

By: Representatives Martinson, Barnett
(116th), Flaggs, Green (96th), Janus,
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To: Public Health and
Welfare

HOUSE BILL NO. 1291

1 AN ACT TO REGULATE THE PRACTICE OF MASSAGE THERAPISTS; TO
2 EXEMPT CERTAIN INDIVIDUALS FROM THE PROVISIONS OF THIS ACT; TO
3 CREATE THE STATE BOARD OF MASSAGE THERAPY AND PRESCRIBE ITS DUTIES
4 AND RESPONSIBILITIES; TO AUTHORIZE THE BOARD TO PROMULGATE RULES
5 AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT; TO
6 PROVIDE FOR THE LICENSING OF MASSAGE THERAPISTS; TO PRESCRIBE THE
7 QUALIFICATIONS FOR THE LICENSE; TO PROVIDE FOR THE EXAMINATION OF
8 CERTAIN APPLICANTS; TO PROVIDE GROUNDS FOR THE REVOCATION OF THE
9 LICENSE; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR
10 RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. This act shall be known and may be cited as the
13 "Mississippi Professional Massage Therapy Act."

14 SECTION 2. The Legislature finds that in the profession and
15 practice of massage therapy there is a necessity to preserve and
16 protect individual life and health, promote the public interest
17 and welfare by establishing licensure and assuring public safety,
18 ethics, education, professional referral, truth in advertising,
19 nondiscrimination, regulation and discipline.

20 SECTION 3. (1) The provisions of this act shall not apply
21 to the following:

22 (a) Persons authorized by the laws of this state to
23 practice medicine, surgery, osteopathy, chiropractic or podiatry;

24 (b) Registered nurses and licensed practical nurses
25 under the laws of this state;

26 (c) Registered or licensed physical therapists,
27 licensed physical therapy assistants, licensed athletic trainers,
28 licensed occupational therapists and licensed occupational
29 therapy assistants under the laws of this state;

30 (d) Registered or licensed hairdressers, cosmetologists

31 and estheticians under the laws of this state;

32 (e) Registered barbers under the laws of this state;

33 (f) Students enrolled in a State Board of Massage
34 Therapy approved school and working in a clinical internship, or
35 other state accredited school offering instruction in the
36 professions listed as exempt in this section;

37 (g) Nationally certified feldenkrais practitioners and
38 nationally certified reflexologists.

39 (h) Allied modalities only upon a case-by-case approval
40 by the board.

41 (2) Any exemption granted under this section is effective
42 only insofar as and to the extent that the bona fide practice of
43 the profession or business of the person exempted overlaps into
44 the field comprehended by this law, and exemptions under this
45 section are only for those activities that are currently
46 authorized and performed in the course of the bona fide practice
47 of the business or profession of the person exempted.

48 SECTION 4. For purposes of this act, the following terms
49 shall have the meanings stated in this section, unless otherwise
50 stated:

51 (a) "Massage" or "massage therapy" means the profession
52 in which the practitioner applies massage techniques, and may
53 apply adjunctive therapies, with the intention of positively
54 affecting the health and well-being of the client. "Massage"
55 means effleurage, petrissage, friction, tapotement and vibration,
56 and includes holding, positioning, causing movement of the soft
57 tissues and applying touch and pressure to the body (excluding any
58 osseous tissue manipulation or adjustment). "Therapy" means
59 action aimed at achieving or increasing health and wellness.
60 "Manual" means by use of hand or body. "Adjunctive therapies"
61 means (i) application of heat, cold, water, infrared heat,
62 oriental massage techniques, topical preparations not classified
63 as prescription drugs, (ii) the use of hand held massagers, and

64 (iii) instructed self care and stress management. Massage therapy
65 may be applied in response to physician prescription.

66 (b) "Massage therapist" means a person who is licensed
67 under this act.

68 (c) "Board" means the State Board of Massage Therapy
69 created in this act.

70 (d) "Massage establishment" means a place of business
71 where massage is being conducted.

72 (e) "PMTA" means "Professional Massage Therapy Act."

73 (f) "Pre-act practitioner" means an individual who has
74 practiced professional massage therapy before January 1, 1999.

