ARC 0714D

INSPECTIONS, APPEALS, AND LICENSING DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to professional licensing division fees, discipline for massage therapists, and licensure of massage therapy establishments and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 507, "Professional Licensing Division Fees," Chapter 824, "Discipline for Massage Therapists," and to adopt a new Chapter 826, "Licensure of Massage Therapy Establishments," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 147, 152C, and 272C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 147, 152C, and 272C and 2026 Iowa Acts, Senate File 2068.

Purpose and Summary

This proposed rulemaking updates the Board of Massage Therapy's rules to implement 2026 Iowa Acts, Senate File 2068. This rulemaking will allow the Board to issue a massage therapy establishment license. The Board may perform an inspection prior to issuing an establishment license. This rulemaking will allow the Board to deny an application if the applicant is a massage therapist who is not in good standing or holds a suspended license, or an applicant who is under criminal investigation or has a disqualifying criminal history, as described in Senate File 2068. The rulemaking will allow the Board to revoke a license based on public complaint, upon receiving evidence of misconduct including disqualifying criminal acts, or upon a finding that the application was fraudulent, or to take emergency action to suspend a license upon discovery of pending criminal charges against an establishment owner or officer. This rulemaking also adds language regarding the model rules for discipline that was inadvertently removed from the discipline chapter for massage therapists.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 2026

The agency added definitions for the terms "grace period" and "license expiration date" and added subrules about massage therapy establishment license renewal regarding late renewal and renewal of an inactive license.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on December 1, 2026. Comments should be directed to:

Emily DeRonde
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Email: emily.deronde@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** subrules 507.8(11) to 507.8(13):

507.8(11) Initial application fee for massage establishment license is $400.

507.8(12) Triennial establishment license renewal fee is $400.

507.8(13) Establishment reactivation fee is $460.

ITEM 2. Renumber subrules **824.1(3)** to **824.1(5)** as **824.1(4)** to **824.1(6)**.

ITEM 3. Adopt the following **new** subrule 824.1(3):

824.1(3) Civil penalties may be imposed upon a person who operates an establishment without a license. Failure to follow the above may result in:

a. A civil penalty not to exceed $1,000 on a person or business that violates this rule.

(1) Each violation is a separate offense.

(2) Each day a continued violation occurs after citation by the board is a separate offense, with the maximum penalty not to exceed $10,000;

b. The board's inspection of any facility that advertises or offers services purporting to be delivered by massage therapists;

c. A citation sent to the alleged violator by certified mail, return receipt requested; and

d. The board's consideration of the following in determining civil penalties:

(1) Whether the amount imposed will be a substantial economic deterrent to the violation.

(2) The circumstances leading to or resulting in the violation.

(3) The severity of the violation and the risk of harm to the public.

(4) The economic benefits gained by the violator as a result of noncompliance.

(5) The welfare or best interest of the public.

ITEM 4. Renumber rule **481—824.1(152C)** as **481—824.2(152C)**.

ITEM 5. Adopt the following **new** rule 481—824.1(152C):

481—824.1(152C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule 481—504.3(272C) when the board determines that the licensee is guilty of any of the following acts or offenses or those listed in 481—Chapter 504 or Iowa Code chapter 152C.

ITEM 6. Adopt the following **new** 481—Chapter 826:

CHAPTER 826
LICENSURE OF MASSAGE THERAPY ESTABLISHMENTS

481—826.1(152C) Definitions.

"DCI" means the division of criminal investigation.

"Department" means the department of inspections, appeals, and licensing.

"Establishment" means the same as defined in Iowa Code section 152C.1.

"FBI" means the Federal Bureau of Investigation.

"Grace period" means the 30-day period following expiration of a license when the license is still considered to be active.

"License expiration date" means the fifteenth day of the anniversary month every three years.

"Owner" means any person, partner, member or corporate officer holding an equity or ownership interest of 10 percent or greater in a massage therapy establishment.

"Sole practitioner" means the same as defined in Iowa Code section 152C.1.

481—826.2(152C) Massage establishment license. Effective January 1, 2027, an establishment shall not operate unless the owner has obtained a license issued by the board.

826.2(1) Applicants shall submit the following:

a. A completed online application for licensure under the applicant's legal name. Aliases are prohibited.

b. Payment of the nonrefundable licensure fee specified in rule 481—507.8(147).

c. Required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check by the DCI and the FBI. The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant.

826.2(2) Multiple owners. If an establishment is owned by more than one person, all legal owners of the massage establishment must be listed on the application and each legal owner shall submit the fee and waiver for background check.

826.2(3) Massage establishment license transfer. The owner of an establishment will not transfer the establishment license with the purchase of the establishment. If an establishment changes ownership, the new owner will need to submit a new application for an establishment license as specified in this rule.

