

Instructions Application for Business License

The following is required to apply for a massage therapy business license

- Application form
- \$50 application fee. If a business is changing location, the fee is \$25
- Proof of general liability insurance
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A BUSINESS CANNOT PROVIDE MASSAGE THERAPY UNTIL THE BUSINESS LICENSE IS ISSUED.

SECTION I – GENERAL INFORMATION

1. The applicant must designate the business s one of the following --

New Massage Therapy Business –Location has never been licensed as a massage therapy business

Change of Ownership –Location has a massage therapy business license, however, there is a new owner and/or manager.

Change in Location- Location has massage therapy business license and is moving to a different address. Fee is \$25 for a change in location.

Reinstate License –Location had a massage therapy business license that expired. The **location & owner/manager** have **not** changed.

SECTION II – BUSINESS INFORMATION

2. Name of Establishment – This name will be printed on the license.

3. d/b/a – Doing Business As –Some businesses have a corporate name and a business name. This name will be printed on the license also.

4. Business Type – The applicant must designate if the business is one of the following:

A. Spa – While neither the law nor regulation defines the word spa, in general, a spa provides a variety of services such as massage therapy, facials and a variety of body treatments.

B. Salon – While neither the law nor regulation defines the word “salon”, the term salon refers to beauty shop, beauty salon and relates to section 329.010(6) RSMo of the cosmetologists, hairdressers and manicurists statute. The law defines a cosmetology establishment as, “...that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering cosmetology services.” This business will have a license from the Board of Cosmetology and Barber Examiners also.

C. Home Based – This type of massage therapy business is located in a residence or licensee’s home.

5. General Liability Insurance

20 CSR 2197-5.010(1) (H) 20 CSR 219-.3.010(4) (A) of the massage therapy regulations require general liability insurance for the massage therapy business. The applicant must check one of the boxes in this section and either provide a copy of the general liability insurance policy or the policy name and number. General liability insurance is issued to a business to protect the business against liability claims arising out of the, operation, products, services etc. provided by that business. It is **not** the same as professional liability insurance required for a massage therapist.

6 – 11. Business Location Information

12. Social Security Number

Please enter the social security number of the individual responsible for the massage therapy business. This social security number must be the same as the social security number used for the background check.

13. Missouri State Tax Identification Number

Effective January 1, 2009 state agencies must require a statement of “no tax due” from the Missouri Department of Revenue before issuing or renewing any state license required for conducting any business where goods are sold at retail. This requirement was enacted in Senate Bill 30 of the 94th General Assembly (2007), and was signed into law by the Governor on June 13, 2007. Please provide the Missouri Sales Tax Identification number to facilitate

verification of compliance with the Missouri Department of Revenue online or a copy of the “no tax due” letter from the Missouri Department of Revenue.

- **NOTE REGARDING SOCIAL SECURITY AND SALES TAX IDENTIFICATION NUMBERS:** Pursuant to § 620.127, RSMo, disclosure of your social security number (SSN) is mandatory. The board will not publicly disclose your SSN without your consent, unless such disclosure is permitted by federal or state law. However, state law allows the board to disclose your SSN in connection with any civil, criminal, administrative or arbitral proceeding, in an investigation in anticipation of litigation, pursuant to a court order, and in the performance of a statutory or constitutional duty or power. The board can also disclose your SSN to another government agency (federal, state or local) and to a private person or entity acting on behalf of, or in cooperation with, a state entity. State law requires the board to provide your SSN to child support and tax compliance officials. Unless authorized by law, the SSN and State tax ID number is confidential and will not be shared with any the public or outside entity.

SECTION III – CORPORATE INFORMATION

Items 14 through 18 must be completed if the business is incorporated or a limited liability corporation.

SECTION IV – BACKGROUND INFORMATION

19 through 22 - Any question with a “yes” answer requires a written explanation included with the application for licensure.

23 and **24** are to be completed if the business is changing its name (23) or ownership (24).

SECTION V – AFFIDAVIT

25. Print the name of the individual responsible for the massage therapy business. This item must correspond to the social security number in item 12.

