



New Mexico Regulation and Licensing Department OFFICE OF THE SUPERINTENDENT

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Tuesday, November 17, 2020

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PUBLIC NOTICE

GUIDANCE REGARDING PROVISION OF MASSAGE THERAPY SERVICES DURING THE CURRENT PUBLIC HEALTH ORDER

Due to a significant increase in COVID-19 outbreak in New Mexico, an amended public health order was issued on Monday, November 16, 2020 and is effective through Monday, November 30, 2020. A copy of the current public health order is available on the New Mexico Department of Health website at the following Internet link: <https://cv.nmhealth.org/wp-content/uploads/2020/11/111620-PHO.pdf>.

The Regulation and Licensing Department (RLD) has received communications concerning whether massage therapy services, which have been prescribed by a licensed medical professional, may continue to be provided by licensed massage therapists in New Mexico under the current public health order. In response, the RLD recommends careful review of the language of the current public health order, and strict compliance with the terms of the order. As is clearly stated in the public health order, “all New Mexicans should be staying in their homes for all but the most essential activities and services.”

As guidance on the subject of what will constitute “the most essential activities and services”, the RLD notes that the current public health order includes definitions of words and terminology utilized in the order, which include “essential businesses” and “close-contact businesses.” See below:

- (1) “Essential businesses” means any business or non-profit entity falling within one or more of the following categories:
 - (a) Health care operations including hospitals, walk-in-care health facilities, pharmacies, medical wholesale and distribution, home health care workers or aids for the elderly, emergency dental facilities, nursing homes, residential health care facilities, research facilities, congregate care facilities, intermediate care facilities for those with intellectual or developmental disabilities, supportive living homes, home health care providers, drug and alcohol recovery support services, and medical supplies and equipment manufacturers and providers;...
- (2) “Close-contact businesses” include barbershops, hair salons, gyms, group fitness classes, tattoo parlors, nail salons, spas, massage parlors,

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esthetician clinics, tanning salons, guided raft tours, guided balloon tours, bowling alleys, ice skating rinks, and personal training services.

As “close-contact businesses” are not included within the definition of “essential businesses” in the current public health order, any exceptions in the “DIRECTIONS” section that apply to “essential businesses” do not apply to “close-contact businesses.” [See pages 6 and 7 of the current public health order.]

Given the foregoing, massage therapists should only provide services when they are absolutely necessary for medical purposes. When considering whether certain types of massage therapy services provided by licensed New Mexico massage therapists may be included in the definition of “essential business” services under the current public health order, careful attention must include, but not be limited to, consideration of the following factors:

- Whether the massage therapy services to be provided have been prescribed by a licensed medical professional;
- Whether the massage therapy services will be provided in a location such as a hospital or other medical facility as described in the current public health order in subsection (a) of the definition of “essential businesses;”
- Whether any portion of the fees for the prescribed massage therapy services are eligible for medical reimbursement by health insurance; and
- Whether it will be possible for the massage therapist to comply with all other mandatory provisions of the current public health order while providing such services.

Any evaluation of whether an exception to the provisions of the current public health order will apply to a particular business or service must be “narrowly construed to encourage New Mexicans to stay in their homes for all but the most essential services.”