instructive; denoting teaching by lectures or textbooks.

Draping—The use of linens to cover a massage therapy client to preserve client privacy and modesty, to maintain professional boundaries and for client warmth.

Education instruction hour—A 50 to 60 minute period of instruction related to the practice of massage therapy.

FSMTB—The Federation of State Massage Therapy Boards.

Immediate supervision—The clinical supervisor or instructor is physically present on the premises and within the visual or audible range of the individual being supervised.

In-class—In the physical, or virtual presence of an instructor or under the immediate supervision of a clinical supervisor.

* * * *

Treatment—The use of massage therapy where the primary intent is to enhance the health and well-being of the client.

Virtual platform—Live-stream synchronous videoconferencing or similar virtual presence technology.

Virtual presence—Instruction which allows the supervisor or instructor to be in a separate physical location from the student while using a virtual platform to maintain a continuous real-time virtual presence as if in person.

§ 20.11. Minimum hour requirements for massage therapy programs.

(a) Massage therapy programs must provide at least 600 hours of in-class, postsecondary education instruction, including:

(1) At least 175 [contact] education instruction hours [of instruction] in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks, at least 75 hours of which must be earned through contact hours.

(2) At least 250 [contact] education instruction hours in massage therapy and bodywork assessment, theory and practice including sanitation, safety and hygiene, all of which must be earned through contact hours.

(3) At least 25 [contact] education instruction hours in professional ethics, and business and law related to a massage therapy business.

(4) At least 150 [contact] education instruction hours in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation, all of which must be earned through contact hours.

(b) Massage therapy programs may meet the 600-hour requirement through both didactic and clinical courses.

(c) Externship hours may not be included in the 600-hour minimum education instruction. For purposes of this section, an externship is an offsite practical technique learning experience where the student's supervision is provided by a licensed massage therapist, supervisor or other appropriate licensed health professional.

(d) Hours for practicing assigned techniques under indirect supervision may not be included in the 600-hour minimum education instruction.

##



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MASSAGE THERAPY

Post Office Box 2649
Harrisburg, PA 17105-2649
(717) 783-7155

July 29, 2025

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Massage Therapy
16A-728: Virtual Instruction

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Massage Therapy pertaining to Virtual Instruction.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Bryan A. Strawser".

Bryan A. Strawser, L.M.T., Chairperson
State Board of Massage Therapy

BAS/TMD/dps
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Cathy A. Tully, Counsel, State Board of Massage Therapy
State Board of Massage Therapy

July 29, 2025

From: [Bulletin](#)
To: [Solomon, Douglas](#); [Leah Brown](#); [Adeline E. Gaydosh](#)
Cc: [Abelson, Addie](#); [Rizzi, Alicia \(GC\)](#); [Keys, Jaclyn \(GC\)](#); [GC, Regulations](#); [Giurintano, Jason](#); [Davis, Thomas](#); [Wolfgang, Jacqueline](#); [Tully, Cathy](#); [Worthington, Amber](#); [Fuhrman, Rebecca](#); [Roland, Joel](#); [DeLaurentis, Carolyn](#); [Keller, Paul](#); [Farrell, Marc](#)
Subject: [External] Re: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Date: Tuesday, July 29, 2025 8:19:45 AM
Attachments: [image001.png](#)

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good morning Douglas!

Thank you for submitting proposed rulemaking 16A-728. Someone from our office will be in touch regarding publication.

Have a great day!

Leah

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Tuesday, July 29, 2025 7:46 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Davis, Thomas <tmdavis@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Tully, Cathy <catully@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Keller, Paul <pakeller@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>
Subject: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction

Please provide a written (email) confirmation of receipt of delivery of the attached proposed rulemaking.

Please be advised that the State Board of Massage Therapy is delivering the below proposed rulemaking.

● **16A-728 Virtual Instruction– State Board of Massage Therapy**

This rulemaking is being promulgated by the State Board of Massage Therapy (Board) to allow massage therapy students to obtain a limited amount of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Thank you for your attention to this matter.



Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel

RECEIVED

From: [Nicole Sidle](#)
To: [Solomon, Douglas](#)
Subject: RE: [EXTERNAL]: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Date: Tuesday, July 29, 2025 9:17:36 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

July 29, 2025

Good Morning—
This has been received.

