

By: Representatives Fredericks, Smith (27th)

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 196

1 AN ACT TO PROVIDE FOR THE REGISTRATION OF MASSAGE THERAPISTS;  
2 TO 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 PROHIBIT THE USE OF THE TITLE "REGISTERED MASSAGE THERAPIST" BY  
7 PERSONS NOT REGISTERED UNDER THIS ACT; TO PRESCRIBE THE  
8 QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION; TO PROVIDE FOR THE  
9 EXAMINATION OF CERTAIN APPLICANTS; TO PROVIDE GROUNDS FOR THE  
10 REVOCATION OF THE CERTIFICATE OF REGISTRATION; TO PROVIDE  
11 PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

15 SECTION 2. The Legislature finds that in the profession and  
16 practice of massage therapy there is a necessity to preserve and  
17 protect individual life and health, promote the public interest  
18 and welfare and assure public safety by providing for the  
19 registration of massage therapists.

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

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

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



32           (2) Any exemption granted under this section is effective  
33 only insofar as and to the extent that the bona fide practice of  
34 the profession or business of the person exempted overlaps into  
35 the field comprehended by this law, and exemptions under this  
36 section are only for those activities that are currently  
37 authorized and performed in the course of the bona fide practice  
38 of the business or profession of the person exempted.

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

42           (a) "Massage" or "massage therapy" means the profession  
43 in which the practitioner applies massage techniques. "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). "Manual" means by use  
48 of hand or body.

49           (b) "Massage therapist" means a person who is  
50 registered under this act.

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

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

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

56           (f) "Pre-act practitioner" means an individual who has  
57 practiced professional massage therapy before January 1, 2001.

58           (g) "Certificate of registration" means a State Board  
59 of Massage Therapy approved form of credential indicating that the  
60 certificate holder has met the requirements of this act for  
61 massage therapy.

62           (h) "Provisional permit" means a temporary certificate  
63 of registration, approved by the board when all requirements,



64 other than the registration examination, have been met and until  
65 the next registration examination occurs.

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

68 (j) "Board-accepted hours" means hours of education  
69 accepted by the board to meet requirements of exemption and/or  
70 continuing education for pre-act practitioners and is different  
71 from "board-approved programs" and/or "board-approved school  
72 hours."

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

77 (l) "Examination" means the State Board of Massage  
78 Therapy approved examination for registration.

79 (m) "Apprenticeship" means a noncompensated program of  
80 study, practice and training of one (1) individual directed,  
81 taught and trained by one or more registered massage therapist(s)  
82 in a program approved by the board.

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

85 (o) "Allied modalities" means (i) application of heat,  
86 cold, water, Asian massage techniques, topical preparations not  
87 classified as prescription drugs, (ii) the use of hand held  
88 massagers, and (iii) instructed self care and stress management.

89 SECTION 5. (1) There is created the State Board of Massage  
90 Therapy. The board shall consist of five (5) members who are  
91 residents of the State of Mississippi. One (1) member shall be a  
92 licensed health professional in a health field other than massage  
93 therapy. One (1) member shall be a lay person. The remaining  
94 three (3) members shall be qualified massage therapists having not  
95 less than three (3) years experience of credentialed massage  
96 therapy practice, with at least one (1) year of that practice in



97 this state. Board members shall be appointed by the Governor,  
98 with the advice and consent of the Senate. The members of the  
99 board who are massage therapists shall be appointed from a list of  
100 persons provided by a state level professional massage therapy  
101 association. Appointments shall be made within ninety (90) days  
102 from the effective date of this act.

103 (2) Board members shall serve for four (4) years. No board  
104 member shall serve more than two (2) consecutive terms at a time.  
105 The board shall elect one (1) of the appointed massage therapists  
106 as the chairman of the board.

107 (3) The Governor shall appoint subsequent board members and  
108 such other officers as he deems necessary. A majority of the  
109 board may elect an executive secretary and other such individuals,  
110 including an attorney, as may be necessary to implement the  
111 provisions of this act.

112 (4) The board may hold additional meetings at such times and  
113 places as it deems necessary. A majority of the board shall  
114 constitute a quorum, and a majority of the board shall be required  
115 to grant or revoke a certificate of registration.