75 (g) "License" means a State Board of Massage Therapy
76 approved form of credential for the safe and ethical practice of
77 massage therapy within the State of Mississippi.

78 (h) "Provisional permit" means a temporary license
79 approved by the board when all requirements, other than licensure
80 examination, have been met and until the next licensure
81 examination occurs.

82 (i) "Approved massage therapy school" means a facility
83 that meets the school requirements as stated in this act.

84 (j) "Board-accepted hours" means hours of education
85 accepted by the board to meet requirements of exemption and/or
86 continuing education for pre-act practitioners and is different
87 from "board-approved programs" and/or "board-approved school
88 hours."

89 (k) "Classroom hour" means no less than fifty (50)
90 minutes of any one (1) clock hour during which the student
91 participates in a learning activity in the physical presence of a
92 member of the faculty of the school.

93 (l) "Examination" means the State Board of Massage
94 Therapy approved examination for licensure.

95 (m) "Apprenticeship" means a noncompensated program of
96 study, practice and training of one (1) individual directed,

97 taught and trained by one (1) or more licensed massage
98 therapist(s) in a program approved by the board.

99 (n) "Professional" means requiring minimum standards of
100 conduct, ethics and education.

101 SECTION 5. (1) There is created the State Board of Massage
102 Therapy.

103 (2) The board shall consist of five (5) members, who are
104 residents of the State of Mississippi. One (1) member shall be a
105 licensed health professional in a health field other than massage
106 therapy. One (1) member shall be a lay person. The remaining
107 three (3) members shall be qualified massage therapists having not
108 less than three (3) years experience of credentialed massage
109 therapy practice, with at least one (1) year of that practice in
110 this state. Board members shall be appointed by the Governor,
111 with the advice and consent of the Senate. Appointments shall be
112 made within ninety (90) days from the effective date of this act.

113 (3) Board members shall serve for two (2) years and the
114 chairman shall serve for three (3) years. No board member shall
115 serve more than two (2) consecutive terms at a time.

116 (4) The Governor shall appoint subsequent board members and
117 such other officers as he deems necessary. A majority of the
118 board may elect an executive secretary and other such individuals,
119 including an attorney, as may be necessary to implement the
120 provisions of this act. The board may hold additional meetings at
121 such times and places as it deems necessary. A majority of the
122 board shall constitute a quorum and a majority of the board shall
123 be required to grant or revoke a license. The board shall
124 promulgate such rules and regulations as necessary to carry out
125 the provisions of this act. Affected practitioners shall be sent
126 relevant changes no less than once per license renewal.

127 SECTION 6. Before entering upon discharge of the duties of
128 the office, the executive secretary of the board shall furnish a
129 bond, approved by the board, to the state in the sum of Five

130 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
131 the faithful discharge of the duties of the office, the premium on
132 the bond shall be paid from funds paid into the State Treasury by
133 the secretary of the board, and the bond shall be deposited with
134 the Secretary of State. Each month monies received by the
135 secretary of the board shall be deposited by him into the State
136 Treasury and placed in a special fund to be known as the "State
137 Board of Massage Therapy Fund" for the use of the board in
138 carrying out the provisions of this act. The board shall receive
139 no appropriations from any state funds for its support except from
140 the special fund.

141 SECTION 7. Each member of the board shall receive the per
142 diem authorized under Section 25-3-69 for each day actually
143 discharging his official duties, and shall receive reimbursement
144 for mileage and necessary expense incurred, as provided in Section
145 25-3-41. The expenses of the board in carrying out the provisions
146 of this act shall be paid upon requisitions signed by the chairman
147 and/or secretary of the board and warrants signed by the State
148 Fiscal Officer from the State Board of Massage Therapy Fund. Such
149 expenses shall not exceed the amount paid into the State Treasury
150 under the provisions of this act. The fees and charges
151 established under this act shall not exceed the cost of
152 administering the regulatory program of the board pertaining to
153 the purpose for which the fee or charge is established.

