REGULATORY BOARD REVIEW

West Virginia Massage Therapy Licensure Board

September 2026

PE 26-01-692

1,142	28	5	97%
ACTIVE LICENSEES	COMPLAINTS FY 21–25	AUTHORIZED SEATS	FY 25 RESERVE RATIO

Executive Summary

The Performance Evaluation and Research Division (PERD) reviewed the West Virginia Massage Therapy Licensure Board pursuant to West Virginia Code §4-10-9. In its 2014 review, PERD previously concluded that the lawful practice of massage therapy presents a relatively low risk of harm and recommended less restrictive regulation. However, the Legislature subsequently expanded the Board's responsibilities. Senate Bill 665 (2023) requires licensure of massage establishments, and Senate Bill 786 (2024) authorizes emergency suspension of an establishment when law enforcement is investigating prostitution or human trafficking or when the Board has reasonable cause to believe unlicensed personnel are being employed.

PERD Recommendation

The Board remains necessary because recent law assigns it direct responsibility for regulating establishments and supporting enforcement against illicit massage businesses.

Key Findings

- The Board regulated 1,142 active massage therapists in FY 2025, an increase of approximately 10 percent from FY 2021.
- The Board received 28 complaints from FY 2021 through FY 2025. Most involved unprofessional or unethical conduct or alleged unlicensed practice.
- The Board is financially self-sufficient. Its year-end cash balance ranged from 97 to 130 percent of annual expenditures during FY 2021 through FY 2025.
- The Board complies with most general provisions of Chapter 30; however, it is incomplete in its annual reporting and several other minor compliance deficiencies.
- The Board has one vacant seat, four members serving expired terms.
- The Board's website contains 8 of 12 statutorily required items but lacks a secure ".gov" domain and HTTPS encryption.

The Board and the Profession It Regulates

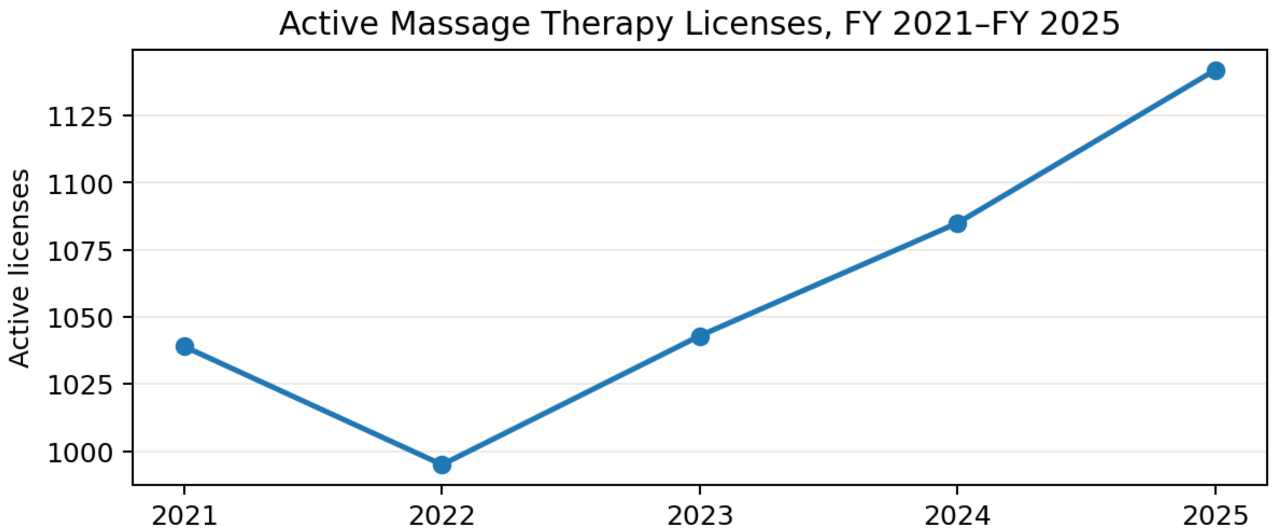
The West Virginia Massage Therapy Licensure Board was established on July 1, 1997, under West Virginia Code §30-37. The Board licenses massage therapists who meet statutory education and competency requirements, proposes rules, establishes fees, and takes disciplinary action when necessary. Massage therapy is defined in statute as the scientific and skillful manipulation of soft tissue for therapeutic or remedial purposes.

1997	§30-37	1,142	2 years
CREATED	STATUTORY AUTHORITY	ACTIVE LICENSEES	RENEWAL PERIOD

Regulation of Massage Therapy Is Common Nationally

Massage therapy is regulated at the state level in nearly every state. According to the Federation of State Massage Therapy Boards data cited in the current PERD review, 46 states and the District of Columbia use state licensure. West Virginia's use of licensure therefore follows the predominant national model.