116 (5) The board shall promulgate such rules and regulations as  
117 necessary to carry out the provisions of this act. Affected  
118 practitioners shall be sent relevant changes no less than once per  
119 registration renewal.

120 SECTION 6. Before entering upon discharge of the duties of  
121 the office, the executive secretary of the board shall furnish a  
122 bond, approved by the board, to the state in the sum of Five  
123 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon  
124 the faithful discharge of the duties of the office, the premium on  
125 the bond shall be paid from funds paid into the State Treasury by  
126 the secretary of the board, and the bond shall be deposited with  
127 the Secretary of State. Each month monies received by the  
128 secretary of the board shall be deposited by him or her into the  
129 State Treasury and placed in a special fund to be known as the



130 "State Board of Massage Therapy Fund" for the use of the board in  
131 carrying out the provisions of this act. The board shall receive  
132 no appropriations from any state funds for its support except from  
133 the special fund.

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

147 SECTION 8. (1) The board shall:

148 (a) Adopt an official seal and keep a record of its  
149 proceedings, persons registered as massage therapists, and a  
150 record of the certificates of registration that have been revoked  
151 or suspended;

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

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



162 (d) Evaluate the qualifications of applicants for  
163 registration under this act, and advise applicants as to the  
164 acceptance or denial of registration with any reasons for denial  
165 within forty-five (45) days;

166 (e) Issue certificates of registration to applicants  
167 who meet the requirements of this act;

168 (f) Inspect, or have inspected, when required, the  
169 business premises of any registered massage therapist during  
170 regular business hours, so long as such inspection does not  
171 infringe on the reasonable privacy of any therapists' clients;

172 (g) Establish minimum training and educational  
173 standards for obtaining a certificate of registration under this  
174 act, provided that requirements do not decrease;

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

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

179 (j) Revoke, suspend or deny a certificate of  
180 registration in accordance with the provisions of this act;

181 (k) Adopt an annual budget;

182 (l) Establish policies with respect to continuing  
183 education;

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

186 (n) Adopt rules:

187 (i) For apprenticeships, which shall establish a  
188 minimum training program that meets the same or greater  
189 requirements of study and training as that established by this  
190 act;

191 (ii) Specifying standards and procedures for  
192 issuance of a provisional certificate of registration and a  
193 provisional permit;



194 (iii) Specifying registration procedures for  
195 practitioners desiring to be registered in this state who hold an  
196 active license or credentials from another state board;

197 (iv) Establishing requirements for a temporary  
198 reciprocal certificate of registration;

199 (v) Setting standards relating to practical  
200 demonstrations for registration applicants to ensure practical  
201 knowledge and safety;

202 (o) Make available all forms necessary for carrying out  
203 all provisions of this act and any and all necessary business of  
204 the board;

205 (p) Establish written duties of the executive  
206 secretary;

207 (q) Establish a set of reasonable and customary fines  
208 and penalties for violations of this act, and fees, including  
209 refund policies, which shall be standardized and not exceeded  
210 unless amended with at least thirty (30) days notice to those who  
211 are registered;

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

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

219 SECTION 9. The board may adopt rules:

220 (a) Establishing reasonable standards concerning the  
221 sanitary, hygienic and healthful conditions of premises and  
222 facilities used by massage therapists;

223 (b) Relating to the methods and procedures used in the  
224 practice of massage;

225 (c) Governing the examination and investigation of  
226 applicants for the certificates of registration issued under this



227 act and the issuance, renewal, suspension and revocation of those  
228 certificates of registration;

229 (d) Setting standards for certifying continuing  
230 education classes;

231 (e) Requiring that massage therapists supply the board  
232 with the accurate, current address or addresses where they  
233 practice massage;

234 (f) Establishing the educational, training and  
235 experience requirements for registration by reciprocity;

236 (g) Establishing requirements for issuance and  
237 retention of an inactive certificate of registration and/or  
238 provisional permits;

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

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

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

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

290 (7) Upon the complaint of any citizen of this state, or upon  
291 its own motion, the board may investigate any alleged violation of  
292 this act. In the conduct of investigations, the board may take



293 evidence; take the depositions of witnesses, including the person  
294 charged; compel the appearance of witnesses, including the person  
295 charged, before the board in person the same as in civil cases;  
296 require answers to interrogations; and compel the production of  
297 books, papers, accounts, documents and testimony pertaining to the  
298 matter under investigation.