154 SECTION 8. (1) The board shall:

155 (a) Adopt an official seal and keep a record of its
156 proceedings, persons licensed as massage therapists, and a record
157 of the licenses that have been revoked or suspended;

158 (b) Keep on file all examination papers for a period of
159 at least ninety (90) days after such examination. A transcript of
160 an entry in such records, certified by the secretary under the
161 seal of the board, shall be evidence of the facts therein stated;

162 (c) Annually, on or before January 5, make a report to

163 the Governor and Legislature of all of its official acts during
164 the preceding year, its total receipts and disbursements, and a
165 full and complete report of relevant statistical and significantly
166 notable conditions of massage therapists in this state as
167 uniformly stipulated by the board;

168 (d) Evaluate the qualifications of applicants for
169 licensure under this act, and advise applicants as to the
170 acceptance or denial of licensure with any reasons for denial
171 within forty-five (45) days;

172 (e) Issue licenses to applicants who meet the
173 requirements of this act;

174 (f) Inspect, or have inspected, when required, the
175 business premises of any licensee during regular business hours,
176 so long as such inspection does not infringe on the privacy of any
177 therapists' clients;

178 (g) Establish minimum training and educational
179 standards for obtaining a license under this act, provided that
180 requirements do not decrease;

181 (h) Establish a procedure for approval of educational
182 standards required by this act;

183 (i) Investigate persons suspected of engaging in
184 practices which may violate provisions of this act;

185 (j) Revoke, suspend or deny a license in accordance
186 with the provisions of this act;

187 (k) Adopt an annual budget;

188 (l) Establish policies with respect to continuing
189 education;

190 (m) Administer massage therapy examinations as provided
191 for and defined in this act;

192 (n) Adopt rules:

193 (i) For apprenticeships, which shall establish a
194 minimum training program and fees in the program that meet the
195 same or greater requirements of study and training as that

196 established by this act;

197 (ii) Specifying standards and procedures for
198 issuance of a provisional license and a provisional permit;

199 (iii) Specifying licensing procedures for
200 practitioners desiring to be licensed in this state who hold an
201 active license or credentials from another state board;

202 (iv) Establishing requirements for a temporary
203 reciprocal license;

204 (v) Setting standards relating to practical
205 demonstrations for licensure applicants to ensure practical
206 knowledge and safety;

207 (o) Make available all forms necessary for carrying out
208 all provisions of this act and any and all necessary business of
209 the board;

210 (p) Establish written duties of the executive
211 secretary;

212 (q) Establish a set of reasonable and customary fines
213 and penalties for violations of this act, and fees, including
214 refund policies, which shall be standardized and not exceeded
215 unless amended with at least thirty (30) days notice to all
216 members;

217 (r) Establish rules, policies, and/or standards to
218 carry out the provisions of this act.

219 (2) Each board member shall be held accountable to the
220 Governor for the proper performance of all duties and obligations
221 of the member's office. Board members shall be immune from civil
222 liability pertaining to any legal functions involving the carrying
223 out of the activities and responsibilities of this act.

224 SECTION 9. The board may adopt rules:

225 (a) Establishing reasonable standards concerning the
226 sanitary, hygienic and healthful conditions of premises and
227 facilities used by massage therapists;

228 (b) Relating to the methods and procedures used in the

229 practice of massage;

230 (c) Governing the examination and investigation of
231 applicants for the licenses issued under this act and the
232 issuance, renewal, suspension and revocation of such licenses;

233 (d) Setting standards for certifying continuing
234 education classes;

235 (e) Requiring that massage therapists supply the board
236 with the accurate, current address or addresses where they
237 practice massage;

238 (f) Establishing the educational, training and
239 experience requirements for licensing by reciprocity;

240 (g) Establishing requirements for issuance and
241 retention of an inactive license and/or provisional permits.

242 SECTION 10. (1) The board may report to the proper district
243 attorney all cases that, in the judgment of the board, warrant
244 prosecution.

245 (2) No municipal or county governmental body, agency or
246 department shall enact or enforce restrictions or requirements
247 regarding massage therapists that are not equally enacted or
248 enforced regarding all licensed health care practitioners. This
249 act supersedes any regulation adopted by a political subdivision
250 of this state relating to the licensing or regulation of any
251 massage therapist and/or massage establishment.

