



ADMINISTRATIVE RULES OF MONTANA



24.155.901 UNPROFESSIONAL CONDUCT

- (1) The following conduct is unprofessional conduct justifying disciplinary action against a licensee:
 - (a) incompetence, negligence, or use of any modality procedure in the practice of a profession which results in an unreasonable risk of physical injury to the client;
 - (b) accepting and performing massage therapy responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
 - (c) engaging in or soliciting sexual contact or sexual intercourse, as those terms are defined in 45-2-101, MCA, with a client, when such act or solicitation is related to the practice of massage therapy, or failing to refrain from any provision of ARM 24.155.902(6);
 - (d) advertising massage therapy services or instruction in a manner that is inaccurate, deceptive, sexually suggestive, or explicitly sexual;
 - (e) failing to adequately supervise auxiliary staff or massage therapy students to the extent that the consumer's health or safety is at risk;
 - (f) failing to comply with continuing education requirements set forth in ARM Title 24, chapter 155, or failing to supply continuing education documentation as requested by the board in accordance with applicable statutes and rules, or supplying misleading, incomplete, or false information relative to continuing education;
 - (g) failing to cooperate with an investigation that is the result of a complaint;
 - (h) failing to maintain records in accordance with ARM 24.155.402;
 - (i) violation of any of the provisions of statute or rule applicable to the practice of massage therapy; or
 - (j) failing to display licensee's license conspicuously in licensee's principal place of business while performing any activities related to massage therapy. Licensees with a mobile practice will show the license upon request by the client.

Authorizing statute(s): 37-1-131, 37-1-136, 37-1-319, MCA

Implementing statute(s): 37-1-136, 37-1-316, 37-1-319, MCA

History: NEW, 2010 MAR p. 2382, Eff. 10/15/10; AMD, 2018 MAR p. 1038, Eff. 5/26/18; AMD, 2020 MAR p. 1327, Eff. 7/25/20.