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TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 117. MASSAGE THERAPY

SUBCHAPTER F. LICENSED MASSAGE SCHOOLS

§117.66. Massage School Cancellation, Refund, and School Closure Policies.

(a) Each massage school shall develop and implement a cancellation and refund policy which must provide a full refund of all monies paid by a student if:

(1) the student cancels the enrollment agreement within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student;

(2) the enrollment of the student was procured as the result of any misrepresentation in advertising, in promotional materials of the massage school or by the owner or massage therapy instructor; or

(3) the student was not provided ample opportunity to read the information provided in §117.62.

(b) The policy must provide for the refund of the unused portion of tuition, fees, and other charges in the event the student, after expiration of the 72-hour cancellation privilege, fails to enter, withdraws from, or is terminated from the program at any time before completion. The policy must provide that:

(1) refunds for each program will be based on the program time expressed in clock hours;

(2) refunds must be consummated within thirty (30) days after the earliest of:

(A) the effective date of termination if the student is terminated;

(B) the date of receipt of written notice from the student of withdrawal; or

(C) ten (10) instructional days following the first day of the program if the student fails to enter;

(3) if tuition is collected in advance of the first day of the program, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the program, not more than $200 shall be retained by the massage school;

(4) if a student enrolls in a massage school and is terminated or withdraws, the minimum refund of the tuition will be:

(A) during the first week or one-tenth of the program, whichever is less, 90% of the unused tuition, fees, and charges;

(B) after the first week or one-tenth of the program, whichever is less, but within the first three weeks of the program, 80% of the unused tuition, fees, and other charges;

(C) after the first three weeks of the program, but within the first quarter of the program, 75% of the unused tuition, fees, and other charges;

(D) during the second quarter of the program, 50% of the unused tuition, fees, and other charges;

(E) during the third quarter of the program, 10% of the unused tuition, fees, and other charges; and

(F) during the last quarter of the program, the student may be considered obligated for the full tuition;

(5) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service charges, rentals, deposits, and all other such ancillary miscellaneous charges, where these items are separately stated and shown in the pre-enrollment information, will be made in a reasonable manner;

(6) if a program is discontinued by the massage school and this prevents the student from completing the program:

(A) all tuition, fees and other charges paid shall be refunded if the student is not provided with a transcript of all successfully completed hours within thirty (30) days of discontinuance of the program; or

(B) in the event an additional or changed location is ten (10) miles or more from the previously approved location of instruction and an enrolled student is unable to complete the program at the additional or changed location as determined by the department:

(i) all tuition, fees and other charges paid shall be refunded if the student is not provided with a transcript of all successfully completed hours within thirty

(30) days of the change of location; or

(ii) all unused tuition, fees, and other charges shall be refunded if a transcript of all successfully completed hours is provided within thirty (30) days of the change of location; and

(7) If a student did not meet the admission requirements of a program and the student does not complete the program for any reason, all tuition and fees shall be refunded.

(c) The school will determine the value of any refund due to the student. If the school received any money designated for the payment of tuition, fees, and other charges and the value of the money is determined to be more than the portion used during the student's enrollment, then the student is eligible for a refund of the unused portion of the money received by the school.

(d) In all refund computations, leaves of absence, suspensions, school holidays, days when instruction is not offered, and summer vacations shall not be counted as part of the elapsed time for purposes of calculating a student's refund.

(e) A massage school is considered to have made a good faith effort to consummate a refund if the student's file contains evidence of the following attempts:

(1) certified mail to student's last known address;

(2) certified mail to the student's permanent address; and

(3) certified mail to the address of the student's parent, if different from the permanent address and if known.

(f) If the department determines that the method used to calculate refunds is not in compliance with this section and if the massage school does not provide the correct refund promptly, the school shall submit a report of an audit conducted by a certified public accountant or public accountant of the refunds due former students. The audit report shall be accompanied by a schedule of student refunds due which shall disclose the following information for the previous four years for each former student:

(1) the name, address(es), and social security number;

(2) the last date of attendance and date of termination;

(3) the amount of refund with principal and interest separately stated, date and check number of payment if payment has been made, and any balance due; and

(4) the reason for refund.

(g) The department may take disciplinary action against the license of a massage school for a violation of this section; however, the department has no authority to recover a refund on behalf of a student.

(h) If a massage school suspends enrollments or closes, it must give written notice to the department within ten (10) days of the suspension or closure. The department shall be furnished with the names and addresses of any students who were prevented from completion by reason of the discontinuance of the program.

(i) Refunds shall be made in accordance with the massage school's refund policy. The effective date of termination for purposes of refunds shall be the last day the student attended school.

Source Note: The provisions of this §117.66 adopted to be effective November 1, 2017, 42 TexReg 4991; amended to be effective February 1, 2020, 45 TexReg 543; amended to be effective January 1, 2022, 46 TexReg 9029.