

By: Fredericks, Barnett (116th), Broomfield, Ishee, Martinson, Peranich, Simpson, Zuber To: Public Health and Welfare

HOUSE BILL NO. 933

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

20 (a) Persons state licensed, state registered, state
21 certified, or otherwise state credentialed by the laws of this
22 state to include massage as part of their practice, or other
23 allied modalities that are certified by a nationally accredited
24 organization;

25 (b) Students enrolled in a massage therapy school and
26 working in a student clinic, or other state accredited school
27 offering instruction in the professions listed as exempt in this
28 section, and out-of-state massage therapy instructors when
29 teaching in these programs;

30 (2) Any exemption granted under this section is effective

31 only insofar as and to the extent that the bona fide practice of
32 the profession or business of the person exempted overlaps into
33 the field comprehended by this law, and exemptions under this
34 section are only for those activities that are currently
35 authorized and performed in the course of the bona fide practice
36 of the business or profession of the person exempted.

37 SECTION 4. For purposes of this act, the following terms
38 shall have the meanings stated in this section, unless otherwise
39 stated:

40 (a) "Massage" or "massage therapy" means the profession
41 in which the practitioner applies massage techniques, and may
42 apply adjunctive therapies, with the intention of positively
43 affecting the health and well-being of the client. "Massage"
44 means effleurage, petrissage, friction, tapotement and vibration,
45 and includes holding, positioning, causing movement of the soft
46 tissues and applying touch and pressure to the body (excluding any
47 osseous tissue manipulation or adjustment). "Therapy" means
48 action aimed at achieving or increasing health and wellness.
49 "Manual" means by use of hand or body. "Adjunctive therapies"
50 means (i) application of heat, cold, water, infrared heat, Asian
51 massage techniques, topical preparations not classified as
52 prescription drugs, (ii) the use of hand held massagers, and (iii)
53 instructed self care and stress management. Massage therapy may
54 be applied in response to a legal prescription.

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

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

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

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

62 (f) "Pre-act practitioner" means an individual who has
63 practiced professional massage therapy before January 1, 2000.

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

67 (h) "Provisional permit" means a temporary license
68 approved by the board when all requirements, other than licensure
69 examination, have been met and until the next licensure
70 examination occurs.

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

73 (j) "Board-accepted hours" means hours of education
74 accepted by the board to meet requirements of exemption and/or
75 continuing education for pre-act practitioners and is different
76 from "board-approved programs" and/or "board-approved school
77 hours."

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

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

84 (m) "Apprenticeship" means a noncompensated program of
85 study, practice and training of one (1) individual directed,
86 taught and trained by one (1) or more licensed massage
87 therapist(s) in a program approved by the board.

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

90 SECTION 5. (1) There is created the State Board of Massage
91 Therapy.

92 (2) The board shall consist of five (5) members who are
93 residents of the State of Mississippi. One (1) member shall be a
94 licensed health professional in a health field other than massage
95 therapy. One (1) member shall be a lay person. The remaining
96 three (3) members shall be qualified massage therapists having not

97 less than three (3) years experience of credentialed massage
98 therapy practice, with at least one (1) year of that practice in
99 this state. Board members shall be appointed by the Governor,
100 with the advice and consent of the Senate. Appointments shall be
101 made within ninety (90) days from the effective date of this act.

102 (3) Board members shall serve for four (4) years. No board
103 member shall serve more than two (2) consecutive terms at a time.

104 The board shall elect one (1) of the appointed massage therapists
105 as the chairman of the board.

106 (4) The Governor shall appoint subsequent board members and
107 such other officers as he deems necessary. A majority of the
108 board may elect an executive secretary and other such individuals,
109 including an attorney, as may be necessary to implement the
110 provisions of this act. The board may hold additional meetings at
111 such times and places as it deems necessary. A majority of the
112 board shall constitute a quorum and a majority of the board shall
113 be required to grant or revoke a license. The board shall
114 promulgate such rules and regulations as necessary to carry out
115 the provisions of this act. Affected practitioners shall be sent
116 relevant changes no less than once per license renewal.