Licensure Has Increased Since FY 2021



Source: West Virginia Massage Therapy Licensure Board.

West Virginia had 1,142 active licenses in FY 2025, compared with 1,039 in FY 2021. The five-year trend is upward despite a temporary decline in FY 2022.

Licensure Fees

License or Transaction	Initial Fee	Renewal Fee
Individual massage therapist	$50 application + $300 two-year license	$200 every two years
Massage establishment	$100 two-year license	$100 every two years

Source: W. Va. Code of State Rules §194-4.

Why the Board Should Continue

PERD's prior reviews in 2000, 2003, and 2014 concluded that the competent practice of massage therapy generally presents a low risk of physical harm. Complaint experience in the current review supports that conclusion. However, the current policy question is no longer limited to whether individual practitioners require licensure.

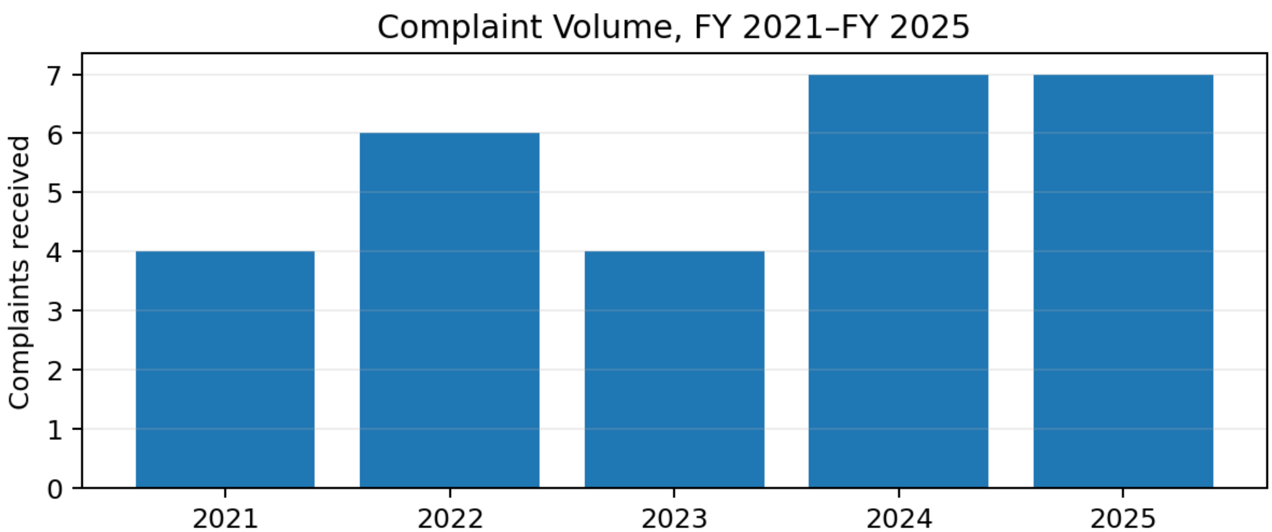
Recent Legislation Expanded the Board's Public-Protection Role

1997	2014	2023	2024
Board created	**Prior PERD review**	**Senate Bill 665**	**Senate Bill 786**
Licensure of massage therapists	Termination or less restrictive regulation recommended	Massage establishments brought under Board licensure	Emergency suspension authority added

Senate Bill 665 requires massage establishments to be licensed and to employ only massage therapists licensed in West Virginia who are U.S. citizens or legal residents with valid work permits. Senate Bill 786 authorizes the executive director to issue an emergency order suspending an establishment's operations when law enforcement provides notice of a prostitution or human-trafficking investigation or when the Board has reasonable cause to believe the establishment employs unlicensed therapists.

Lawful Practice Remains a Relatively Low Risk of Harm

From FY 2021 through FY 2025, the Board received 28 complaints. Sixteen (16) alleged unprofessional or unethical conduct, 10 alleged unlicensed practice, one was Board-initiated, and one alleged sexual assault. The sexual-assault complaint resulted in immediate license suspension and was followed by a criminal conviction. The volume and nature of the remaining complaints did not demonstrate widespread physical harm arising from inadequately trained practitioners or lawful practice.

