

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2360

1 AN ACT TO PROVIDE FOR LICENSING 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 recognized by the board;

25 (b) Students enrolled in a massage therapy school and  
 26 working in a student clinic, and out-of-state massage therapy  
 27 instructors when teaching in these programs;

28 (2) Any exemption granted under this section is effective  
 29 only insofar as and to the extent that the bona fide practice of  
 30 the profession or business of the person exempted overlaps into

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

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

38 (a) "Apprenticeship" means a noncompensated program of  
39 study, practice and training of no more than three (3)  
40 individuals, directed, taught and trained by one or more licensed  
41 massage therapist(s) in a program approved by the board.

42 (b) "Approved massage therapy school" means a facility  
43 that meets the school requirements as stated in this act.

44 (c) "Board" means the state board for licensing massage  
45 therapists as created in this act.

46 (d) "Board-accepted hours" means hours of education  
47 accepted by the board to meet requirements of exemption and/or  
48 continuing education for pre-act practitioners and is different  
49 from "board-approved programs" and/or "board-approved school  
50 hours."

51 (e) "Classroom hour" means no less than fifty (50)  
52 minutes of any one (1) clock hour during which the student  
53 participates in a learning activity under the supervision of a  
54 member of the faculty of the school.

55 (f) "Examination" means the State Board of Massage  
56 Therapy approved examination for licensure.

57 (g) "License" means a State Board of Massage Therapy  
58 approved form of credential indicating that the license holder has  
59 met the requirements of this act for the practice of massage  
60 therapy.

61 (h) "Massage" means touch, stroking, kneading,  
62 stretching, friction, percussion and vibration, and includes  
63 holding, positioning, causing movement of the soft tissues and

64 applying touch and pressure to the body (excluding and osseous  
65 tissue manipulation or adjustment). "Therapy" means action aimed  
66 at achieving or increasing health and wellness. "Massage therapy"  
67 means the profession in which the practitioner applies massage  
68 techniques with the intent of positively affecting the health and  
69 well-being of the client, and may adjunctively (i) apply allied  
70 modalities, heat, cold, water and topical preparations not  
71 classified as prescription drugs, (ii) use hand held tools or  
72 devices, and (iii) instruct self care and stress management.  
73 "Manual" means by use of hand or body.

74 (i) "Massage establishment" means a place of business  
75 where massage is being conducted.

76 (j) "Massage therapist" means a person who practices  
77 massage therapy.

78 (k) "MPMTA" means the "Mississippi Professional Massage  
79 Therapy Act."

80 (l) "Pre-act practitioner" means an individual who has  
81 practiced professional massage therapy before January 1, 2001.

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

84 (n) "Provisional license" means a temporary license  
85 granted by the board for conditions of reciprocity.

86 (o) "Provisional permit" means a temporary permit  
87 approved by the board when all requirements, other than licensure  
88 examination, have been met and until the next licensure  
89 examination occurs.

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

92 (2) The board shall consist of five (5) members appointed by  
93 the Governor, with the advice and consent of the Senate. At least  
94 three (3) members shall be appointed from a list submitted by  
95 State representatives of one or more nationally recognized  
96 professional massage therapy association(s), all of whom must be

97 residents of Mississippi and must have engaged in the practice of  
98 massage therapy within the state for at least three (3) years, one  
99 (1) member shall be a licensed health professional in a health  
100 field other than massage therapy and one (1) member shall be a  
101 consumer at large who is not associated with or financially  
102 interested in the practice or business of massage therapy. The  
103 initial members of the board shall be appointed for staggered  
104 terms, as follows: One (1) member shall be appointed for a term  
105 that ends on June 30, 2002; One (1) member shall be appointed for  
106 a term that ends on June 30, 2003; one (1) member shall be  
107 appointed for a term that ends on June 30, 2004; and two (2)  
108 members shall be appointed for terms that end on June 30, 2005.  
109 Appointments shall be made within ninety (90) days from the  
110 effective date of this act.

111 (3) All subsequent appointments to the board shall be  
112 appointed by the Governor for terms of four (4) years from the  
113 expiration date of the previous term. No person shall be  
114 appointed for more than two (2) consecutive terms. By approval of  
115 the majority of the board, the service of a member may be extended  
116 at the completion of a four-year term until a new member is  
117 appointed or the current member is reappointed. The board shall  
118 elect one (1) of the appointed massage therapists as the chairman  
119 of the board.