117 SECTION 6. Before entering upon discharge of the duties of
118 the office, the executive secretary of the board shall furnish a
119 bond, approved by the board, to the state in the sum of Five
120 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
121 the faithful discharge of the duties of the office, the premium on
122 the bond shall be paid from funds paid into the State Treasury by
123 the secretary of the board, and the bond shall be deposited with
124 the Secretary of State. Each month monies received by the
125 secretary of the board shall be deposited by him into the State
126 Treasury and placed in a special fund to be known as the "State
127 Board of Massage Therapy Fund" for the use of the board in
128 carrying out the provisions of this act. The board shall receive
129 no appropriations from any state funds for its support except from

130 the special fund.

131 SECTION 7. Each member of the board shall receive the per
132 diem authorized under Section 25-3-69 for each day actually
133 discharging his official duties, and shall receive reimbursement
134 for mileage and necessary expense incurred, as provided in Section
135 25-3-41. The expenses of the board in carrying out the provisions
136 of this act shall be paid upon requisitions signed by the chairman
137 and/or secretary of the board and warrants signed by the State
138 Fiscal Officer from the State Board of Massage Therapy Fund. Such
139 expenses shall not exceed the amount paid into the State Treasury
140 under the provisions of this act. The fees and charges
141 established under this act shall not exceed the cost of
142 administering the regulatory program of the board pertaining to
143 the purpose for which the fee or charge is established.

144 SECTION 8. (1) The board shall:

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

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

152 (c) Annually, on or before February 15, make a report
153 to the Governor and Legislature of all of its official acts during
154 the preceding year, its total receipts and disbursements, and a
155 full and complete report of relevant statistical and significantly
156 notable conditions of massage therapists in this state as
157 uniformly stipulated by the board;

158 (d) Evaluate the qualifications of applicants for
159 licensure under this act, and advise applicants as to the
160 acceptance or denial of licensure with any reasons for denial
161 within forty-five (45) days;

162 (e) Issue licenses to applicants who meet the

163 requirements of this act;

164 (f) Inspect, or have inspected, when required, the
165 business premises of any licensee during regular business hours,
166 so long as such inspection does not infringe on the reasonable
167 privacy of any therapists' clients;

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

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

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

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

177 (k) Adopt an annual budget;

178 (l) Establish policies with respect to continuing
179 education;

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

182 (n) Adopt rules:

183 (i) For apprenticeships, which shall establish a
184 minimum training program that meets the same or greater
185 requirements of study and training as that established by this
186 act;

187 (ii) Specifying standards and procedures for
188 issuance of a provisional license and a provisional permit;

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

192 (iv) Establishing requirements for a temporary
193 reciprocal license;

194 (v) Setting standards relating to practical
195 demonstrations for licensure applicants to ensure practical

196 knowledge and safety;

197 (o) Make available all forms necessary for carrying out
198 all provisions of this act and any and all necessary business of
199 the board;

200 (p) Establish written duties of the executive
201 secretary;

202 (q) Establish a set of reasonable and customary fines
203 and penalties for violations of this act, and fees, including
204 refund policies, which shall be standardized and not exceeded
205 unless amended with at least thirty (30) days notice to those who
206 are licensed;

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

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

214 SECTION 9. The board may adopt rules:

215 (a) Establishing reasonable standards concerning the
216 sanitary, hygienic and healthful conditions of premises and
217 facilities used by massage therapists;

218 (b) Relating to the methods and procedures used in the
219 practice of massage;

220 (c) Governing the examination and investigation of
221 applicants for the licenses issued under this act and the
222 issuance, renewal, suspension and revocation of such licenses;

223 (d) Setting standards for certifying continuing
224 education classes;

225 (e) Requiring that massage therapists supply the board
226 with the accurate, current address or addresses where they
227 practice massage;

228 (f) Establishing the educational, training and

229 experience requirements for licensing by reciprocity;

230 (g) Establishing requirements for issuance and
231 retention of an inactive license and/or provisional permits;

232 (h) Setting minimum educational requirements for the
233 certification and/or advertising of infrared heat, cranio-sacral
234 therapy, myofascial release, and hand held massagers.