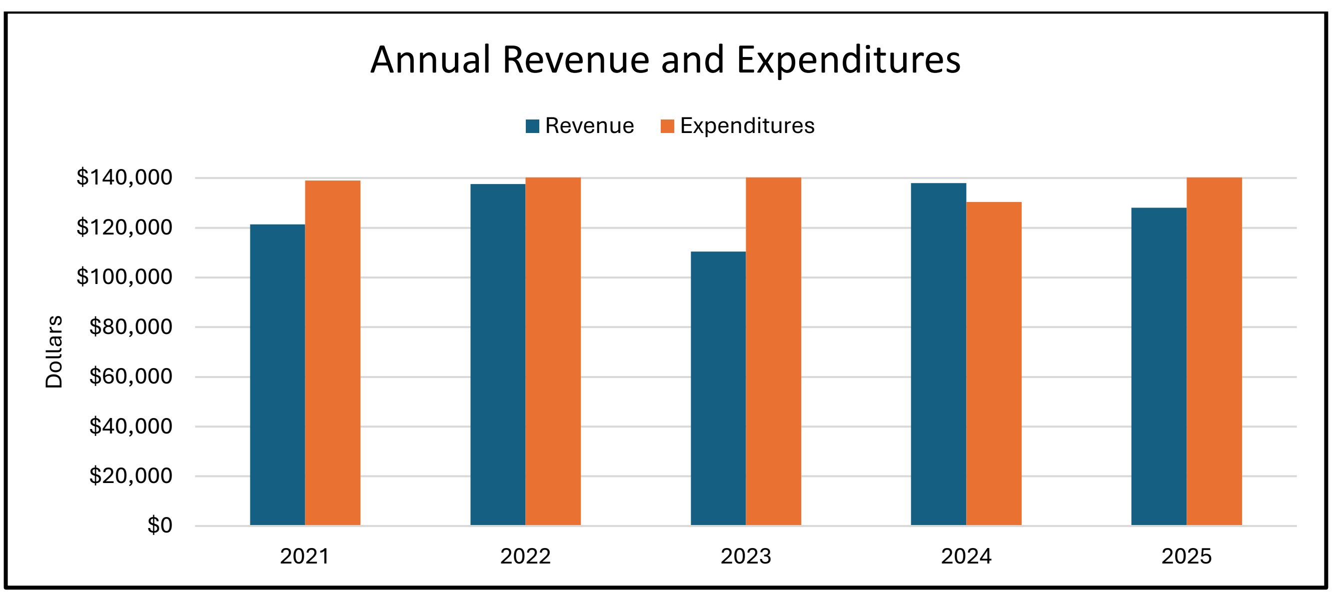


Source: West Virginia Massage Therapy Licensure Board.

Board Performance

The Board generally performs its core responsibilities and complies with most of Chapter 30. Its strongest areas are financial self-sufficiency, complaint resolution, continuing education, and public access to meetings. The principal concerns involve governance, reporting, internal controls, and website compliance.

Financial Condition Is Stable



Source: OASIS WV-FIN-GL-151 Cash Balance report; PERD calculations.

PERD considers a year-end cash balance equal to one to two years of annual expenditures to be prudent. From FY 2021 through FY 2025, the Board's year-end cash balance ranged from 97 to 130 percent of annual expenditures. The five-year average was approximately 114 percent. This supports the conclusion that the Board is financially self-sufficient without holding excessive reserves.

FY	Revenue	Expenditures	Ending Cash	Reserve Ratio	Status
2021	$121,330	$139,058	$180,489	130%	Prudent
2022	$138,245	$140,793	$177,941	126%	Prudent
2023	$110,425	$144,849	$143,517	99%	Prudent
2024	$138,005	$130,398	$151,124	116%	Prudent
2025	$128,119	$141,595	$137,647	97%	Prudent

Internal Controls Can Be Strengthened

The Board employs one full-time employee and two part-time employees. That staffing level does not permit full segregation of collection, depositing, disbursement, and reconciliation duties. PERD compared expected and actual revenues and reviewed expected and required expenditures. The analysis indicates a low risk of fraud occurring, but the control environment can still be improved.

Operational Opportunity

Only 4.4 percent of revenue was collected online on average from FY 2021 through FY 2025. A State Treasurer lockbox and expanded online payment options would reduce staff handling of checks and money orders.

Complaints, Governance, and Chapter 30 Compliance

Complaint Resolution

The Board received 28 complaints during the five-year review period, and three cases resulted in disciplinary action. The average resolution time was 220 days. The Board resolved complaints within the statutory period or through authorized extensions, but it did not issue the required six-month status update in three cases.

Fiscal Year	Complaints	Disciplinary Actions	Average Days to Resolve
2021	4	2	493
2022	6	1	233
2023	4	0	194
2024	7	0	105
2025	7	0	75

Source: West Virginia Massage Therapy Licensure Board.

Board Composition and Attendance

West Virginia Code §30-37-3 requires five members: three massage therapists, one citizen member, and one osteopathic physician or chiropractor. At the time of review, the physician or chiropractor seat was vacant, and the other four members were serving after expiration of their terms. The chairperson and two other members also did not attend the required State Auditor Seminar for regulatory-board training.