120 (4) A majority of the board may elect an executive secretary  
121 and other such individuals, including an attorney, as may be  
122 necessary to implement the provisions of this act. The board may  
123 hold additional meetings at such times and places as it deems  
124 necessary. A majority of the board shall constitute a quorum and  
125 a majority of the board shall be required to grant or revoke a  
126 license.

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

130 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon  
131 the faithful discharge of the duties of the office, the premium on  
132 the bond shall be paid from funds paid into the State Treasury by  
133 the secretary of the board, and the bond shall be deposited with  
134 the Secretary of State. All fees and other monies collected or  
135 received by the board shall be paid into and credited to a special  
136 fund that is created in the State Treasury, which shall be known  
137 as the "State Board of Massage Therapy Fund." Any interest earned  
138 on the special fund shall be credited to the special fund and  
139 shall not be paid into the State General Fund. Any unexpended  
140 monies remaining in the special fund at the end of a fiscal year  
141 shall not lapse into the State General Fund. Monies in the  
142 special fund shall be expended exclusively for the purposes of  
143 carrying out the provisions of this Act. Disbursement of monies  
144 in the special fund shall be made only upon warrants issued by the  
145 State Fiscal Officer upon requisitions signed by the treasurer of  
146 the board. The financial records of the board shall be audited  
147 annually by the State Auditor. The board shall receive no  
148 appropriations from any state funds for its support except from  
149 the special fund.

150       SECTION 7. Each member of the board shall receive the per  
151 diem authorized under Section 25-3-69 for each day actually  
152 discharging his official duties, and shall receive reimbursement  
153 for mileage and necessary expense incurred, as provided in Section  
154 25-3-41. The expenses of the board in carrying out the provisions  
155 of this act shall be paid upon requisitions signed by the chairman  
156 and/or secretary of the board and warrants signed by the State  
157 Fiscal Officer from the State Board of Massage Therapy Fund. Such  
158 expenses shall not exceed the amount paid into the State Treasury  
159 under the provisions of this act.

160       SECTION 8. (1) The board shall:

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

164           (b) Keep on file all appropriate records pertaining to  
165 each license.

166           (c) Annually, on or before February 15, make a report  
167 to the Governor and Legislature of all of its official acts during  
168 the preceding year, its total receipts and disbursements, and a  
169 full and complete report of relevant statistical and significantly  
170 notable conditions of massage therapists in this state as  
171 uniformly stipulated by the board;

172           (d) Evaluate the qualifications of applicants for  
173 licensure under this act, and advise applicants as to the  
174 acceptance or denial of licensure with any reasons for denial  
175 within forty-five (45) days;

176           (e) Issue licenses to applicants who meet the  
177 requirements of this act;

178           (f) Inspect, or have inspected, when required, the  
179 business premises of any licensee during their operating hours, so  
180 long as such inspection does not infringe on the reasonable  
181 privacy of any therapists' clients;

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

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

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

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

191           (k) Adopt an annual budget;

192           (l) Establish policies with respect to continuing  
193 education;

194 (m) Adopt rules:

195 (i) For apprenticeships, which shall establish a  
196 minimum training program that meets the same or greater  
197 requirements of study and training as that established by this  
198 act;

199 (ii) Specifying standards and procedures for  
200 issuance of a provisional license and a provisional permit;

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

204 (iv) Establishing requirements for a temporary  
205 reciprocal license;

206 (v) The board shall prescribe renewal procedures,  
207 requirements, dates and fees for massage therapy licenses issued  
208 by the board and shall include provisions for inactive and lapsed  
209 licenses.

210 (n) Make available all forms necessary for carrying out  
211 all provisions of this act and any and all necessary business of  
212 the board;

213 (o) Establish written duties of the executive  
214 secretary;

215 (p) Establish a set of reasonable and customary fines  
216 and penalties for violations of this act, and fees, including  
217 refund policies, which shall be standardized and not exceeded  
218 unless amended with at least thirty (30) days' notice to those who  
219 are licensed;

220 (q) Establish, amend or repeal any rules or regulations  
221 necessary to carry out the purposes of this act and the duties and  
222 responsibilities of the board. Affected practitioners shall be  
223 sent relevant changes no less than once per license renewal.

