

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 824, 826 and 507
“Massage Therapy—Discipline, Licensure; Professional Licensing Division Fees”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147, 152C and 272C
State or federal law(s) implemented by the rulemaking: 2026 Iowa Acts, Senate File 2068, and
Iowa Code chapters 147, 152C and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 8, 2026
2 p.m.

6200 Park Avenue
Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Board of Massage Therapy no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking updates the Board’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.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no anticipated costs to this rulemaking other than the costs already incurred by the Board to enforce the rules. Massage therapy establishments will incur costs in licensing fees to obtain this license.

- **Classes of persons that will benefit from the proposed rulemaking:**

This rulemaking requires establishment owners to comply with a background check and apply for licensure, hopefully decreasing illicit activity and criminal acts in these establishments.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- **Quantitative description of impact:**

Members of the public would incur no costs other than payment for massage services provided. Establishment owners will be responsible for obtaining the background check and paying licensure fees for the establishment.

- **Qualitative description of impact:**

The Board believes that the costs are justified by the benefits achieved because the rules require owners to obtain establishment licenses, hopefully decreasing illicit activity and criminal acts in establishments.

3. Costs to the State:

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are for the staff time needed to manage Board activities, which include oversight of practice standards and requirements. The Board would still need to review and approve applications for massage therapy establishments, requiring additional staff time. The time needed to manage this provision is generally in the form of responding to questions related to establishment licensing requirements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557.

- **Anticipated effect on State revenues:**

This rulemaking has no anticipated impact on State revenues. Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The Board is required by 2026 Iowa Acts, Senate File 2068, to implement these rules.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Board is required by Senate File 2068 to implement these rules. The Board has not identified any alternative methods to carry out this rulemaking.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The Board is required by Senate File 2068 to implement these rules. The Board has not identified any alternative methods to carry out this rulemaking.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Board is required by Senate File 2068 to implement these rules. The Board has not identified any alternative methods to carry out this rulemaking.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Sole practitioners in smaller businesses who practice alone are exempt from this rule because it only applies to massage therapy establishments.

Text of Proposed Rulemaking

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 \$250.

507.8(12) Triennial establishment license renewal fee is \$250.

507.8(13) Establishment reactivation fee is \$250.

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.

“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 July 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.

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.