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

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

307 SECTION 11. (1) No person may advertise massage for  
308 compensation in this state unless he or she is registered as a  
309 massage therapist by the board. No person may use the title  
310 "registered massage therapist" or represent himself or herself to  
311 be a registered massage therapist or use any other title,  
312 abbreviations, letters, figures, signs or devices that indicate  
313 that such person is a registered massage therapist unless he or  
314 she is registered under the provisions of this act. Massage  
315 establishments shall be exempt from the advertising provisions of  
316 this subsection, provided that all massage therapy services  
317 performed at the establishment are performed by persons registered  
318 under this act.

319 (2) The following are requirements for registration:

320 (a) An applicant must be eighteen (18) years of age, or  
321 older, on the date the application is submitted. Massage  
322 establishments shall be exempt from the advertising provisions of  
323 the subsection, provided that all massage therapy services  
324 performed at the establishment are performed by persons registered  
325 under this act.



326           (b) An application must provide proof of high school  
327 graduate equivalency.

328           (c) An applicant must be of legal status not only to  
329 receive a certificate of registration, but also to work in the  
330 State of Mississippi with that certificate of registration.

331           (d) An applicant must supply proof of current  
332 certification in cardiopulmonary resuscitation (CPR) and first aid  
333 of at least eight (8) hours of training, including practical  
334 testing, and supply documentation of familiarity with The  
335 Americans with Disabilities Act.

336           (e) All required fees for registration must be  
337 submitted by the applicant.

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

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

344           (h) The applicant's official and certified  
345 transcript(s) from the applicant's massage therapy school. Such  
346 transcript must verify that the applicant has completed a  
347 board-approved training program of no less than the minimum  
348 requirement for supervised in-class massage therapy instruction  
349 and student clinic, with a minimum grade requirement of "C" or  
350 better in every course of instruction, as stated for school  
351 requirements; or if the applicant is submitting criteria from an  
352 apprenticeship program, all required documentation, forms and  
353 other board-stipulated requirements must be met.

354           (3) The following pre-act practitioners are exempt from  
355 having to take any examination for registration, but must fulfill  
356 all other requirements as stated in this act, except for the  
357 requirements in subsection (2) (h) of this section:



358 (a) Those having more than three hundred (300)  
359 documented, board-accepted in-class hours of massage therapy  
360 education before January 1, 2001.

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

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

367 (d) All grandfathering exemption allowances as stated  
368 in this section shall end on January 1, 2002, for nonstudents, and  
369 on June 1, 2003, for students who were enrolled in a part-time  
370 massage school curriculum on July 1, 2001. Individuals may apply  
371 for a certificate of registration until the grandfathering  
372 exemption ends, but may not do anything that is prohibited in  
373 subsection (1) of this section beyond the allowed grace period as  
374 provided for in Section 20 of this act unless a valid massage  
375 therapy certificate of registration is obtained. All other preact  
376 practitioners and anyone not practicing massage therapy before  
377 January 1, 2001, must take and pass the registration examination  
378 and follow the requirements in this act to do the things that are  
379 prohibited in subsection (1) of this section for unregistered  
380 persons.

381 (e) Students enrolled in a massage therapy curriculum  
382 of at least five hundred (500) hours on July 1, 2001, who complete  
383 graduation from the same curriculum.

384 SECTION 12. (1) The purpose of requiring examination is to  
385 determine that each applicant for registration possesses the  
386 minimum skills and knowledge to practice competently.

387 (2) The board shall accept as evidence of competency, in  
388 addition to all other requirements as stated in this act, the  
389 successful completion of the "National Certification Examination  
390 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other



391 nationally or internationally accredited examination approved by  
392 the board.

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

396 (4) An applicant for registration who has been previously  
397 registered may be required to take the NCETMB and achieve a  
398 passing score before reregistration under any one of the following  
399 circumstances:

400 (a) The applicant has been unregistered voluntarily for  
401 more than thirty-six (36) calendar months; or

402 (b) The board may require reexamination in any  
403 disciplinary order, based upon the findings and conclusions  
404 relative to the competency of a holder of a certificate of  
405 registration to practice massage therapy before issuing an  
406 unconditional certificate of registration.