224 (r) The board shall maintain a current register listing  
225 the name of every massage therapist licensed to practice in this

226 state, his/her last known place of business and last known place  
227 of residence, and the date and number of his/her license.

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

233 SECTION 9. The board may adopt rules:

234 (a) Establishing reasonable standards concerning the  
235 sanitary, hygienic and healthful conditions of premises and  
236 facilities used by massage therapists;

237 (b) Relating to the methods and procedures used in the  
238 practice of massage;

239 (c) Governing the examination and investigation of  
240 applicants for the licenses issued under this act and the  
241 issuance, renewal, suspension and revocation of such licenses;

242 (d) Setting standards for certifying continuing  
243 education classes;

244 (e) Requiring that massage therapists supply the board  
245 with the accurate, current address or addresses where they  
246 practice massage;

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

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

251 (h) Setting minimum educational requirements for the  
252 certification and/or advertising of specialized techniques with  
253 the advice and consent of the National Certification Board for  
254 Therapeutic Massage and Bodywork, the National AMTA - Mississippi  
255 Chapter State Board, or other Mississippi state board representing  
256 a national organization in massage and bodywork.



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

260           (2) No municipal or county governmental body, agency or  
261 department shall enact or enforce restrictions or requirements  
262 regarding massage therapists that are not equally enacted or  
263 enforced regarding all licensed health care practitioners. This  
264 act supersedes any regulation adopted by a political subdivision  
265 of this state relating to the licensing or regulation of any  
266 massage therapist and/or massage establishment.

267           (3) Any civil penalty imposed under this section shall  
268 become due and payable when the person incurring the penalty  
269 receives a notice in writing of the penalty. The notice shall be  
270 sent by registered or certified mail. The person to whom the  
271 notice is addressed shall have thirty (30) days from the date of  
272 mailing of the notice in which to make written application for a  
273 hearing. Any person who makes such application shall be entitled  
274 to a hearing. The hearing shall be conducted as a contested case  
275 hearing. When an order assessing a civil penalty under this  
276 section becomes final by operation of law or on appeal, unless the  
277 amount of penalty is paid within ten (10) days after the order  
278 becomes final, it may be recorded with the circuit clerk in any  
279 county of this state. The clerk shall thereupon record the name  
280 of the person incurring the penalty and the amount of the penalty  
281 in his lien record book.

282           (4) Where the board proposes to refuse to grant or renew a  
283 license or proposes to revoke or suspend a license, an opportunity  
284 for a hearing shall be accorded. The board may designate any  
285 competent person(s) to preside at such hearing. The board shall  
286 promulgate rules for the conduct of hearings and issuance of  
287 orders.

288           (5) The board may adopt rules requiring any person,  
289 including, but not limited to, licensees, corporations,

290 organizations, health care facilities and state or local  
291 governmental agencies, to report to the board any conviction,  
292 determination or finding that a license holder has committed an  
293 act that constitutes unprofessional conduct, or to report  
294 information that indicates that the license holder may not be able  
295 to practice his profession with reasonable skill and safety to  
296 consumers as a result of a mental, emotional or physical  
297 condition. If such entity fails to furnish a required report, the  
298 board may petition the circuit court of the county in which the  
299 entity resides or is found, and the court shall issue to the  
300 entity an order to furnish the required report. A failure to obey  
301 the order is a contempt of court.

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

304 (7) Upon the complaint of any citizen of this state, or upon  
305 its own motion, the board may investigate any alleged violation of  
306 this act. In the conduct of investigations, the board may take  
307 evidence; take the depositions of witnesses, including the person  
308 charged; compel the appearance of witnesses, including the person  
309 charged, before the board in person the same as in civil cases;  
310 require answers to interrogations; and compel the production of  
311 books, papers, accounts, documents and testimony pertaining to the  
312 matter under investigation.

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

317 (9) Any time the board intends to deny an application for  
318 licensure, or suspend or revoke an existing license, the board  
319 shall give the person an opportunity for a hearing before taking  
320 final action.