252 (3) Any civil penalty imposed under this section shall
253 become due and payable when the person incurring the penalty
254 receives a notice in writing of the penalty. The notice shall be
255 sent by registered or certified mail. The person to whom the
256 notice is addressed shall have thirty (30) days from the date of
257 mailing of the notice in which to make written application for a
258 hearing. Any person who makes such application shall be entitled
259 to a hearing. The hearing shall be conducted as a contested case
260 hearing. When an order assessing a civil penalty under this
261 section becomes final by operation of law or on appeal, unless the

262 amount of penalty is paid within ten (10) days after the order
263 becomes final, it may be recorded with the circuit clerk in any
264 county of this state. The clerk shall thereupon record the name
265 of the person incurring the penalty and the amount of the penalty
266 in his lien record book.

267 (4) Where the board proposes to refuse to grant or renew a
268 license or proposes to revoke or suspend a license, an opportunity
269 for a hearing shall be accorded. The board may designate any
270 competent person(s) to preside at such hearing. The board shall
271 promulgate rules for the conduct of hearings and issuance of
272 orders.

273 (5) The board may adopt rules requiring any person,
274 including, but not limited to, licensees, corporations,
275 organizations, health care facilities and state or local
276 governmental agencies, to report to the board any conviction,
277 determination or finding that a license holder has committed an
278 act that constitutes unprofessional conduct, or to report
279 information that indicates that the license holder may not be able
280 to practice his profession with reasonable skill and safety to
281 consumers as a result of a mental, emotional or physical
282 condition. If such entity fails to furnish a required report, the
283 board may petition the circuit court of the county in which the
284 entity resides or is found, and the court shall issue to the
285 entity an order to furnish the required report. A failure to obey
286 the order is a contempt of court.

287 (6) A person is immune from civil liability, whether direct
288 or derivative, for providing information to the board.

289 (7) Upon the complaint of any citizen of this state, or upon
290 its own motion, the board may investigate any alleged violation of
291 this act. In the conduct of investigations, the board may take
292 evidence; take the depositions of witnesses, including the person
293 charged; compel the appearance of witnesses, including the person
294 charged, before the board in person the same as in civil cases;

295 require answers to interrogations; and compel the production of
296 books, papers, accounts, documents and testimony pertaining to the
297 matter under investigation.

298 (8) The board shall make available, upon request, written
299 appeals procedures for anyone whose license has been denied,
300 suspended, or revoked, and/or for anyone accused of violating any
301 provisions of this act.

302 (9) Any time the board intends to deny an application for
303 licensure, or suspend or revoke an existing license, the board
304 shall give the person an opportunity for a hearing before taking
305 final action.

306 SECTION 11. (1) No person may advertise massage or practice
307 massage for compensation in this state unless he is licensed as a
308 massage therapist by the board. No person may use the title of or
309 represent himself to be a licensed massage therapist or use any
310 other title, abbreviations, letters, figures, signs or devices
311 that indicate that such person is a licensed massage therapist
312 unless he is licensed to practice massage therapy under the
313 provisions of this act.

314 (2) The following are requirements for licensure:

315 (a) An applicant must be eighteen (18) years of age, or
316 older, on the date the application is submitted.

317 (b) An application must provide proof of high school
318 graduate equivalency.

319 (c) An applicant must be of legal status not only to
320 receive a license, but also to work in the State of Mississippi
321 with such license.

322 (d) An applicant must supply proof of current
323 certification in cardiopulmonary resuscitation (CPR) and first aid
324 of at least eight (8) hours of training, including practical
325 testing, and supply documentation of familiarity with the
326 Americans with Disabilities Act.

327 (e) All required fees for licensure must be submitted

328 by the applicant.

329 (f) Any and all requirements regarding good moral
330 character and competency, as provided for in this act and in
331 accepted codes of ethics, shall be met.

332 (g) An applicant must have completed a board-approved
333 continuing education course on communicable diseases, including
334 HIV/AIDS information and prevention.

335 (h) The applicant's official and certified
336 transcript(s) from the applicant's massage therapy school. Such
337 transcript must verify that the applicant has completed a
338 board-approved training program of no less than the minimum
339 requirement for supervised in-class massage therapy instruction
340 and student clinic, with a minimum grade requirement of "C" or
341 better in every course of instruction, as stated for school
342 requirements; or if the applicant is submitting criteria from an
343 apprenticeship program, all required documentation, forms and
344 other board-stipulated requirements must be met.

