

By: Senator(s) Huggins

To: Public Health and
Welfare

SENATE BILL NO. 2360
(As Sent to Governor)

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 AND TO
6 PROVIDE FOR THE REGISTRATION OF MASSAGE THERAPISTS; TO PRESCRIBE
7 THE QUALIFICATIONS FOR THE CERTIFICATE OF REGISTRATION; TO PROVIDE
8 FOR THE EXAMINATION OF CERTAIN APPLICANTS; TO PROVIDE GROUNDS FOR
9 THE REVOCATION OF THE CERTIFICATE OF REGISTRATION; TO PROVIDE
10 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 73-6-5,
11 MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 522, 2001
12 REGULAR SESSION, TO PRESCRIBE AN ANNUAL FEE FOR CHIROPRACTIC
13 RADIOLOGICAL TECHNOLOGISTS AND LATE FEES FOR CHIROPRACTIC
14 ASSISTANTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

43 (a) "Apprenticeship" means a noncompensated program of
44 study, practice and training of no more than three (3)
45 individuals, directed, taught and trained by one or more
46 registered massage therapist(s) in a program approved by the
47 board.

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

50 (c) "Board" means the state board for registering
51 massage therapists as created in this act.

52 (d) "Board-accepted hours" means hours of education
53 accepted by the board to meet requirements of exemption and/or
54 continuing education for pre-act practitioners and is different
55 from "board-approved programs" and/or "board-approved school
56 hours."

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

61 (f) "Examination" means the State Board of Massage
62 Therapy approved examination for registration.

63 (g) "Certificate of registration" means a State Board
64 of Massage Therapy approved form of credential indicating that the



65 certificate holder has met the requirements of this act for the
66 practice of massage therapy.

67 (h) "Massage" means touch, stroking, kneading,
68 stretching, friction, percussion and vibration, and includes
69 holding, positioning, causing movement of the soft tissues and
70 applying manual touch and pressure to the body (excluding an
71 osseous tissue manipulation or adjustment). "Therapy" means
72 action aimed at achieving or increasing health and wellness.
73 "Massage therapy" means the profession in which the practitioner
74 applies massage techniques with the intent of positively affecting
75 the health and well-being of the client, and may adjunctively (i)
76 apply allied modalities, heat, cold, water and topical
77 preparations not classified as prescription drugs, (ii) use hand
78 held tools or devices designed as t-bars or knobblies, and (iii)
79 instruct self care and stress management. "Manual" means by use
80 of hand or body.

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

83 (j) "Massage therapist" means a person who practices
84 massage therapy.

85 (k) "MPMTA" means the "Mississippi Professional Massage
86 Therapy Act."

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

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

91 (n) "Provisional registration" means a temporary
92 certificate of registration granted by the board for conditions of
93 reciprocity.

94 (o) "Provisional permit" means a temporary certificate
95 of registration approved by the board when all requirements, other
96 than registration examination, have been met and until the next
97 registration examination occurs.



98 SECTION 5. (1) There is created the State Board of Massage
99 Therapy.

100 (2) The board shall consist of five (5) members appointed by
101 the Governor, with the advice and consent of the Senate. At least
102 three (3) members shall be appointed from a list submitted by
103 State representatives of one or more nationally recognized
104 professional massage therapy association(s), all of whom must be
105 residents of Mississippi and must have engaged in the practice of
106 massage therapy within the state for at least three (3) years, one
107 (1) member shall be a licensed health professional in a health
108 field other than massage therapy and one (1) member shall be a
109 consumer at large who is not associated with or financially
110 interested in the practice or business of massage therapy. The
111 initial members of the board shall be appointed for staggered
112 terms, as follows: one (1) member shall be appointed for a term
113 that ends on June 30, 2002; one (1) member shall be appointed for
114 a term that ends on June 30, 2003; one (1) member shall be
115 appointed for a term that ends on June 30, 2004; and two (2)
116 members shall be appointed for terms that end on June 30, 2005.
117 Appointments shall be made within ninety (90) days from the
118 effective date of this act.

119 (3) All subsequent appointments to the board shall be
120 appointed by the Governor for terms of four (4) years from the
121 expiration date of the previous term. No person shall be
122 appointed for more than two (2) consecutive terms. By approval of
123 the majority of the board, the service of a member may be extended
124 at the completion of a four-year term until a new member is
125 appointed or the current member is reappointed. The board shall
126 elect one (1) of the appointed massage therapists as the chairman
127 of the board.

128 (4) A majority of the board may elect an executive secretary
129 and other such individuals, including an attorney, as may be
130 necessary to implement the provisions of this act. The board may



131 hold additional meetings at such times and places as it deems
132 necessary. A majority of the board shall constitute a quorum and
133 a majority of the board shall be required to grant or revoke a
134 certificate of registration.