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

238 (2) No municipal or county governmental body, agency or
239 department shall enact or enforce restrictions or requirements
240 regarding massage therapists that are not equally enacted or
241 enforced regarding all licensed health care practitioners. This
242 act supersedes any regulation adopted by a political subdivision
243 of this state relating to the licensing or regulation of any
244 massage therapist and/or massage establishment.

245 (3) Any civil penalty imposed under this section shall
246 become due and payable when the person incurring the penalty
247 receives a notice in writing of the penalty. The notice shall be
248 sent by registered or certified mail. The person to whom the
249 notice is addressed shall have thirty (30) days from the date of
250 mailing of the notice in which to make written application for a
251 hearing. Any person who makes such application shall be entitled
252 to a hearing. The hearing shall be conducted as a contested case
253 hearing. When an order assessing a civil penalty under this
254 section becomes final by operation of law or on appeal, unless the
255 amount of penalty is paid within ten (10) days after the order
256 becomes final, it may be recorded with the circuit clerk in any
257 county of this state. The clerk shall thereupon record the name
258 of the person incurring the penalty and the amount of the penalty
259 in his lien record book.

260 (4) Where the board proposes to refuse to grant or renew a
261 license or proposes to revoke or suspend a license, an opportunity

262 for a hearing shall be accorded. The board may designate any
263 competent person(s) to preside at such hearing. The board shall
264 promulgate rules for the conduct of hearings and issuance of
265 orders.

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

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

282 (7) Upon the complaint of any citizen of this state, or upon
283 its own motion, the board may investigate any alleged violation of
284 this act. In the conduct of investigations, the board may take
285 evidence; take the depositions of witnesses, including the person
286 charged; compel the appearance of witnesses, including the person
287 charged, before the board in person the same as in civil cases;
288 require answers to interrogations; and compel the production of
289 books, papers, accounts, documents and testimony pertaining to the
290 matter under investigation.

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

295 (9) Any time the board intends to deny an application for
296 licensure, or suspend or revoke an existing license, the board
297 shall give the person an opportunity for a hearing before taking
298 final action.

299 SECTION 11. (1) No person may advertise massage or practice
300 massage for compensation in this state unless he is licensed as a
301 massage therapist by the board. No person may use the title of or
302 represent himself to be a licensed massage therapist or use any
303 other title, abbreviations, letters, figures, signs or devices
304 that indicate that such person is a licensed massage therapist
305 unless he is licensed to practice massage therapy under the
306 provisions of this act.

307 (2) The following are requirements for licensure:

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

310 (b) An application must provide proof of high school
311 graduate equivalency.

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

315 (d) An applicant must supply proof of current
316 certification in cardiopulmonary resuscitation (CPR) and first aid
317 of at least eight (8) hours of training, including practical
318 testing, and supply documentation of familiarity with The
319 Americans with Disabilities Act.

320 (e) All required fees for licensure must be submitted
321 by the applicant.

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

325 (g) An applicant must have completed an approved
326 continuing education course on communicable diseases, including
327 HIV/AIDS information and prevention.

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

338 (3) The following pre-act practitioners are exempt from
339 having to take any examination for licensure, but must fulfill all
340 other requirements as stated in this act, except for the
341 requirements in subsection (2)(h) of this section:

342 (a) Those having more than three hundred (300)
343 documented, board-accepted in-class hours of massage therapy
344 education before January 1, 2000.

345 (b) Those having more than five (5) years of
346 professional massage therapy experience and a minimum of one
347 hundred fifty (150) hours of approved massage therapy education.

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

351 (d) All grandfathering exemption allowances as stated
352 in this section shall end on January 1, 2001, for nonstudents, and
353 on June 1, 2002, for students who were enrolled in a part-time
354 massage school curriculum on July 1, 2000. Individuals may apply
355 for a license until the grandfathering exemption ends, but may not
356 practice massage beyond the allowed grace period as provided for
357 in Section 20 of this act unless a valid massage therapy license
358 is obtained. All other preact practitioners and anyone not
359 practicing massage therapy before January 1, 1999, must take and
360 pass the licensure examination and follow the requirements in this

361 act to practice massage therapy for compensation in Mississippi.

362 (e) Students enrolled in a massage therapy curriculum
363 of at least five hundred (500) hours on July 1, 2000, who complete
364 graduation from the same curriculum.