345 (3) The following pre-act practitioners are exempt from
346 having to take any examination for licensure, but must fulfill all
347 other requirements as stated in this act, except for the
348 requirements in subsection (2)(g) and (h) of this section:

349 (a) Those having more than three hundred (300)
350 documented, board-accepted in-class hours of massage therapy
351 education before January 1, 1999.

352 (b) Those having more than three (3) years of
353 professional massage therapy experience and a minimum of one
354 hundred fifty (150) hours of approved massage therapy education.

355 (c) Those having no formal training, but who have
356 successfully passed the National Certification Examination for
357 Therapeutic Massage and Bodywork.

358 (d) All grandfathering exemption allowances as stated
359 in this section shall end on January 1, 2001. Individuals may
360 apply for a license until January 1, 2001, but may not practice

361 massage beyond the allowed grace period as provided for in Section
362 20 of this act unless a valid massage therapy license is obtained.
363 All other pre-act practitioners and anyone not practicing massage
364 therapy before January 1, 1999, must take and pass the licensure
365 examination and follow the requirements in this act to practice
366 massage therapy for compensation in Mississippi.

367 (e) Students enrolled in a massage therapy curriculum
368 of five hundred (500) hours to seven hundred fifty (750) hours on
369 July 1, 1999, who complete graduation from the same curriculum.

370 SECTION 12. (1) The purpose of requiring examination is to
371 determine that each applicant for licensure possesses the minimum
372 skills and knowledge to practice competently.

373 (2) The board shall accept as evidence of competency, in
374 addition to all other requirements as stated in this act, the
375 successful completion of the "National Certification Examination
376 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other
377 nationally or internationally accredited examination approved by
378 the board.

379 (3) Eligibility requirements to take the NCETMB are set by
380 the National Certification Board for Therapeutic Massage and
381 Bodywork as stated in the NCETMB candidate handbook.

382 (4) An applicant for licensure who has been previously
383 licensed may be required to take the NCETMB and achieve a passing
384 score before relicensure under any one of the following
385 circumstances:

386 (a) The applicant has been unlicensed voluntarily for
387 more than thirty-six (36) calendar months; or

388 (b) The board may require reexamination in any
389 disciplinary order, based upon the findings and conclusions
390 relative to the competency of a licensee to practice massage
391 before issuing an unconditional license.

392 (5) Whenever reexamination is required, the licensee shall
393 pay all appropriate fees.

394 SECTION 13. (1) An applicant may be licensed by
395 demonstrating proof that the applicant holds a valid, current
396 license in another state with similar educational requirements to
397 those required by this act, and that all other licensure
398 requirements under this act are met. This is subject to
399 investigation by the board and excludes grandfathering by other
400 states.

401 (2) If an individual who is licensed in another state that
402 has licensing standards substantially equivalent to the standards
403 under this act applies for a license, the board may issue a
404 temporary reciprocal permit authorizing the applicant to practice
405 massage therapy pending completion of documentation that the
406 applicant meets the requirements for a license under this act.
407 The temporary permit may reflect statutory limitations on the
408 scope of practice.

409 (3) A massage therapy license issued by the board shall at
410 all times be posted in a conspicuous place in any massage therapy
411 business establishment of the licensee, doing business during
412 business hours.

413 (4) A license issued pursuant to this act is not
414 transferable or assignable.

415 SECTION 14. (1) The board shall prescribe renewal
416 procedures, requirements, dates and fees for massage therapy
417 licenses issued by the board.

418 (2) A person licensed under this act to practice massage
419 therapy may move to an inactive status by notifying the board in
420 writing. Following approval by the board and upon payment of the
421 appropriate fee(s), the applicant will be placed in inactive
422 status. During the period of any inactive or lapsed status, no
423 such person may practice massage therapy for a fee in the State of
424 Mississippi beyond any grace period as set by the board.

425 (3) An inactive license may be reactivated upon payment of
426 the fee(s) for an active license and proof of compliance with

427 continuing education requirements as established by the board.