321 SECTION 11. (1) No person may advertise massage or practice  
322 massage for compensation in this state unless he is licensed as a

323 massage therapist by the board. No person may use the title of or  
324 represent himself to be a massage therapist or use any other  
325 title, abbreviations, letters, figures, signs or devices that  
326 indicate that such person is a massage therapist unless he is  
327 licensed to practice massage therapy under the provisions of this  
328 act. Nothing in this act shall prevent advertisement by a massage  
329 establishment provided that such therapy or service is performed  
330 by person(s) licensed by this act.

331 (2) The following are requirements for licensure:

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

334 (b) An application must provide proof of high school  
335 graduate equivalency.

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

339 (d) An applicant must supply proof of current  
340 certification in cardiopulmonary resuscitation (CPR) and first aid  
341 of at least eight (8) hours of training, including practical  
342 testing, and supply documentation of familiarity with The  
343 Americans with Disabilities Act.

344 (e) All required fees for licensure must be submitted  
345 by the applicant.

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

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

352 (h) The applicant's official and certified  
353 transcript(s) from the applicant's massage therapy school. Such  
354 transcript must verify that the applicant has completed a  
355 board-approved training program of no less than the minimum

356 requirement for supervised in-class massage therapy instruction  
357 and student clinic, with a minimum grade requirement of "C" or  
358 better in every course of instruction, as stated for school  
359 requirements; or if the applicant is submitting criteria from an  
360 apprenticeship program, all required documentation, forms and  
361 other board-stipulated requirements must be met.

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

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

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

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

375 (d) All grandfathering exemption allowances as stated  
376 in this section shall end on January 1, 2002, for nonstudents, and  
377 on June 1, 2003, for students who were enrolled in a part-time  
378 massage school curriculum on July 1, 2001. Individuals may apply  
379 for a license until the grandfathering exemption ends, but may not  
380 practice massage beyond the allowed grace period as provided for  
381 in Section 20 of this act unless a valid massage therapy license  
382 or provisional permit is obtained. All other preact practitioners  
383 and anyone not practicing massage therapy before January 1, 2001,  
384 must take and pass the licensure examination and follow the  
385 requirements in this act to practice massage therapy for  
386 compensation in Mississippi.

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

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

393 (2) The board shall accept as evidence of competency, in  
394 addition to all other requirements as stated in this act, the  
395 successful completion of the "National Certification Examination  
396 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other  
397 nationally or internationally accredited examination approved by  
398 the board.

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

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

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

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

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

419           (2) If an individual who is licensed in another state that  
420 has licensing standards substantially equivalent to the standards  
421 under this act applies for a license, the board may issue a  
422 temporary reciprocal permit authorizing the applicant to practice  
423 massage therapy pending completion of documentation that the  
424 applicant meets the requirements for a license under this act.  
425 The temporary permit may reflect statutory limitations on the  
426 scope of practice.

427           (3) A massage therapy license issued by the board shall at  
428 all times be posted in a conspicuous place in any massage therapy  
429 business establishment of the licensee, doing business during  
430 business hours.

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

433           SECTION 14. (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 15. (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 Eastern or Asian massage techniques, spa, rub, or therapeutic  
502 touch, shall be allowed unless such therapy is performed by  
503 person(s) licensed or exempt as stated in this act.

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

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

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

517       SECTION 16. (1) All licensed massage therapists shall:



- 518           (a) Perform only those services for which they are  
519 qualified and which represent their training and education;
- 520           (b) Acknowledge their professional limitations and  
521 refer the client to an appropriate health professional when  
522 necessary, in cases where massage may be or is contraindicated;
- 523           (c) Recognize and respect the rights of all ethical  
524 practitioners and cooperate with health professionals in a  
525 professional manner;
- 526           (d) Obtain and keep an overview or profile of the  
527 client's state of being and health history and discuss any problem  
528 areas that may contraindicate massage;
- 529           (e) Keep accurate and up-to-date records regarding a  
530 client's condition before and after massage therapy session in  
531 cases of a client being treated for a specific condition. Public,  
532 sports and on-site seated massage sessions are exempt from  
533 documentation; sports massage sessions are exempt from post event  
534 documentation;
- 535           (f) Provide sensitive attention and response to  
536 client's comfort levels for pressure and touch, and shall not  
537 cause bruising with any regularity;
- 538           (g) Maintain clear and honest communications with their  
539 clients, and acknowledge the confidential nature of the  
540 professional relationship with a client and respect rights to  
541 privacy;
- 542           (h) Abide by all laws that pertain to their work as a  
543 massage therapist;
- 544           (i) In no way instigate or tolerate any kind of sexual  
545 advance while acting in the capacity of a massage therapist;
- 546           (j) Provide and use draping to cover all genitalia;
- 547           (k) 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 17. (1) Lavatories or wash basins provided with an  
552 adequate supply of both hot and cold running water should be  
553 available. Lavatories or wash basins shall be provided with soap  
554 in a dispenser and paper, individual use towels, or air dryers.