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

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

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

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

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

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

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

389 SECTION 13. (1) An applicant may be licensed by
390 demonstrating proof that the applicant holds a valid, current
391 license in another state with similar educational requirements to
392 those required by this act, and that all other licensure
393 requirements under this act are met. This is subject to

394 investigation by the board and excludes grandfathering by other
395 states.

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

404 (3) A massage therapy license issued by the board shall at
405 all times be posted in a conspicuous place in any massage therapy
406 business establishment of the licensee, doing business during
407 business hours.

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

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

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

420 (3) An inactive license may be reactivated upon payment of
421 the fee(s) for an active license and proof of compliance with
422 continuing education requirements as established by the board.

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

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

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

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

436 (a) Is guilty of fraud, deceit or misrepresentation in
437 procuring or attempting to procure any license provided for in
438 this act;

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

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

441 (d) Has been adjudicated as mentally incompetent by
442 regularly constituted authorities;

443 (e) Has been convicted of a crime, or has charges or
444 disciplinary action pending that directly relates to the practice
445 of massage therapy or to the ability to practice massage therapy.

446 Any plea of nolo contendere shall be considered a conviction for
447 the purposes of this section;

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

450 (g) Is guilty of false, misleading or deceptive
451 advertising, or is guilty of aiding or assisting in the
452 advertising of any unlicensed or unpermitted person in the
453 practice of massage therapy;

454 (h) Is grossly negligent or incompetent in the practice
455 of massage therapy; or

456 (i) Has had rights, credentials, or one or more
457 license(s) to practice massage therapy revoked, suspended or
458 denied in any jurisdiction, territory or possession of the United
459 States or another country for acts of the licensee similar to acts

460 described in this section. A certified copy of the record of the
461 jurisdiction making such a revocation, suspension or denial shall
462 be conclusive evidence thereof.

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

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

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

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

487 SECTION 16. (1) Any massage therapist advertising by the
488 use of radio, newspaper, television, electronic media, flyers,
489 business cards, phone book or any other means shall include
490 legibly, or clearly audible, the massage therapy state license
491 number issued to the therapist(s) on and/or with such advertising.

492 (2) Any and all advertising of the licensed massage

493 therapist shall be of a professional and ethical nature and shall
494 not be attached to or identified with any pornographic or other
495 establishment that may be construed as unprofessional and/or
496 unethical in the practice of professional massage therapy.

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

503 (4) Providing information concerning continuing education of
504 massage therapy shall not constitute advertising as that term is
505 used in this section. National massage publications and
506 out-of-state instruction/education/information materials are
507 exempt.

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

513 (6) Massage schools that advertise for student clinic, or
514 any other type of student massage must conspicuously include the
515 respective words "student massage" within the advertisement.

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

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

519 (b) Acknowledge their professional limitations and
520 refer the client to an appropriate health professional when
521 necessary, in cases where massage may be or is contraindicated;

522 (c) Recognize and respect the rights of all ethical
523 practitioners and cooperate with health professionals in a
524 professional manner;

525 (d) Obtain and keep an overview or profile of the

526 client's state of being and health history and discuss any problem
527 areas that may contraindicate massage;

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

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

536 (g) Maintain clear and honest communications with their
537 clients, and acknowledge the confidential nature of the
538 professional relationship with a client and respect rights to
539 privacy;

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

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

544 (j) Provide and use draping to cover all genitalia;

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

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

549 (2) No massage therapist shall diagnose or prescribe
550 medicine, drugs or treatment.

551 SECTION 18. (1) Construction of the massage therapy
552 establishment and items used in the establishment shall be
553 reasonably sanitary and in good repair.

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

558 (3) Any out call massage shall have a previous recording of

559 the client's name, address where the therapy is to occur,
560 estimated time of return, and phone number (if available) in a
561 conspicuous record.

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

564 (5) Have available during business hours a copy of the State
565 of Mississippi Professional Massage Therapy Code of Ethics and
566 Professional Conduct.