26. BACKGROUND CHECK

An applicant for a business license must submit to a criminal background check pursuant to section 324.267 RSMo of the licensure law that states, “Any applicant for a license to operate a massage business or a license to practice massage therapy shall authorize the board to conduct a criminal background check...The cost of such background check shall be paid by the applicant.” If an applicant submitted a criminal background check at that same as submitting the application for a student, provisional, or permanent massage the background check for the business license is not required.

Section 43.543 RSMo of Missouri law authorizes state agencies to conduct a background check with the Missouri State Highway Patrol and the Federal Bureau of Investigation.

Cogent is responsible for conducting the digital fingerprinting with sites throughout Missouri and will accept debit or credit cards or on-site payment by check, money order, or cash. If cash is to be paid, an applicant **must have the exact amount** as the vendor may not have change available.

- ✓ All applicants must log into the Missouri Automated Criminal History Site (MACHS) at www.machs.mo.gov to make an appointment to be fingerprinted. The automated registration system walks an applicant through the steps to make an appointment. If an applicant does not have internet access, s/he can call 877/862-2425 and a representative will make the online appointment.
- ✓ An applicant must have the four digit registration number for background check results to be sent to the board. **This registration number is 5407 for individuals applying for student, provisional, full, or business licensure in massage therapy.** The registration number ties all agency identifying information together to insure the background check response is sent to the correct agency.

- ✓ Once the registration process is complete, an applicant will receive a Transaction Control Number (TCN) that is used to track the appointment. Applicants need to take the transaction control number document to the fingerprinting site along with a current photograph.
- ✓ Applicants must have a recent photograph to present to the vendor prior to being fingerprinted.

At the fingerprinting appointment, applicants will be fingerprinted and have their photos taken. A receipt containing the TCN is provided after printing is completed. A copy of this receipt is to be sent to the board office to verify the background check is in process. The results of the fingerprinting will be sent directly to the agency office.

PLEASE BE ADVISED THAT UNTIL THE RESULTS OF THE BACKGROUND CHECK AND INSPECTION ARE RECEIVED AND REVIEWED BY THE BOARD, A LICENSE WILL NOT BE ISSUED.

INSPECTIONS

The Board often receives questions from licensees and businesses regarding the inspection. Please be advised, the inspector may call in advance to schedule an inspection. If s/he visits the business and there is no one available to accompany the inspector, a business card or note will be left for the business owner/manager to contact the inspector. Inspectors are assigned regions within the state to conduct these inspections. Therefore, due to the inspector's schedule s/he may not be able to complete an inspection shortly after a missed attempt, as there are other inspections assigned for a given day. Please be patient and the inspector will attempt to return to the business as soon as possible.

REMEMBER: A BUSINESS CANNOT PROVIDE MASSAGE THERAPY UNTIL THE BUSINESS LICENSE IS ISSUED

Important Notice Concerning Your Fingerprint-based Background Check

As an applicant who is the subject of a state and/or national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you must understand that by mailing your fingerprints to the Missouri State Highway Patrol or to Cogent, the Missouri Fingerprint Services vendor, you hereby agree to the following:

- Your fingerprints will be used to check the criminal history record files of the Missouri State Highway Patrol (MSHP) and/or the Federal Bureau of Investigation (FBI).
- Any criminal history information returned as a result of this search will be made available to requestors pursuant to Chapter 43 RSMo.
- All information, including your fingerprints, photograph, and any demographic data collected during the course of your fingerprint-based record check may be stored in MSHP and/or FBI files. Such data will be subject to comparisons against other submissions received by the MSHP and/or the FBI and to further disseminations by the MSHP or the FBI as may be authorized under the Federal Privacy Act (5USC 552a(b)) or Missouri Revised Statutes.
- Any future updates made to your arrest record may also be shared with the agency requesting this fingerprint-based background check if the requesting agency is a subscriber to the state and/or federal Rap Back program.

Questions about this notice may be directed to the Missouri State Highway Patrol Criminal Justice Information Services Division at 573-526-6153 or machs@mshp.dps.mo.gov

AGENCY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice¹ that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.²

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact the CJIS Audit Unit, Missouri State Highway Patrol CJIS Division, at (573) 526-6153 extensions 2630, 2625 or 2655.

¹ Written notification includes electronic notification, but excludes oral notification.

² See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history record of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.²

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.³

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

¹ Written notification includes electronic notification, but excludes oral notification.

² See 28 CFR 50.12(b).

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).