428 (4) A massage therapy license shall be considered lapsed if
429 an individual fails to pay licensing fees when due or fails to
430 meet continuing education requirements. A license in lapsed
431 status shall not be placed in inactive status.

432 (5) A lapsed license may be activated within three (3) years
433 upon payment of current licensing fees and proof of compliance
434 with continuing education requirements.

435 (6) If a license has been in any combination of inactive or
436 lapsed status for five (5) consecutive years, the licensee may be
437 required to reapply in the same manner as a new applicant.

438 SECTION 15. (1) The board may refuse to issue or renew or
439 may deny, suspend or revoke any license held or applied for under
440 this act upon finding that the licensee or applicant:

441 (a) Is guilty of fraud, deceit or misrepresentation in
442 procuring or attempting to procure any license provided for in
443 this act;

444 (b) Attempted to use as his own the license of another;

445 (c) Allowed the use of his license by another;

446 (d) Has been adjudicated as mentally incompetent by
447 regularly constituted authorities;

448 (e) Has been convicted, found guilty of a crime, or has
449 charges or disciplinary action pending that directly related to
450 the practice of massage therapy or to the ability to practice
451 massage therapy. Any plea of nolo contendere shall be considered
452 a conviction for the purposes of this section;

453 (f) Is guilty of unprofessional or unethical conduct as
454 defined by the code of ethics;

455 (g) Is guilty of false, misleading or deceptive
456 advertising, or is guilty of aiding or assisting in the
457 advertising of any unlicensed or unpermitted person in the
458 practice of massage therapy;

459 (h) Is grossly negligent or incompetent in the practice

460 of massage therapy; or

461 (i) Has had rights, credentials, or one or more
462 license(s) to practice massage therapy revoked, suspended or
463 denied in any jurisdiction, territory or possession of the United
464 States or another country for acts of the licensee similar to acts
465 described in this section. A certified copy of the record of the
466 jurisdiction making such a revocation, suspension or denial shall
467 be conclusive evidence thereof.

468 (2) Investigative proceedings may be implemented by a
469 complaint by any person, including members of the board.

470 (3) (a) Any person(s) found guilty of prostitution using as
471 any advertisement, claim or insignia of being an actual licensed
472 massage therapist or to be practicing massage therapy by using the
473 word "massage" or any other description indicating the same,
474 whether or not such person(s) have one or more such licenses for
475 person(s) or establishment(s), shall be guilty of a misdemeanor,
476 and upon conviction, shall be punished by a fine of not less than
477 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
478 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
479 both, per offense, per person.

480 (b) Any person who knowingly participates in receiving
481 illegal service(s) of any person found guilty as described in
482 paragraph (a) of this subsection, upon conviction, shall be
483 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
484 or imprisonment for up to one (1) month, or both. Persons
485 officially designated to investigate complaints are exempt.

486 (c) Any person who violates any provision of this act,
487 other than violation(s) of paragraph (a) of this subsection, is
488 guilty of a misdemeanor, and upon conviction, shall be punished by
489 a fine not exceeding Five Hundred Dollars (\$500.00), or
490 imprisonment for up to one (1) month in jail, or both, per
491 offense.

492 SECTION 16. (1) Any massage therapist advertising by the

493 use of radio, newspaper, television, electronic media, flyers,
494 business cards, phone book or any other means shall include
495 legibly, or clearly audible, the massage therapy license number
496 issued to the therapist(s) on and/or with such advertising.

497 (2) Any and all advertising of the licensed massage
498 therapist shall be of a professional and ethical nature and shall
499 not be attached to or identified with any pornographic or other
500 establishment that may be construed as unprofessional and/or
501 unethical in the practice of professional massage therapy.

502 (3) No practice of, or advertisement by any means of, any
503 type of therapy involving soft tissue movement by the use of any
504 body part, instrument(s) or device(s), or any term that may be
505 interpreted to involve massage shiatsu, acupressure, oriental,
506 spa, rub or therapeutic touch, shall be allowed unless such
507 person(s) are licensed or exempt as stated in this act.

508 (4) Providing information concerning continuing education of
509 massage therapy shall not constitute advertising as that term is
510 used in this section. National massage publications and
511 out-of-state instruction/education/information materials are
512 exempt.