135 SECTION 6. Before entering upon discharge of the duties of
136 the office, the executive secretary of the board shall furnish a
137 bond, approved by the board, to the state in the sum of Five
138 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
139 the faithful discharge of the duties of the office, the premium on
140 the bond shall be paid from funds paid into the State Treasury by
141 the secretary of the board, and the bond shall be deposited with
142 the Secretary of State. All fees and other monies collected or
143 received by the board shall be paid into and credited to a special
144 fund that is created in the State Treasury, which shall be known
145 as the "State Board of Massage Therapy Fund." Any interest earned
146 on the special fund shall be credited to the special fund and
147 shall not be paid into the State General Fund. Any unexpended
148 monies remaining in the special fund at the end of a fiscal year
149 shall not lapse into the State General Fund. Monies in the
150 special fund shall be expended exclusively for the purposes of
151 carrying out the provisions of this Act. Disbursement of monies
152 in the special fund shall be made only upon warrants issued by the
153 State Fiscal Officer upon requisitions signed by the treasurer of
154 the board. The financial records of the board shall be audited
155 annually by the State Auditor. The board shall receive no
156 appropriations from any state funds for its support except from
157 the special fund.

158 SECTION 7. Each member of the board shall receive the per
159 diem authorized under Section 25-3-69 for each day actually
160 discharging his official duties, and shall receive reimbursement
161 for mileage and necessary expense incurred, as provided in Section
162 25-3-41. The expenses of the board in carrying out the provisions
163 of this act shall be paid upon requisitions signed by the chairman



164 and/or secretary of the board and warrants signed by the State
165 Fiscal Officer from the State Board of Massage Therapy Fund. Such
166 expenses shall not exceed the amount paid into the State Treasury
167 under the provisions of this act.

168 SECTION 8. (1) The board shall:

169 (a) Adopt an official seal and keep a record of its
170 proceedings, persons registered as massage therapists, and a
171 record of the certificates of registration that have been revoked
172 or suspended;

173 (b) Keep on file all appropriate records pertaining to
174 each certificate of registration.

175 (c) Annually, on or before February 15, make a report
176 to the Governor and Legislature of all of its official acts during
177 the preceding year, its total receipts and disbursements, and a
178 full and complete report of relevant statistical and significantly
179 notable conditions of massage therapists in this state as
180 uniformly stipulated by the board;

181 (d) Evaluate the qualifications of applicants for
182 registration under this act, and advise applicants as to the
183 acceptance or denial of registration with any reasons for denial
184 within forty-five (45) days;

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

187 (f) Inspect, or have inspected, when required, the
188 business premises of any registered massage therapist during their
189 operating hours, so long as such inspection does not infringe on
190 the reasonable privacy of any therapists' clients;

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

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



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

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

200 (k) Adopt an annual budget;

201 (l) Establish policies with respect to continuing
202 education;

203 (m) Adopt rules:

204 (i) For apprenticeships, which shall establish a
205 minimum training program that meets the same or greater
206 requirements of study and training as that established by this
207 act;

208 (ii) Specifying standards and procedures for
209 issuance of a provisional certificate of registration and a
210 provisional permit;

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

214 (iv) Establishing requirements for a temporary
215 reciprocal certificate of registration;

216 (v) The board shall prescribe renewal procedures,
217 requirements, dates and fees for massage therapy certificates of
218 registration issued by the board and shall include provisions for
219 inactive and lapsed certificates.

220 (n) Make available all forms necessary for carrying out
221 all provisions of this act and any and all necessary business of
222 the board;

223 (o) Establish written duties of the executive
224 secretary;

225 (p) Establish a set of reasonable and customary fines
226 and penalties for violations of this act, and fees, including
227 refund policies, which shall be standardized and not exceeded



228 unless amended with at least thirty (30) days' notice to those who
229 are registered;

230 (q) Establish, amend or repeal any rules or regulations
231 necessary to carry out the purposes of this act and the duties and
232 responsibilities of the board. Affected practitioners shall be
233 sent relevant changes no less than once per registration renewal.

234 (r) The board shall maintain a current register listing
235 the name of every massage therapist registered to practice in this
236 state, his/her last known place of business and last known place
237 of residence, and the date and number of his/her certificate of
238 registration.

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

244 SECTION 9. The board may adopt rules:

245 (a) Establishing reasonable standards concerning the
246 sanitary, hygienic and healthful conditions of premises and
247 facilities used by massage therapists;

248 (b) Relating to the methods and procedures used in the
249 practice of massage;

250 (c) Governing the examination and investigation of
251 applicants for the certificates of registration issued under this
252 act and the issuance, renewal, suspension and revocation of such
253 certificate of registration;

254 (d) Setting standards for certifying continuing
255 education classes;

256 (e) Requiring that massage therapists supply the board
257 with the accurate, current address or addresses where they
258 practice massage;

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



261 (g) Establishing requirements for issuance and
262 retention of an inactive certificate of registration and/or
263 provisional permits.