Thanks,
Nicole

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Tuesday, July 29, 2025 7:58 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Davis, Thomas <tmddavis@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Tully, Cathy <catully@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Keller, Paul <pakeller@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Importance: High

Please provide a written (email) confirmation of receipt of delivery of the attached proposed rulemaking.

Please be advised that the State Board of Massage Therapy is delivering the below proposed rulemaking.

• **16A-728 Virtual Instruction– State Board of Massage Therapy**

This rulemaking is being promulgated by the State Board of Massage Therapy (Board) to allow massage therapy students to obtain a limited amount of “in-class” hours of instruction by means of live-stream synchronous videoconferencing or similar virtual presence technology.

Thank you for your attention to this matter.



Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
2400 Thea Drive
P.O. Box 69523 | Harrisburg, PA 17106-9523
Office Phone 717.783.7200 | Fax 717.787.0251
dousolomon@pa.gov | www.dos.pa.gov

From: [Kelly, Joseph](#)
To: [Solomon, Douglas](#); [Monoski, Jesse](#); [Dimm, Ian](#); [Vazquez, Enid](#)
Cc: [Abelson, Addie](#); [Rizzi, Alicia \(GC\)](#); [Keys, Jaclyn \(GC\)](#); [GC, Regulations](#); [Giurintano, Jason](#); [Davis, Thomas](#); [Wolfgang, Jacqueline](#); [Tully, Cathy](#); [Worthington, Amber](#); [Fuhrman, Rebecca](#); [Roland, Joel](#); [DeLaurentis, Carolyn](#); [Keller, Paul](#); [Farrell, Marc](#)
Subject: Re: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Date: Tuesday, July 29, 2025 7:54:59 AM
Attachments: [image001.png](#)

RECEIVED

Received

Independent Regulatory
Review Commission

July 29, 2025

Joseph M. Kelly
Chief of Staff
Senator Lisa M. Boscola
(610) 868-8667 - Bethlehem Office
(717) 787-4236 - Harrisburg Office
Cell - 484-554-1038

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Tuesday, July 29, 2025 7:52:34 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jkeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Davis, Thomas <tdavis@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Tully, Cathy <catully@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Keller, Paul <pakeller@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>
Subject: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction

■ EXTERNAL EMAIL ■

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Doug P. Solomon | Legal Assistant 2
Office of Chief Counsel | Department of State

RECEIVED

From: [Orchard, Kari L.](#)
To: [Solomon, Douglas](#)
Subject: RE: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Date: Tuesday, July 29, 2025 9:45:23 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

July 29, 2025

Received. Thank you!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Tuesday, July 29, 2025 7:55 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Davis, Thomas <tmddavis@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Tully, Cathy <catully@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Keller, Paul <pakeller@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>
Subject: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Importance: High

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dousolomon@pa.gov | www.dos.pa.gov

RECEIVED

From: [Smeltz, Jennifer](#)
To: [Solomon, Douglas](#)
Subject: RE: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Date: Tuesday, July 29, 2025 8:30:07 AM
Attachments: [image001.png](#)

Independent Regulatory
Review Commission

July 29, 2025

Received.

*Jennifer Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Solomon, Douglas <dousolomon@pa.gov>
Sent: Tuesday, July 29, 2025 7:50 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Cc: Abelson, Addie <adabelson@pa.gov>; Rizzi, Alicia (GC) <arizzi@pa.gov>; Keys, Jaclyn (GC) <jackeys@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Giurintano, Jason <jgiurintan@pa.gov>; Davis, Thomas <tmdavis@pa.gov>; Wolfgang, Jacqueline <jawolfgang@pa.gov>; Tully, Cathy <catully@pa.gov>; Worthington, Amber <agontz@pa.gov>; Fuhrman, Rebecca <refuhrman@pa.gov>; Roland, Joel <joeroland@pa.gov>; DeLaurentis, Carolyn <cdelaurent@pa.gov>; Keller, Paul <pakeller@pa.gov>; Farrell, Marc <marcfarrel@pa.gov>
Subject: DELIVERY NOTICE REGULATION # 16A-728 Virtual Instruction
Importance: High

◎ CAUTION : External Email ◎

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