481—826.3(152C) License display. The license certificate and proof of active licensure will be displayed in a conspicuous public place.

481—826.4(152C) Massage therapy establishment license renewal.

826.4(1) The triennial license renewal period begins on the sixteenth day of the anniversary month and ends on the fifteenth day of the anniversary month three years later. The licensee is responsible for renewing the license prior to its expiration.

826.4(2) A licensee seeking renewal shall submit a completed renewal application and renewal fee specified in rule 481—507.8(147) before the license expiration date.

826.4(3) Late renewal. A license not renewed by the expiration date will be assessed a late fee as specified in 481—subrule 507.8(4). Completion of renewal requirements and submission of the late fee within the grace period are needed to renew the license.

826.4(4) Inactive license. An establishment that fails to renew the license by the end of the grace period has an inactive license. An establishment whose license is inactive continues to hold the privilege of licensure in Iowa but may not operate in Iowa until the license is reactivated. An establishment that operates in the state of Iowa with an inactive license may be subject to disciplinary action by the

board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

481—826.5(152C) License reactivation.

826.5(1) An establishment with an inactive license may apply to reactivate in accordance with this rule.

826.5(2) The licensee shall submit all of the following:

a. A completed online application for licensure and the nonrefundable licensure fee specified in rule 481—507.8(147).

b. If the establishment owner has not completed a background for two or more years, the required waivers and fingerprints pursuant to the board-approved process to facilitate a national criminal history background check. The cost for the evaluation of the fingerprint packet and the DCI and FBI criminal history background checks will be assessed to the licensee. The board may withhold reactivation of a license pending receipt of a report from the DCI and FBI.

481—826.6(152C) Establishment inspections. The board may perform a sanitary inspection of an establishment prior to the issuance of a license and may perform a sanitary inspection of each establishment biennially. An inspection of an establishment may also be conducted upon receipt of a complaint by the board.

826.6(1) Personnel requirements.

a. Massage therapists must hold a current massage therapist license from the board unless exempted by regulation or statute.

b. Massage therapists conducting massage at an establishment shall be deemed the responsibility of the operator of the establishment.

c. A person licensed or who purports to be licensed in the establishment shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid Iowa massage therapist license, a valid establishment license if applicable, and a government-issued identification to the peace officer. A person who violates this subrule commits a serious misdemeanor.

826.6(2) Facility requirements.

a. The establishment shall maintain a properly installed smoke detector and fire extinguisher.

b. Massage therapy may be conducted only in rooms that are adequately lighted and ventilated.

c. Floors, walls, ceilings and windows must be kept free of dust, soil, and other unclean substances.

d. Massage therapy rooms must have sufficient clearance for mobile carts and unobstructed practitioner movement during therapy.

e. Every establishment shall have accessible restroom facilities, including at least one toilet with toilet tissue provided, a hand sink with soap, disposable towels, single use linens, or air dryers provided.

f. Every establishment shall have handwashing facilities for therapist use. Said facilities shall provide an adequate supply of hot water.

g. Handwashing facilities for establishments shall be accessible for the practitioners.

h. Soap, disposable towels, single use linens or air dryers and adequate waste receptacles shall be provided at all times.

i. Toilet and handwashing facilities shall meet the requirements of the state plumbing code and shall be maintained in good repair, well-lighted and adequately ventilated, kept in a clean and sanitary condition and free of vermin.

j. Every establishment shall provide for safe and unobstructed passage in the public and private areas of the premises.

k. Facilities shall be provided for the storage and removal of garbage, waste and refuse.

l. Any flammable or hazardous materials in the establishment shall be stored in a safe manner in accordance with local and state regulations.

826.6(3) Equipment requirements.

a. All equipment and supplies used in the performance of massage shall be maintained in a safe and clean manner. All tables and other cleanable surfaces that come into contact with clients shall be

cleaned by the regular application of a cleanser and sanitized with an EPA-registered sanitizer. Each client shall receive a separate, clean covering for use on the massage table, such as sheets or towels.

b. All reusable sheets, towels, and other cloth materials used in the conduct of a massage that come in contact with a client shall be laundered after each use.

c. Each establishment shall maintain a sufficient supply of clean linens, to include towels, gowns or sheets for the purpose of draping each client while the client is being massaged.

481—826.7(152C) Recordkeeping. An establishment shall keep records for a period of three years from the date the record is created that include all of the following:

826.7(1) The name and license number of each massage therapist who has worked at the establishment.

826.7(2) A calendar or schedule of appointments and receipts that shall include the name of each client and the name of each massage therapist who provided massage therapy to the client.

These rules are intended to implement Iowa Code chapter 152C.