Statutory Position	Member	Term Expires	Status	Training	Training Attendance
Massage therapist (Ch)	Filled	6/30/25	Holdover	State Auditor Seminar	No
Massage therapist	Filled	6/30/26	Holdover	State Auditor Seminar	No
Massage therapist	Filled	6/30/25	Holdover	State Auditor Seminar	No
Citizen member	Filled	6/30/26	Holdover	State Auditor Seminar	Yes
Osteopathic physician or chiropractor	Vacant	Vacant	Vacant	State Auditor Seminar	Vacant

Compliance Summary

Area	Assessment	Key point
Financial self-sufficiency	Compliant	Prudent reserve level
Complaint procedures	Mostly compliant	Three six-month updates were not issued
Continuing education	Compliant	24 hours each biennial period
Board composition	Needs attention	One vacancy and four holdovers
Annual reporting	Not compliant	Required reports were not submitted every year
Applicant register	Not compliant	Register and request form incomplete
Public access	Compliant	Meetings posted as required

Website Transparency and Security

West Virginia Code §5F-1-7 establishes standard content for state agency websites. The Board's website contained 8 of the 12 required items reviewed by PERD. It did not include office hours, an organizational chart, meeting minutes, or annual reports.

Required Information	Present	Action Needed
Office location	Yes	Maintain
Mailing address	Yes	Maintain
Telephone number	Yes	Maintain
Office hours	No	Add or update
Organizational chart	No	Add or update
Meeting minutes	No	Add or update
Annual reports	No	Add or update
Board or agency description	Yes	Maintain
Rules and statutes	Yes	Maintain
Public records information	Yes	Maintain
Contact information	Yes	Maintain
Frequently Asked Questions (FAQ)	Yes	Maintain

The Website Does Not Clearly Present as a Secure Government Site

The Board uses a ".org" domain rather than the ".gov" domain reserved for verified government entities. PERD also observed that the site lacked HTTPS encryption and displayed a browser warning that it was not secure. A .gov domain and HTTPS encryption would strengthen public confidence and protect information transmitted between users and the website.

Legislative Policy Option

Amend West Virginia Code §5F-1-7 to require official state agency websites to use a registered .gov domain and HTTPS encryption.

Findings and Recommendations

The Board should continue, but continuation does not mean that identified deficiencies should be deferred until the next 12-year review. The following actions are designed to preserve the Board's public-protection role while improving governance, transparency, and administrative controls.

Finding 1 — The Board Is Necessary Under Its Expanded Statutory Responsibilities

The lawful practice of massage therapy continues to present a comparatively low risk of physical harm. Nevertheless, the Legislature assigned the Board new responsibilities in 2023 and 2024 that directly address the operation of massage establishments and possible illicit activity. Eliminating or consolidating the Board at this time would require the Legislature to identify another entity capable of administering those duties.

Finding 2 — Governance and Chapter 30 Compliance Need Attention

One statutory seat is vacant, the other four members are serving expired terms, and the statutorily required State Auditor's Seminar has not been attended by all members. The Board also has deficiencies related to the register of applicants, annual reports, and six-month complaint status updates.

Finding 3 — Internal Controls Can Be Improved Without Adding Staff

PERD's testing found a low apparent risk of fraud occurring, but the Board's small staff cannot fully segregate financial duties. The Board can reduce handling of paper payments by using services already available through the State Treasurer's Office.

Finding 4 — Website Content and Security Are Incomplete

The website is generally navigable but does not contain all information required by statute and does not use the domain and encryption practices expected of an official government website.

Legislative Summary

PERD's recommendation is continuation with targeted administrative improvements. The following summary is intended to support committee consideration without replacing the underlying analysis.

Question	PERD Assessment	Legislative Implication
Is the Board necessary?	Yes	Continue under current structure.
Is the profession itself high risk?	Generally, no	Continuation rests primarily on establishment oversight and recent statutory duties.
Is the Board financially sustainable?	Yes	No State General Revenue support is indicated.
Are complaints managed appropriately?	Generally, yes	Require consistent six-month status updates.
Is the Board fully constituted?	No	Appointments are needed for one vacancy and four expired terms.
Does statute need amendment?	Potentially	Consider statewide .gov and HTTPS requirements.

Appendix A — Five-Year Data

Licenses, Complaints, and Finances

FY	Active Licenses	Complaints	Revenue	Expenditures	Ending Cash	Reserve Ratio
2021	1,039	4	$121,330	$139,058	$180,489	130%
2022	995	6	$138,245	$140,793	$177,941	126%
2023	1,043	4	$110,425	$144,849	$143,517	99%
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2025	1,142	7	$128,119	$141,595	$137,647	97%

Source: West Virginia Massage Therapy Licensure Board and OASIS; PERD calculations.

Complaint Categories, FY 2021–FY 2025

Category	Complaints
Unprofessional or unethical conduct	16
Unlicensed practice	10
Board initiated	1
Sexual assault	1
Total	28