

By: Representative Fredericks

To: Public Health and Welfare

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.

315 (2) The following are requirements for registration:

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

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

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

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

328 (e) All required fees for registration must be
329 submitted by the applicant.

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

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

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

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

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

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

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

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

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

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

379 (2) The board shall accept as evidence of competency, in
380 addition to all other requirements as stated in this act, the
381 successful completion of the "National Certification Examination
382 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other
383 nationally or internationally accredited examination approved by
384 the board.

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

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

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

394 (b) The board may require reexamination in any
395 disciplinary order, based upon the findings and conclusions
396 relative to the competency of a holder of a certificate of
397 registration to practice massage therapy before issuing an
398 unconditional certificate of registration.

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

401 SECTION 13. (1) An applicant may be registered by
402 demonstrating proof that the applicant holds a valid, current
403 license in another state with similar educational requirements to
404 those required by this act, and that all other registration
405 requirements under this act are met. This is subject to
406 investigation by the board and excludes grandfathering by other
407 states.

408 (2) If an individual who is licensed in another state that
409 has licensing standards substantially equivalent to the standards
410 under this act applies for registration, the board may issue a
411 temporary reciprocal permit authorizing the applicant to do the
412 things that are prohibited in Section 11(1) of this act for
413 unregistered persons pending completion of documentation that the
414 applicant meets the requirements for registration under this act.
415 The temporary permit may reflect statutory limitations on the
416 scope of practice.

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

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

423 SECTION 14. (1) The board shall prescribe renewal
424 procedures, requirements, dates and fees for massage therapy
425 certificates of registration issued by the board.

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

433 (3) An inactive certificate of registration may be
434 reactivated upon payment of the fee(s) for an active certificate
435 of registration and proof of compliance with continuing education
436 requirements as established by the board.

437 (4) A massage therapy certificate of registration shall be
438 considered lapsed if an individual fails to pay registration fees
439 when due or fails to meet continuing education requirements. A
440 certificate of registration in lapsed status shall not be placed
441 in inactive status.

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

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

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

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

456 (b) Attempted to use as his own the certificate of
457 registration of another;

458 (c) Allowed the use of his certificate of registration
459 by another;

460 (d) Has been adjudicated as mentally incompetent by
461 regularly constituted authorities;

462 (e) Has been convicted of a crime, or has charges or
463 disciplinary action pending that directly relates to the practice
464 of massage therapy or to the ability to practice massage therapy.
465 Any plea of nolo contendere shall be considered a conviction for
466 the purposes of this section;

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

469 (g) Is guilty of false, misleading or deceptive
470 advertising, or is guilty of aiding or assisting in the
471 advertising of any unregistered or unpermitted person in the
472 practice of massage therapy;

473 (h) Is grossly negligent or incompetent in the practice
474 of massage therapy; or

475 (i) Has had rights, credentials, or one or more
476 license(s) to practice massage therapy revoked, suspended or
477 denied in any jurisdiction, territory or possession of the United
478 States or another country for acts of the licensee similar to acts
479 described in this section. A certified copy of the record of the
480 jurisdiction making such a revocation, suspension or denial shall
481 be conclusive evidence thereof.

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

484 (3) (a) Any person(s) found guilty of prostitution using as
485 any advertisement, claim or insignia of being an actual registered
486 massage therapist or to be practicing massage therapy by using the
487 title "registered massage therapist" or any other description
488 indicating the same, whether or not such person(s) have one or
489 more such certificates of registration for the person(s) or
490 establishment(s), shall be guilty of a misdemeanor, and upon
491 conviction, shall be punished by a fine of not less than One
492 Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars
493 (\$5,000.00), or imprisonment of up to six (6) months, or both, per
494 offense, per person.

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

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

507 SECTION 16. (1) Any registered massage therapist
508 advertising by the use of radio, newspaper, television, electronic
509 media, flyers, business cards, phone book or any other means shall
510 include legibly, or clearly audible, the massage therapy
511 certificate of registration number issued to the therapist(s) on
512 and/or with such advertising.

513 (2) Any and all advertising of the registered massage
514 therapist shall be of a professional and ethical nature and shall

515 not be attached to or identified with any pornographic or other
516 establishment that may be construed as unprofessional and/or
517 unethical in the practice of professional massage therapy.

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

524 (4) Providing information concerning continuing education of
525 massage therapy shall not constitute advertising as that term is
526 used in this section. National massage publications and
527 out-of-state instruction/education/information materials are
528 exempt.