513 (5) The advertising of any designation of massage, including
514 the word "Swedish" (as used in this context), shall not be allowed
515 in conjunction with any other term that the board finds
516 questionable. Questionable terms may include bath, shampoo and
517 escort.

518 (6) Massage schools that advertise for clinic internships,
519 or any other type of student massage, must conspicuously include
520 the respective words "student massage" within the advertisement.

521 SECTION 17. (1) All licensed massage therapists shall:

522 (a) Perform only those services for which they are
523 qualified and which represent their training and education;

524 (b) Acknowledge their professional limitations and
525 refer the client to an appropriate health professional when

526 necessary, in cases where massage may be or is contraindicated;

527 (c) Recognize and respect the rights of all ethical
528 practitioners and cooperate with health professionals in a
529 professional manner;

530 (d) Obtain and keep an overview or profile of the
531 client's state of being and health history and discuss any problem
532 areas that may contraindicate massage;

533 (e) Keep accurate and up-to-date records regarding a
534 client's condition before and after treatment in cases of a client
535 being treated for a specific condition. Public, sports, and
536 on-site seated massage sessions are exempt from post treatment
537 documentation;

538 (f) Provide sensitive attention and response to
539 client's comfort levels for pressure and touch, and shall not
540 cause bruising with any regularity;

541 (g) Maintain clear and honest communications with their
542 clients, and acknowledge the confidential nature of the
543 professional relationship with a client and respect rights to
544 privacy;

545 (h) Abide by all laws that pertain to their work as a
546 massage therapist;

547 (i) In no way instigate or tolerate any kind of sexual
548 advance while acting in the capacity of a massage therapist;

549 (j) Provide and use draping to cover all genitalia.
550 Genitalia includes the midsagittal perineum of males and females
551 and the areola/mammary area of females;

552 (k) In no way use any genitalia for the purpose of
553 bracing and/or support of the client; and

554 (l) Clean/disinfect his hands immediately before each
555 massage session and/or use medical gloves.

556 (2) No massage therapist shall diagnose or prescribe
557 medicine, drugs or treatment.

558 SECTION 18. (1) Construction of the massage therapy

559 establishment and items used in the establishment shall be
560 reasonably sanitary and in good repair.

561 (2) Lavatories or water basins provided with an adequate
562 supply of both hot and cold running water should be available.
563 Lavatories or wash basins shall be provided with soap in a
564 dispenser and paper, individual use towels, or air dryers.

565 (3) Any out call massage shall have a previous recording of
566 the client's name, address where the therapy is to occur,
567 estimated time of return, and phone number (if available) in a
568 conspicuous record.

569 (4) Every massage establishment shall be equipped with a
570 workable telephone for emergency calls.

571 (5) Have available during business hours a copy of the State
572 of Mississippi Professional Massage Therapy Code of Ethics and
573 Professional Conduct.

574 SECTION 19. (1) To obtain a massage therapy license, an
575 applicant must submit to the board the applicant's official and
576 certified transcript(s) from the applicant's massage therapy
577 school. The transcript must verify that the applicant has
578 completed a board-approved training program of not less than six
579 hundred fifty (650) hours of supervised in-class massage therapy
580 instruction, and at least one hundred (100) hours of student
581 clinic, with a minimum grade requirement of "C" or better in
582 every course of instruction, in the following subjects:

583 (a) Two hundred fifty (250) hours in massage theory and
584 practicum;

585 (b) Two hundred (200) hours in science of the human
586 body;

587 (c) Two hundred (200) hours in allied modalities; and

588 (d) One hundred (100) hours in student clinic.

589 (2) "Massage theory and practicum" must include a minimum of
590 the following classroom hours in the specified subject areas:

591 (a) Ten (10) hours in legalities including Mississippi

592 massage law;

593 (b) Twenty (20) hours in history, benefits, indications
594 and contraindications;

595 (c) One hundred (100) hours in massage demonstration
596 and supervised practice, which must include client evaluation,
597 effleurage, petrissage, friction, tapotement, vibration, range of
598 motion, draping and turning, and ethics; and

599 (d) The remaining seventy (70) hours may expand on any
600 or all of the previous three (3) subject areas and/or be related
601 to practical massage.