407 (5) Whenever reexamination is required, the holder of the  
408 certificate of registration shall pay all appropriate fees.

409 SECTION 13. (1) An applicant may be registered by  
410 demonstrating proof that the applicant holds a valid, current  
411 license in another state with similar educational requirements to  
412 those required by this act, and that all other registration  
413 requirements under this act are met. This is subject to  
414 investigation by the board and excludes grandfathering by other  
415 states.

416 (2) If an individual who is licensed in another state that  
417 has licensing standards substantially equivalent to the standards  
418 under this act applies for registration, the board may issue a  
419 temporary reciprocal permit authorizing the applicant to do the  
420 things that are prohibited in Section 11(1) of this act for  
421 unregistered persons pending completion of documentation that the  
422 applicant meets the requirements for registration under this act.



423 The temporary permit may reflect statutory limitations on the  
424 scope of practice.

425 (3) A massage therapy certificate of registration issued by  
426 the board shall at all times be posted in a conspicuous place in  
427 any massage therapy business establishment of the registered  
428 massage therapist, doing business during business hours.

429 (4) A certificate of registration issued under this act is  
430 not transferable or assignable.

431 SECTION 14. (1) The board shall prescribe renewal  
432 procedures, requirements, dates and fees for massage therapy  
433 certificates of registration issued by the board. Certificates of  
434 registration shall be valid for two (2), years unless earlier  
435 suspended or revoked. The initial fee and biennial renewal fee  
436 for a certificate of registration shall be set by the board, but  
437 shall not exceed Two Hundred Dollars (\$200.00).

438 (2) A person registered under this act may move to an  
439 inactive status by notifying the board in writing. Following  
440 approval by the board and upon payment of the appropriate fee(s),  
441 the applicant will be placed in inactive status. During the  
442 period of any inactive or lapsed status, no such person may do  
443 anything that is prohibited in Section 11(1) of this act in the  
444 State of Mississippi beyond any grace period as set by the board.

445 (3) An inactive certificate of registration may be  
446 reactivated upon payment of the fee(s) for an active certificate  
447 of registration and proof of compliance with continuing education  
448 requirements as established by the board.

449 (4) A massage therapy certificate of registration shall be  
450 considered lapsed if an individual fails to pay registration fees  
451 when due or fails to meet continuing education requirements. A  
452 certificate of registration in lapsed status shall not be placed  
453 in inactive status.



454 (5) A lapsed certificate of registration may be activated  
455 within three (3) years upon payment of current registration fees  
456 and proof of compliance with continuing education requirements.

457 (6) If a certificate of registration has been in any  
458 combination of inactive or lapsed status for five (5) consecutive  
459 years, the certificate holder may be required to reapply in the  
460 same manner as a new applicant.

461 SECTION 15. (1) The board may refuse to issue or renew or  
462 may deny, suspend or revoke any certificate of registration held  
463 or applied for under this act upon finding that the certificate  
464 holder or applicant:

465 (a) Is guilty of fraud, deceit or misrepresentation in  
466 procuring or attempting to procure any certificate of registration  
467 provided for in this act;

468 (b) Attempted to use as his own the certificate of  
469 registration of another;

470 (c) Allowed the use of his certificate of registration  
471 by another;

472 (d) Has been adjudicated as mentally incompetent by  
473 regularly constituted authorities;

474 (e) Has been convicted of a crime, or has charges or  
475 disciplinary action pending that directly relates to the practice  
476 of massage therapy or to the ability to practice massage therapy.  
477 Any plea of nolo contendere shall be considered a conviction for  
478 the purposes of this section;

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

481 (g) Is guilty of false, misleading or deceptive  
482 advertising, or is guilty of aiding or assisting in the  
483 advertising of any unregistered or unpermitted person in the  
484 practice of massage therapy;

485 (h) Is grossly negligent or incompetent in the practice  
486 of massage therapy; or



487           (i) Has had rights, credentials, or one or more  
488 license(s) to practice massage therapy revoked, suspended or  
489 denied in any jurisdiction, territory or possession of the United  
490 States or another country for acts of the licensee similar to acts  
491 described in this section. A certified copy of the record of the  
492 jurisdiction making such a revocation, suspension or denial shall  
493 be conclusive evidence thereof.