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

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

537 SECTION 17. (1) All registered massage therapists shall:

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

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

543 (c) Recognize and respect the rights of all ethical
544 practitioners and cooperate with health professionals in a
545 professional manner;

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

549 (e) Keep accurate and up-to-date records regarding a
550 client's condition before and after each massage therapy session.
551 Public and on-site seated massage sessions are exempt from
552 documentation. Sports massage is exempt from post event
553 documentation;

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

557 (g) Maintain clear and honest communications with their
558 clients, and acknowledge the confidential nature of the
559 professional relationship with a client and respect rights to
560 privacy;

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

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

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

566 (k) Clean/disinfect his hands immediately before each
567 massage session and/or use medical gloves.

568 (2) No massage therapist shall diagnose or prescribe
569 medicine, drugs or treatment.

570 SECTION 18. (1) Construction of the massage therapy
571 establishment and items used in the establishment shall be
572 reasonably sanitary and in good repair.

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

577 (3) Any out call massage shall have a previous recording of
578 the client's name, address where the therapy is to occur,

579 estimated time of return, and phone number (if available) in a
580 conspicuous record.

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

583 (5) Have available during business hours a copy of the State
584 of Mississippi Professional Massage Therapy Code of Ethics and
585 Professional Conduct.

586 SECTION 19. (1) To obtain a massage therapy certificate of
587 registration, an applicant must submit to the board the
588 applicant's official and certified transcript(s) from the
589 applicant's massage therapy school. The transcript must verify
590 that the applicant has completed a board-approved training program
591 of not less than six hundred (600) hours of supervised in-class
592 massage therapy instruction, and at least one hundred (100) hours
593 of student clinic, with a minimum grade requirement of "C" or
594 better in every course of instruction, in the following subjects:

595 (a) Two hundred (200) hours in massage theory and
596 practicum;

597 (b) Two hundred (200) hours in science of the human
598 body;

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

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

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

603 (a) Ten (10) hours in legalities including Mississippi
604 massage law and ethics;

605 (b) Twenty (20) hours in history, benefits, indications
606 and contraindications;

607 (c) One hundred (100) hours in massage demonstration
608 and supervised practice, which must include, but is not limited
609 to, client evaluation, effleurage, petrissage, friction,
610 tapotement, vibration, range of motion, and draping and turning;
611 and

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

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

617 (a) Twenty (20) hours in anatomy, including all body
618 systems;

619 (b) Twenty (20) hours in physiology, including all body
620 systems;

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

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

623 (e) Twenty (20) hours in pathology, including medical
624 terminology; and

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

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

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

633 (b) Eight (8) hours in cardiopulmonary resuscitation
634 (CPR) and first aid;

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

636 (d) Twenty-five (25) hours in hydrotherapy;

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

639 (f) The remaining one hundred thirty (130) hours may
640 expand on any or all of the previous five (5) subject areas,
641 including The Americans with Disabilities Act, and/or be devoted
642 to any approach to massage therapy and wellness, such as trigger
643 points, management, communication, safety, Asian massage
644 techniques and specialized populations.

645 (5) "Student clinic" must include at least thirty (30)
646 practical hands-on one-hour massage therapy sessions, outside of
647 class, to be evaluated on documents filed and kept on record at
648 the school for a minimum of six (6) months. These evaluations are
649 to be completed by the clients of the massage therapy sessions and
650 shall include the client's name, address, reason for session,
651 indications and contraindications, date and signature. Each
652 completed session shall constitute two (2) hours of student
653 clinic. The hands-on session may be supervised or nonsupervised.
654 The remaining forty (40) hours shall be acquired in an actual
655 clinical massage therapy establishment, student clinic or
656 location(s) approved by the school. These remaining forty (40)
657 hours shall be supervised, either directly or indirectly, and
658 shall also be documented.

659 (6) No massage therapy school shall offer a massage therapy
660 program for registration in the State of Mississippi unless it
661 meets the minimum standards of curriculum for registration as
662 stated in this act. Massage schools and massage curriculums for
663 registration preparation must obtain a national accreditation from
664 such agencies as the Commission on Massage Therapy Accreditation
665 or programs with the same or greater requirements. Existing
666 massage schools will have five (5) years from July 1, 2001, to
667 obtain that accreditation. New massage schools will have five (5)
668 years from the opening of the massage school to show conformance
669 with the accreditation requirements.

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

672 (8) Hours credited through transfer credit shall not be
673 recognized by the board unless the following transfer standards
674 are met:

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

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

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

681 SECTION 20. The grace period for certificates of
682 registration to be issued shall be one hundred eighty (180) days
683 after the official appointment date of the initial board. Those
684 meeting the minimum requirements as stated in this act, except for
685 obtaining a certificate of registration, may continue the practice
686 of massage therapy or instruction thereof within these one hundred
687 eighty (180) days. Massage curriculums that begin before July 1,
688 2001, may continue with the same curriculum until completion.
689 Anyone not meeting the minimum requirements as stated in this act
690 shall not advertise massage therapy or instruction thereof until
691 they meet the minimum requirements of this act.

692 SECTION 21. This act shall take effect and be in force from
693 and after July 1, 2001.