

Massage Therapy Program Instructors
(February 3, 2014)

The Montana Board of Massage Therapy (Board) has been asked if instructors in massage therapy programs in Montana must be licensed by the Board.

Montana Code Annotated § 37-33-501(1) says “a person who is not eligible for a license under 37-33-503 may not practice or purport to practice massage therapy.”

Montana Code Annotated § 37-33-403(4)(a)(i) provides that massage therapy “means the application of a system of structured touch, pressure, positioning, or holding to soft tissues of the body, Swedish massage, effleurage, petrissage, tapotement, percussion, friction, vibration, compression, passive and active stretching or movement within the normal anatomical range of motion, the external application of water, heat, cold, lubricants, salts, skin brushing, or other topical preparations not classified as prescription drugs, providing information for self-care stress management, and the determination of whether massage is contraindicated and whether referral to another health care practitioner is recommended.”

Montana Code Annotated § 37-33-403(4)(a)(ii) provides that “the techniques described in subsection (4)(a)(i) . . . are primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation.

Montana Code Annotated § 37-33-404 specifies certain exemptions from the requirement that a license be obtained. Of significance to this position paper are the following subsections of § 37-33-404:

(1) The provisions of this chapter do not limit or regulate the scope of practice of any other profession licensed under the laws of this state, including but not limited to medicine, dentistry, osteopathy, podiatry, nursing, physical therapy, chiropractic, acupuncture, veterinary medicine, occupational therapy, naturopathic medicine, cosmetology, manicuring, barbering, esthetics, electrology, professional counseling, social work, psychology, or athletic training.

(2) A continuing education course instructor is not required to be licensed as a massage therapist.

(3) A massage therapy student, when enrolled in a board-approved program and while practicing the skills of massage therapy designated as a school-sanctioned activity and under the supervision of a licensed massage therapist, is not required to be licensed.

With each of the foregoing statutes in mind, the Board is of the opinion that an instructor who demonstrates or performs massage therapy modalities or techniques on any person, including but not limited to students, other faculty, or volunteers for a massage therapy program, must be licensed as a massage therapist, even if the instructor has a professional or occupational license the scope of practice for which encompasses the specific modality or technique being demonstrated or performed. An interpretation of the law that allows someone without a license to practice massage therapy to instruct and qualify those who will become applicants for licensure in Montana is an inconsistent and even an absurd result. The Board sees exemptions for instructors of continuing education and for students of massage therapy programs who are being supervised by licensed massage therapists, but no exemption

for instructors at massage therapy programs. The Board sees one who instructs students in the modalities or techniques of massage as practicing or purporting to practice massage, and the instruction is “primarily intended to enhance or restore health and well-being” because that is what the instructor is preparing the students to do, to apply the modalities and techniques on the public.

Example No. 1: An instructor at a massage therapy program has no Montana license to practice any profession, but in the course of instruction demonstrates “active release therapy” on one of the students. This person is practicing massage therapy and must be licensed to teach massage therapy in Montana.

Example No. 2: An instructor is currently a licensed chiropractor and in the course of instruction within a massage therapy program, demonstrates techniques that fall within the scope of practice for the instructor’s chiropractor license. By instructing “massage therapy,” this person is practicing massage therapy and must be licensed to teach massage therapy in Montana. The key element involves the teaching of massage therapy. If the instructor was not teaching, but rather using chiropractic science to treat a patient as a chiropractor under that license and outside the setting of a massage therapy program, the person would not be required to have a massage therapy license.