555           (2) Any out call massage shall have a previous recording of  
556 the client's name, address where the therapy is to occur,  
557 estimated time of return, and phone number (if available) in a  
558 conspicuous record.

559           (3) Every massage establishment shall be equipped with a  
560 workable telephone for emergency calls.

561           (4) Have available during business hours a copy of the State  
562 of Mississippi Professional Massage Therapy Code of Ethics and  
563 Professional Conduct.

564           SECTION 18. (1) To obtain a massage therapy license, an  
565 applicant must submit to the board the applicant's official and  
566 certified transcript(s) from the applicant's massage therapy  
567 school. The transcript must verify that the applicant has  
568 completed a board-approved training program of not less than six  
569 hundred (600) hours of supervised in-class massage therapy  
570 instruction, and at least one hundred (100) hours of student  
571 clinic, with a minimum grade requirement of "C" or better in every  
572 course of instruction, in the following subjects:

573                   (a) Two hundred (200) hours in massage theory and  
574                   practicum;

575                   (b) Two hundred (200) hours in science of the human  
576                   body;

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

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

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

581                   (a) Ten (10) hours in legalities including Mississippi  
582                   massage law and ethics;

583           (b) Twenty (20) hours in history, benefits, indications  
584 and contraindications;

585           (c) One hundred (100) hours in massage demonstration  
586 and supervised practice, which must include, but is not limited  
587 to, client evaluation, stroking, kneading, stretching, friction,  
588 percussion, vibration, range of motion, hand held tools and  
589 devices, and draping and turning; and

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

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

595           (a) Twenty (20) hours in anatomy, including all body  
596 systems;

597           (b) Twenty (20) hours in physiology, including all body  
598 systems;

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

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

601           (e) Twenty (20) hours in pathology, including medical  
602 terminology; and

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

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

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

611           (b) Eight (8) hours in cardiopulmonary resuscitation  
612 (CPR) and first aid;

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

614           (d) Twenty-five (25) hours in hydrotherapy and infrared  
615 heat;

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

618 (f) The remaining one hundred thirty (130) hours may  
619 expand on any or all of the previous five (5) subject areas,  
620 including The Americans with Disabilities Act, and/or be devoted  
621 to any approach to massage therapy and wellness, such as trigger  
622 points, management, communication, safety, oriental or Eastern  
623 massage techniques and specialized populations.

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

638 (6) A massage therapy program shall not operate in the State  
639 of Mississippi unless it meets the minimum standards of curriculum  
640 for licensure as stated in this act. Massage schools and massage  
641 curriculums for licensure preparation must obtain a national  
642 accreditation from such agencies as the Commission on Massage  
643 Therapy Accreditation or programs with the same or greater  
644 requirements. Existing massage schools will have five (5) years  
645 from July 1, 2001, to obtain that accreditation. New massage  
646 schools will have five (5) years from the opening of the massage  
647 school to show conformance with the accreditation requirements.

648 (7) No massage therapy program shall consist of more than  
649 forty (40) in-class clock hours per week.

650 (8) Hours credited through transfer credit shall not be  
651 recognized by the board unless the following transfer standards  
652 are met:

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

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

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

659 SECTION 19. The grace period for licenses to be issued shall  
660 be one hundred eighty (180) days after the official appointment  
661 date of the initial board. Those meeting the minimum requirements  
662 as stated in this act, except for obtaining a license, may  
663 continue the practice of massage therapy or instruction thereof  
664 within these one hundred eighty (180) days. Massage curriculums  
665 that begin before July 1, 2001, may continue with the same  
666 curriculum until completion. Anyone not meeting the minimum  
667 requirements as stated in this act shall not advertise massage  
668 therapy or instruction thereof until they meet the minimum  
669 requirements of this act.

670 SECTION 20. This act shall take effect and be in force from  
671 and after July 1, 2001.