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

267 (2) This act does not supersede any regulation adopted by a
268 political subdivision of this state relating to the licensing or
269 regulation of any massage therapist and/or massage establishment.

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

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

291 (5) The board may adopt rules requiring any person,
292 including, but not limited to, registered massage therapists,
293 corporations, organizations, health care facilities and state or



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

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

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

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

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

325 SECTION 11. (1) No person may advertise massage or practice
326 massage for compensation in this state unless he is registered as



327 a massage therapist by the board. No person may use the title of
328 or represent himself to be a massage therapist or use any other
329 title, abbreviations, letters, figures, signs or devices that
330 indicate that such person is a massage therapist unless he is
331 registered to practice massage therapy under the provisions of
332 this act. Massage establishments shall be exempt from the
333 advertising provisions found in Section 15 of this act provided
334 that such therapy or service is performed by person(s) registered
335 under this act.

336 (2) The following are requirements for registration:

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

339 (b) An application must provide proof of high school
340 graduate equivalency.

341 (c) An applicant must be of legal status not only to
342 receive a certificate of registration, but also to work in the
343 State of Mississippi with such certificate of registration.

344 (d) An applicant must supply proof of current
345 certification in cardiopulmonary resuscitation (CPR) and first aid
346 of at least eight (8) hours of training, including practical
347 testing, and supply documentation of familiarity with The
348 Americans With Disabilities Act.

349 (e) All required fees for registration must be
350 submitted by the applicant.

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

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

357 (h) The applicant's official and certified
358 transcript(s) from the applicant's massage therapy school. Such
359 transcript must verify that the applicant has completed a



360 board-approved training program of no less than the minimum
361 requirement for supervised in-class massage therapy instruction
362 and student clinic, with a minimum grade requirement of "C" or
363 better in every course of instruction, as stated for school
364 requirements; or if the applicant is submitting criteria from an
365 apprenticeship program, all required documentation, forms and
366 other board-stipulated requirements must be met.

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

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

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

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

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



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

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

399 (2) The board shall accept as evidence of competency, in
400 addition to all other requirements as stated in this act, the
401 successful completion of the "National Certification Examination
402 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other
403 nationally or internationally accredited examination approved by
404 the board.

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

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

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

414 (b) The board may require reexamination in any
415 disciplinary order, based upon the findings and conclusions
416 relative to the competency of a holder of a certificate of
417 registration to practice massage before issuing an unconditional
418 certificate of registration.

419 SECTION 13. (1) An applicant may be registered by
420 demonstrating proof that the applicant holds a valid, current
421 license in another state with similar educational requirements to
422 those required by this act, and that all other registration
423 requirements under this act are met. This is subject to
424 investigation by the board and excludes grandfathering by other
425 states.



426 (2) If an individual who is licensed in another state that
427 has licensing standards substantially equivalent to the standards
428 under this act applies for registration, the board may issue a
429 temporary reciprocal permit authorizing the applicant to practice
430 massage therapy pending completion of documentation that the
431 applicant meets the requirements for registration under this act.
432 The temporary permit may reflect statutory limitations on the
433 scope of practice.

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

438 (4) A certificate of registration issued pursuant to this
439 act is not transferable or assignable.

440 SECTION 14. (1) The board may refuse to issue or renew or
441 may deny, suspend or revoke any certificate of registration held
442 or applied for under this act upon finding that the holder of a
443 certificate of registration or applicant:

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

447 (b) Attempted to use as his own the certificate of
448 registration of another;

449 (c) Allowed the use of his certificate of registration
450 by another;

451 (d) Has been adjudicated as mentally incompetent by
452 regularly constituted authorities;

453 (e) Has been convicted of a crime, or has charges or
454 disciplinary action pending that directly relates to the practice
455 of massage therapy or to the ability to practice massage therapy.
456 Any plea of nolo contendere shall be considered a conviction for
457 the purposes of this section;



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

460 (g) Is guilty of false, misleading or deceptive
461 advertising, or is guilty of aiding or assisting in the
462 advertising of any unregistered or unpermitted person in the
463 practice of massage therapy;

464 (h) Is grossly negligent or incompetent in the practice
465 of massage therapy; or

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

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

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

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



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

497 SECTION 15. (1) Any registered massage therapist
498 advertising by the use of radio, newspaper, television, electronic
499 media, flyers, business cards, phone book or any other means shall
500 include legibly, or clearly audible, the massage therapy
501 certificate of registration number issued to the therapist(s) on
502 and/or with such advertising.

503 (2) Any and all advertising of the registered massage
504 therapist shall be of a professional and ethical nature and shall
505 not be attached to or identified with any pornographic or other
506 establishment that may be construed as unprofessional and/or
507 unethical in the practice of professional massage therapy.