567 SECTION 19. (1) To obtain a massage therapy license, an
568 applicant must submit to the board the applicant's official and
569 certified transcript(s) from the applicant's massage therapy
570 school. The transcript must verify that the applicant has
571 completed a board-approved training program of not less than six
572 hundred (600) hours of supervised in-class massage therapy
573 instruction, and at least one hundred (100) hours of student
574 clinic, with a minimum grade requirement of "C" or better in
575 every course of instruction, in the following subjects:

576 (a) Two hundred (200) hours in massage theory and
577 practicum;

578 (b) Two hundred (200) hours in science of the human
579 body;

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

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

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

584 (a) Ten (10) hours in legalities including Mississippi
585 massage law and ethics;

586 (b) Twenty (20) hours in history, benefits, indications
587 and contraindications;

588 (c) One hundred (100) hours in massage demonstration
589 and supervised practice, which must include, but is not limited
590 to, client evaluation, effleurage, petrissage, friction,
591 tapotement, vibration, range of motion, and draping and turning;

592 and

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

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

598 (a) Twenty (20) hours in anatomy, including all body
599 systems;

600 (b) Twenty (20) hours in physiology, including all body
601 systems;

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

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

604 (e) Twenty (20) hours in pathology, including medical
605 terminology; and

606 (f) The remaining one hundred (100) hours may expand on
607 any or all of the previous six (6) subject areas and/or be related
608 to the science of the human body.

609 (4) "Allied modalities" must include, but are not limited
610 to, a minimum of the following classroom hours in the specified
611 subject areas:

612 (a) Seven (7) hours in Eastern, European, and Western
613 theory/methods;

614 (b) Eight (8) hours in cardiopulmonary resuscitation
615 (CPR) and first aid;

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

617 (d) Twenty-five (25) hours in hydrotherapy and infrared
618 heat;

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

621 (f) The remaining one hundred thirty (130) hours may
622 expand on any or all of the previous five (5) subject areas,
623 including The Americans with Disabilities Act, and/or be devoted
624 to any approach to massage therapy and wellness, such as trigger

625 points, management, communication, safety, oriental massage
626 techniques and specialized populations.

627 (5) "Student clinic" must include at least thirty (30)
628 practical hands-on one-hour massage therapy sessions, outside of
629 class, to be evaluated on documents filed and kept on record at
630 the school for a minimum of six (6) months. These evaluations are
631 to be completed by the clients of the massage therapy sessions and
632 shall include the client's name, address, reason for session,
633 indications and contraindications, date and signature. Each
634 completed session shall constitute two (2) hours of student
635 clinic. The hands-on session may be supervised or nonsupervised.
636 The remaining forty (40) hours shall be acquired in an actual
637 clinical massage therapy establishment, student clinic or
638 location(s) approved by the school. These remaining forty (40)
639 hours shall be supervised, either directly or indirectly, and
640 shall also be documented.

641 (6) No massage therapy school shall offer a massage therapy
642 program for licensure in the State of Mississippi unless it meets
643 the minimum standards of curriculum for licensure as stated in
644 this act. Massage schools and massage curriculums for licensure
645 preparation must obtain a national accreditation from such
646 agencies as the Commission on Massage Therapy Accreditation or
647 programs with the same or greater requirements. Existing massage
648 schools will have five (5) years from July 1, 2000, to obtain that
649 accreditation. New massage schools will have five (5) years from
650 the opening of the massage school to show conformance with the
651 accreditation requirements.

652 (7) No massage therapy program shall consist of more than
653 thirty-five (35) in-class clock hours per week.

654 (8) Hours credited through transfer credit shall not be
655 recognized by the board unless the following transfer standards
656 are met:

657 (a) The school shall be provided with a certified

658 transcript from a school licensed or approved in that state;

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

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

663 SECTION 20. The grace period for licenses to be issued shall
664 be one hundred eighty (180) days after the official appointment
665 date of the initial board. Those meeting the minimum requirements
666 as stated in this act, except for obtaining a license, may
667 continue the practice of massage therapy or instruction thereof
668 within these one hundred eighty (180) days. Massage curriculums
669 that begin before July 1, 2000, may continue with the same
670 curriculum until completion. Anyone not meeting the minimum
671 requirements as stated in this act shall not advertise massage
672 therapy or instruction thereof until they meet the minimum
673 requirements of this act.

674 SECTION 21. This act shall take effect and be in force from
675 and after July 1, 2000.