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

496           (3) (a) Any person(s) found guilty of prostitution using as  
497 any advertisement, claim or insignia of being an actual registered  
498 massage therapist or to be practicing massage therapy by using the  
499 title "registered massage therapist" or any other description  
500 indicating the same, whether or not such person(s) have one or  
501 more such certificates of registration for the person(s) or  
502 establishment(s), shall be guilty of a misdemeanor, and upon  
503 conviction, shall be punished by a fine of not less than One  
504 Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars  
505 (\$5,000.00), or imprisonment of up to six (6) months, or both, per  
506 offense, per person.

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

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





519           SECTION 16. (1) Any registered massage therapist  
520 advertising by the use of radio, newspaper, television, electronic  
521 media, flyers, business cards, phone book or any other means shall  
522 include legibly, or clearly audible, the massage therapy  
523 certificate of registration number issued to the therapist(s) on  
524 and/or with such advertising. Massage establishments shall be  
525 exempt from the provisions of this subsection, provided that all  
526 massage therapy services performed at the establishment are  
527 performed by persons registered under this act.

528           (2) Any and all advertising of the registered massage  
529 therapist shall be of a professional and ethical nature and shall  
530 not be attached to or identified with any pornographic or other  
531 establishment that may be construed as unprofessional and/or  
532 unethical in the practice of professional massage therapy.

533           (3) No advertisement by any means of any type of therapy  
534 involving soft tissue movement by the use of any body part,  
535 instrument(s) or device(s), or any term that may be interpreted to  
536 involve massage, shiatsu, acupressure, oriental, spa, rub, or  
537 therapeutic touch, shall be allowed unless such person(s) are  
538 registered or exempt as stated in this act.

539           (4) Providing information concerning continuing education of  
540 massage therapy shall not constitute advertising as that term is  
541 used in this section. National massage publications and  
542 out-of-state instruction/education/information materials are  
543 exempt.

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

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



552           SECTION 17. (1) All registered massage therapists shall:  
553                   (a) Perform only those services for which they are  
554 qualified and which represent their training and education;  
555                   (b) Acknowledge their professional limitations and  
556 refer the client to an appropriate health professional when  
557 necessary, in cases where massage may be or is contraindicated;  
558                   (c) Recognize and respect the rights of all ethical  
559 practitioners and cooperate with health professionals in a  
560 professional manner;  
561                   (d) Obtain and keep an overview or profile of the  
562 client's state of being and health history and discuss any problem  
563 areas that may contraindicate massage;  
564                   (e) Keep accurate and up-to-date records regarding a  
565 client's condition before and after each massage therapy session.  
566 Public and on-site seated massage sessions are exempt from  
567 documentation. Sports massage is exempt from post event  
568 documentation;  
569                   (f) Provide sensitive attention and response to  
570 client's comfort levels for pressure and touch, and shall not  
571 cause bruising with any regularity;  
572                   (g) Maintain clear and honest communications with their  
573 clients, and acknowledge the confidential nature of the  
574 professional relationship with a client and respect rights to  
575 privacy;  
576                   (h) Abide by all laws that pertain to their work as a  
577 massage therapist;  
578                   (i) In no way instigate or tolerate any kind of sexual  
579 advance while acting in the capacity of a massage therapist;  
580                   (j) Provide and use draping to cover all genitalia; and  
581                   (k) Clean/disinfect his hands immediately before each  
582 massage session and/or use medical gloves.  
583           (2) No massage therapist shall diagnose or prescribe  
584 medicine, drugs or treatment.



585           SECTION 18. (1) Construction of the massage therapy  
586 establishment and items used in the establishment shall be  
587 reasonably sanitary and in good repair.

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

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

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

598           (5) Have available during business hours a copy of the State  
599 of Mississippi Professional Massage Therapy Code of Ethics and  
600 Professional Conduct.

