

**PROSPECTIVE ANALYSIS**  
**BOARD OF MASSAGE THERAPY**

IDAPA 24.15.01

**RULE 330 (PROVISIONAL PERMIT)**

**Legal Authority:** This is a questionable authority of the Board. Idaho Code § 54-4009 states that for an applicant to receive a license, he or she “ (5) Has successfully passed a nationally recognized competency examination in massage therapy that is approved by the board. The passage of this exam may have occurred prior to the effective date of this chapter.” However, 54-4007(11) states that the Board has the authority to “Establish requirements for a temporary license and provisional permit.” The board rules allow temporary licensure pending passage of an exam, but that rule may be preempted by 54-4009(5).

**State Law Comparison**

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
<b>Alaska</b>	Alaska only allows temporary licensure for military personnel and spouses.  <a href="https://www.commerce.alaska.gov/web/Portals/5/pub/MAS_Statutes.pdf">https://www.commerce.alaska.gov/web/Portals/5/pub/MAS_Statutes.pdf</a>	N/A
<b>Montana</b>	Montana does not address temporary licensure in their rules.  <a href="https://rules.mt.gov/gateway/ChapterHome.asp?Chapter=24%2E155">https://rules.mt.gov/gateway/ChapterHome.asp?Chapter=24%2E155</a>	N/A
<b>Nevada</b>	Nevada allows for temporary licensure pending results of an exam either already taken pending results, or to be taken no more than 90 days from application. The license expires 90 days after issuance. There is no renewal period  <a href="https://www.leg.state.nv.us/NRS/NRS-640C.html#NRS640CSec590">https://www.leg.state.nv.us/NRS/NRS-640C.html#NRS640CSec590</a>	N/A
<b>Oregon</b>	Oregon only allows temporary licensure for military personnel and spouses.  <a href="https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1400">https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1400</a>	N/A

<b>South Dakota</b>	<p>South Dakota’s statute 36-35-12.1 states “the board may issue a temporary permit to practice massage therapy to an applicant who has met the requirements of subdivision 36-35-12(1) to (4), inclusive, pending completion and results of the examination required pursuant to subdivision 36-35-12(5)”. Unlike Idaho’s statute, this specifically allows for temporary permits to be issued pending examination. South Dakota’s statute limits temporary permits to 90 days.</p> <p><a href="https://sdlegislature.gov/Statutes/Codified_Laws/2061247">https://sdlegislature.gov/Statutes/Codified_Laws/2061247</a></p>	N/A
<b>Utah</b>	<p>Utah has no temporary licensure</p> <p><a href="https://adminrules.utah.gov/public/rule/R156-47b/Current%20Rules">https://adminrules.utah.gov/public/rule/R156-47b/Current%20Rules</a>  <a href="https://le.utah.gov/xcode/Title58/Chapter47B/58-47b.html">https://le.utah.gov/xcode/Title58/Chapter47B/58-47b.html</a></p>	N/A
<b>Washington</b>	<p>Washington has no temporary licensure. .</p> <p><a href="https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/massage-therapist/licensing-information">https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/massage-therapist/licensing-information</a></p>	N/A
<b>Wyoming</b>	<p>Wyoming has no requirements for massage licensure.</p> <p><a href="https://rules.wyo.gov/Search.aspx?Agency=078&amp;Program=0001">https://rules.wyo.gov/Search.aspx?Agency=078&amp;Program=0001</a></p>	Idaho requires licensure.

## RULE 500 (CONTINUING EDUCATION)

**Legal Authority:** This is a discretionary authority of the Board. Idaho Code § 54-4007(8) states that the board shall have the power “Establish requirements for renewal of license and approval of continuing education courses as set forth in section 67-2614, Idaho Code.” Idaho Code § 67-2614 provides further guidance on the discretionary bounds for continuing education requirements.

### State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Alaska	16 credits every two years, including two credits of ethics. Must also maintain CPR certification. <a href="https://www.commerce.alaska.gov/web/Portals/5/pub/MAS_Statutes.pdf">https://www.commerce.alaska.gov/web/Portals/5/pub/MAS_Statutes.pdf</a>	N/A.
Montana	12 hours every two years. <a href="https://rules.mt.gov/gateway/ruleno.asp?RN=24%2E155%2E801">https://rules.mt.gov/gateway/ruleno.asp?RN=24%2E155%2E801</a>	Idaho’s rules specify 2 hours of ethics.
Nevada	24 hours every two years <a href="https://www.leg.state.nv.us/NAC/NAC-641A.html#NAC641ASec146">https://www.leg.state.nv.us/NAC/NAC-641A.html#NAC641ASec146</a>	Idaho requires fewer hours, but specifies 2 hours of ethics education.
Oregon	25 hours every two years, 4 hours in ethics, 1 hour of cultural competency, 1 hour of pain management. <a href="https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=289787">https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=289787</a>	N/A
South Dakota	8 hours every two years. <a href="https://sdlegislature.gov/Rules/Administrative/29629">https://sdlegislature.gov/Rules/Administrative/29629</a>	Idaho requires 12 hours with 2 hours of ethics.
Utah	No CE requirement in rule or code. <a href="https://adminrules.utah.gov/public/rule/R156-47b/Current%20Rules">https://adminrules.utah.gov/public/rule/R156-47b/Current%20Rules</a> <a href="https://le.utah.gov/xcode/Title58/Chapter47B/58-47b.html">https://le.utah.gov/xcode/Title58/Chapter47B/58-47b.html</a>	Idaho requires 12 hours with 2 hours of ethics.
Washington	24 hours every two years with 8 hours in person and supervised, 4 hours in professional ethics, and maintenance of CPR certification.	N/A

	<a href="https://app.leg.wa.gov/wac/default.aspx?cite=246-830-475">https://app.leg.wa.gov/wac/default.aspx?cite=246-830-475</a>	
<b>Wyoming</b>	Wyoming does not regulate massage licensure. <a href="https://rules.wyo.gov/Search.aspx?Agency=078&amp;Program=0001">https://rules.wyo.gov/Search.aspx?Agency=078&amp;Program=0001</a>	Idaho regulates massage licensure.