602 (3) "Science of the human body" must include a minimum of
603 the following classroom hours in the specified subject areas:

604 (a) Twenty (20) hours in anatomy, including all body
605 systems;

606 (b) Twenty (20) hours in physiology, including all body
607 systems;

608 (c) Twenty (20) hours in myology/kinesiology;

609 (d) Twenty (20) hours in neurology;

610 (e) Twenty (20) hours in pathology, including medical
611 terminology; and

612 (f) The remaining one hundred fifty (150) hours may
613 expand on any or all of the previous six (6) subject areas and/or
614 be related to the science of the human body.

615 (4) "Allied modalities" must include a minimum of the
616 following classroom hours in the specified subject areas:

617 (a) Seven (7) hours in Eastern, European, Western
618 theory/methods;

619 (b) Eight (8) hours in CPR and first aid;

620 (c) Ten (10) hours in charting and documentation;

621 (d) Twenty-five (25) hours in hydrotherapy and infrared
622 heat;

623 (e) Twenty (20) hours in referral methods within the
624 health care system; and

625 (f) The remaining one hundred thirty (130) hours may
626 expand on any or all of the previous five (5) subject areas
627 including the Americans with Disabilities Act and/or be devoted to
628 any approach to massage therapy and wellness, such as trigger
629 points, management, communication, safety, oriental massage
630 techniques and specialized populations.

631 (5) "Student clinic" shall include at least thirty (30)
632 practical hands-on one-hour massage therapy sessions, outside of
633 class, to be evaluated on documents filed and kept on record at
634 the school for a minimum of six (6) months. These evaluations are
635 to be completed by the clients of the massage therapy sessions and
636 shall include the client's name, address, reason for session,
637 indications and contraindications, date and signature. Each
638 completed session shall constitute two (2) hours of student
639 clinic. The hands-on session may be supervised or nonsupervised.
640 The remaining forty (40) hours shall be acquired in an actual
641 clinical massage therapy establishment, student clinic or
642 locations approved by the school. The remaining forty (40) hours
643 shall be supervised and shall also be documented. One-on-one
644 supervision is not required at massage therapy establishments, but
645 must be on the premises.

646 (6) No massage therapy school shall offer a massage therapy
647 program for licensure in the State of Mississippi unless it meets
648 the minimum standards of curriculum for licensure as stated in
649 this act. Massage schools and massage curriculums for licensure
650 preparation must obtain a national accreditation from such
651 agencies as the Commission on Massage Therapy Accreditation or
652 programs with the same or greater requirements. Existing massage
653 schools will have five (5) years from July 1, 1999, to obtain that
654 accreditation. New massage schools will have five (5) years from
655 the opening of the school to show conformance with the
656 accreditation requirements.

657 (7) No massage therapy program shall consist of more than

658 thirty-five (35) in-class clock hours per week.

659 (8) Hours credited through transfer credit shall not be
660 recognized by the board unless the following transfer standards
661 are met:

662 (a) The school shall be provided with a certified
663 transcript from a school licensed or approved in that state;

664 (b) Courses for which credit is granted shall parallel
665 in content and intensity to the course offered by the school;

666 (c) Documentation of previous training shall be
667 included in each student's permanent file.

668 (9) No course clock hour length may decrease from that
669 previously required. These requirements pertain to educational
670 curriculums and do not affect previously licensed massage
671 therapists who are legally practicing in Mississippi under this
672 act.

673 SECTION 20. The grace period for licenses to be issued shall
674 be one hundred eighty (180) days after the official appointment
675 date of the initial board. Those meeting the minimum requirements
676 as stated in this act, except for obtaining a license, may
677 continue the practice of massage therapy or instruction thereof
678 within these one hundred eighty (180) days. Massage curriculums
679 that begin before July 1, 1999, may continue with the same
680 curriculum until completion. Anyone not meeting the minimum
681 requirements as stated in this act shall not advertise massage
682 therapy or instruction thereof until they meet the minimum
683 requirements of this act.

684 SECTION 21. This act shall take effect and be in force from
685 and after July 1, 1999.