601           SECTION 19. (1) To obtain a massage therapy certificate of  
602 registration, an applicant must submit to the board the  
603 applicant's official and certified transcript(s) from the  
604 applicant's massage therapy school. The transcript must verify  
605 that the applicant has completed a board-approved training program  
606 of not less than six hundred (600) hours of supervised in-class  
607 massage therapy instruction, and at least one hundred (100) hours  
608 of student clinic, with a minimum grade requirement of "C" or  
609 better in every course of instruction, in the following subjects:

610                   (a) Two hundred (200) hours in massage theory and  
611                   practicum;

612                   (b) Two hundred (200) hours in science of the human  
613                   body;

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

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

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



618 (a) Ten (10) hours in legalities including Mississippi  
619 massage law and ethics;

620 (b) Twenty (20) hours in history, benefits, indications  
621 and contraindications;

622 (c) One hundred (100) hours in massage demonstration  
623 and supervised practice, which must include, but is not limited  
624 to, client evaluation, effleurage, petrissage, friction,  
625 tapotement, vibration, range of motion, and draping and turning;  
626 and

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

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

632 (a) Twenty (20) hours in anatomy, including all body  
633 systems;

634 (b) Twenty (20) hours in physiology, including all body  
635 systems;

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

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

638 (e) Twenty (20) hours in pathology, including medical  
639 terminology; and

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

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

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

648 (b) Eight (8) hours in cardiopulmonary resuscitation  
649 (CPR) and first aid;

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



651 (d) Twenty-five (25) hours in hydrotherapy;  
652 (e) Twenty (20) hours in referral methods within the  
653 health care system; and  
654 (f) The remaining one hundred thirty (130) hours may  
655 expand on any or all of the previous five (5) subject areas,  
656 including The Americans with Disabilities Act, and/or be devoted  
657 to any approach to massage therapy and wellness, such as trigger  
658 points, management, communication, safety, Asian massage  
659 techniques and specialized populations.

660 (5) "Student clinic" must include at least thirty (30)  
661 practical hands-on one-hour massage therapy sessions, outside of  
662 class, to be evaluated on documents filed and kept on record at  
663 the school for a minimum of six (6) months. These evaluations are  
664 to be completed by the clients of the massage therapy sessions and  
665 shall include the client's name, address, reason for session,  
666 indications and contraindications, date and signature. Each  
667 completed session shall constitute two (2) hours of student  
668 clinic. The hands-on session may be supervised or nonsupervised.  
669 The remaining forty (40) hours shall be acquired in an actual  
670 clinical massage therapy establishment, student clinic or  
671 location(s) approved by the school. These remaining forty (40)  
672 hours shall be supervised, either directly or indirectly, and  
673 shall also be documented.

674 (6) No massage therapy school shall offer a massage therapy  
675 program for registration in the State of Mississippi unless it  
676 meets the minimum standards of curriculum for registration as  
677 stated in this act. Massage schools and massage curriculums for  
678 registration preparation must obtain a national accreditation from  
679 such agencies as the Commission on Massage Therapy Accreditation  
680 or programs with the same or greater requirements. Existing  
681 massage schools will have five (5) years from July 1, 2001, to  
682 obtain that accreditation. New massage schools will have five (5)



683 years from the opening of the massage school to show conformance  
684 with the accreditation requirements.

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

687 (8) Hours credited through transfer credit shall not be  
688 recognized by the board unless the following transfer standards  
689 are met:

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

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

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

696 SECTION 20. The grace period for certificates of  
697 registration to be issued shall be one hundred eighty (180) days  
698 after the official appointment date of the initial board. Those  
699 meeting the minimum requirements as stated in this act, except for  
700 obtaining a certificate of registration, may continue the practice  
701 of massage therapy or instruction thereof within these one hundred  
702 eighty (180) days. Massage curriculums that begin before July 1,  
703 2001, may continue with the same curriculum until completion.  
704 Anyone not meeting the minimum requirements as stated in this act  
705 shall not advertise massage therapy or instruction thereof until  
706 they meet the minimum requirements of this act.

707 SECTION 21. Sections 1 through 20 of this act shall stand  
708 repealed on July 1, 2002.

709 SECTION 22. This act shall take effect and be in force from  
710 and after July 1, 2001.

