

BEFORE THE IOWA BOARD OF MASSAGE THERAPY

<p>IN THE MATTER OF THE PETITION FOR WAIVER FILED BY:</p> <p>ELIZABETH LOUISE DAVIS,</p> <p>Petitioner.</p>	<p style="text-align: center;">ORDER GRANTING WAIVER</p>
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code rule 481-821 (adopting the Uniform Waiver Standards found in 481 Iowa Administrative Code chapter 6), the Iowa Board of Massage Therapy (“Board”) makes the following ruling on the Petition for Waiver submitted by Ellie Davis (“Petitioner”) on August 2, 2025.

FACTUAL CIRCUMSTANCES

1. Petitioner has filed a Petition to Waive Iowa Administrative Code rule 481-821.1, which defines a Board-approved school for massage therapy as a school *that requires at least 600 hours of supervised academic instruction*; has been recognized as legitimate by the board in the state where the school is located or in the state where the school was located if the school has since closed; has been recognized by a similar board in another jurisdiction that licenses massage therapists if massage therapy is not a licensed profession in the state where the school is located; and has not been denied, suspended, or revoked by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).
2. On May 4, 2009, Petitioner was granted a Colorado License to Practice Massage Therapy. On or about January 31, 2011, Petitioner’s Colorado License to Practice Massage Therapy expired.
3. For approximately twenty (20) years, Petitioner has worked as a massage therapist, and teaches Chi Nei Tsang, a form of internal organ massage. In 2014, Petitioner moved to Stockholm, Sweden, and worked as a massage therapist at the Grand Hotel in Sweden from August 2014,

to May 2016, and from September 2022, to February 2024.

4. On or about July 14, 2024, Petitioner completed seven hundred and twenty (720) hours of training in Tao Touch Chi Nei Tsang from Gilles Marin's School of Tao Touch in Berkely, California. Tao Touch is not a Board-approved school for massage therapy.
5. On or about November 11, 2024, Petitioner completed a two hundred and fifty (250) course study of Anatomy and Physiology, which included one hundred (100) hours of live online course attendance, from the Craniosacral Therapy Educational Trust in the United Kingdom. The Craniosacral Therapy Educational Trust is not a Board-approved school for massage therapy.
6. On or about June 11, 2025, Petitioner graduated from Crestone Healing Arts Center in Colorado, with 520 hours of supervised academic instruction, which is eighty (80) hours short of the Iowa requirement to attend a Board-approved school that has at least six hundred (600) hours of supervised academic instruction. Crestone Healing Arts Center is not a Board-approved school for massage therapy but is recognized by the State of Colorado as an approved school for massage therapy.
7. On or about July 10, 2025, Petitioner passed the Massage and Bodywork Licensing Examination, the MBLEx, proof of which was sent directly from the testing authority to the Board.
8. To be eligible for the MBLEx, an individual must graduate from or be enrolled in an approved massage therapy education program, which requires a high school diploma or GED and includes 500 to 1000 hours of training. An individual must also submit education verification

to the Federation of State Massage Therapy Boards (FSMTB) after you apply.

9. Creston Healing Arts Center in Colorado meets all of Iowa's requirements for a Board-approved school, with the exception that its program is five-hundred and twenty (520) hours, rather than six hundred (600) hours. Petitioner requests that her completion of nine-hundred and seventy (970) hours of education in 2024, as well as her work history, make up for the eighty (80) hours of education missing from Creston Healing Arts Center in Colorado.
10. Petitioner appeared at the Board Meeting on September 2, 2025, and answered questions from members of the Board. Petitioner also submitted materials, including certificates of training, a resume, and a letter of reference from an Iowa Licensed Massage Therapist.
11. The Board considered the Petition for Waiver at a meeting on September 2, 2025, and unanimously voted to approve the Petition for Waiver.

APPLICABLE LAW

12. Pursuant to Iowa Administrative Code rule 481-6.1(3), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:
 - a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 - b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
 - c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and

- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.
13. “The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver.” Iowa Admin. Code r. 481-6.1(8)(b).
14. The Board's rules provide “[t]he final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated . . . based on the unique, individual circumstances set out in the petition.” Iowa Admin. Code r. 481-6.1(8)(a). “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” *Id.* at 481-6.1(8)(f).
15. “The agency may place any condition on a waiver that the agency finds desirable to protect the public health, safety, and welfare.” Iowa Code § 17A.9(3).

ANALYSIS OF WAIVER CRITERIA

Whether the application of the rule would create an undue hardship on the person for whom the waiver is requested:

In order to complete six-hundred (600) hours of education from a Board-approved school, Petitioner would need to enroll in a new program and complete an entire 600 hours. The application of this rule would create an undue hardship on Petitioner, as within the past two (2) years, Petitioner has spent a great deal of money on more than nine-hundred (900) hours of relevant course work.

Whether the waiver from the requirements of the rule in the specific case would prejudice the substantial legal rights of any person:

Waiving the requirements of this rule would not prejudice the substantial legal rights of any person.

Whether the provision of the rule subject to the petition for waiver is not specifically mandated by another provision of law:

The requirement found in the Board's administrative rule is not specifically mandated by statute.

Whether substantially equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested:

The public health, safety, and welfare will not be adversely affected by granting this waiver. In the past two (2) years, Petitioner has a total of more than one-thousand hours of course work in massage therapy. In the past eleven (11) years, Petitioner has worked continuously as a massage therapist and/or as a teacher in the area of massage.

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481-883.3(3)

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the requirement to complete six hundred (600) hours of education from a Board-approved school.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of the requirement to complete six hundred (600) hours of education from a Board-approved school is **GRANTED**. The waiver shall be valid indefinitely.

Issued the 22nd day of October, 2025

A handwritten signature in cursive script that reads "LeAnn Stevens". The signature is written in black ink and is positioned above a horizontal line.

LeAnn Stevens, Chairperson
Iowa Board of Massage Therapy