508 (3) No practice of, or advertisement by any means of, any
509 type of therapy involving soft tissue movement by the use of any
510 body part, instrument(s) or device(s), or any term that may be
511 interpreted to involve massage, shiatsu, acupressure, oriental,
512 Eastern or Asian massage techniques, spa, rub, or therapeutic
513 touch, shall be allowed unless such therapy is performed by
514 person(s) who are registered or exempt as stated in this act.

515 (4) Providing information concerning continuing education of
516 massage therapy shall not constitute advertising as that term is
517 used in this section. National massage publications and
518 out-of-state instruction/education/information materials are
519 exempt.

520 (5) The advertising of any designation of massage, including
521 the word "Swedish" (as used in this context), shall not be allowed
522 in conjunction with any other term that the board finds



523 questionable. Questionable terms may include bath, shampoo and
524 escort.

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

528 SECTION 16. (1) All registered massage therapists shall:

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

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

534 (c) Recognize and respect the rights of all ethical
535 practitioners and cooperate with health professionals in a
536 professional manner;

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

540 (e) Keep accurate and up-to-date records regarding a
541 client's condition before and after massage therapy session in
542 cases of a client being treated for a specific condition. Public,
543 sports and on-site seated massage sessions are exempt from
544 documentation; sports massage sessions are exempt from post event
545 documentation;

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

549 (g) Maintain clear and honest communications with their
550 clients, and acknowledge the confidential nature of the
551 professional relationship with a client and respect rights to
552 privacy;

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



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

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

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

560 (2) No massage therapist shall diagnose or prescribe
561 medicine, drugs or treatment.

562 SECTION 17. (1) Lavatories or wash basins provided with an
563 adequate supply of both hot and cold running water should be
564 available. Lavatories or wash basins shall be provided with soap
565 in a dispenser and paper, individual use towels, or air dryers.

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

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

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

575 SECTION 18. (1) To obtain a massage therapy certificate of
576 registration, an applicant must submit to the board the
577 applicant's official and certified transcript(s) from the
578 applicant's massage therapy school. The transcript must verify
579 that the applicant has completed a board-approved training program
580 of not less than six hundred (600) hours of supervised in-class
581 massage therapy instruction, and at least one hundred (100) hours
582 of student clinic, with a minimum grade requirement of "C" or
583 better in every course of instruction, in the following subjects:

584 (a) Two hundred (200) hours in massage theory and
585 practicum;

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



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

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

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

592 (a) Ten (10) hours in legalities including Mississippi
593 massage law and ethics;

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

596 (c) One hundred (100) hours in massage demonstration
597 and supervised practice, which must include, but is not limited
598 to, client evaluation, stroking, kneading, stretching, friction,
599 percussion, vibration, range of motion, hand held tools and
600 devices designated as t-bars or knobblies, and draping and turning;
601 and

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

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

607 (a) Twenty (20) hours in anatomy, including all body
608 systems;

609 (b) Twenty (20) hours in physiology, including all body
610 systems;

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

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

613 (e) Twenty (20) hours in pathology, including medical
614 terminology; and

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

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



621 (a) Seven (7) hours in Eastern, European and Western
622 theory/methods;
623 (b) Eight (8) hours in cardiopulmonary resuscitation
624 (CPR) and first aid;
625 (c) Ten (10) hours in charting and documentation;
626 (d) Twenty-five (25) hours in hydrotherapy and infrared
627 heat;
628 (e) Twenty (20) hours in referral methods within the
629 health care system; and
630 (f) The remaining one hundred thirty (130) hours may
631 expand on any or all of the previous five (5) subject areas,
632 including The Americans with Disabilities Act, and/or be devoted
633 to any approach to massage therapy and wellness, such as trigger
634 points, management, communication, safety, oriental or Eastern
635 massage techniques and specialized populations.

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

650 (6) A massage therapy program shall not operate in the State
651 of Mississippi unless it meets the minimum standards of curriculum
652 for registration as stated in this act. Massage schools and
653 massage curriculums for registration preparation must obtain a



654 national accreditation from such agencies as the Commission on
655 Massage Therapy Accreditation or programs with the same or greater
656 requirements. Existing massage schools will have five (5) years
657 from July 1, 2001, to obtain that accreditation. New massage
658 schools will have five (5) years from the opening of the massage
659 school to show conformance with the accreditation requirements.

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

662 (8) Hours credited through transfer credit shall not be
663 recognized by the board unless the following transfer standards
664 are met:

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

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

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

671 SECTION 19. The grace period for certificates of
672 registration to be issued shall be one hundred eighty (180) days
673 after the official appointment date of the initial board. Those
674 meeting the minimum requirements as stated in this act, except for
675 obtaining a certificate of registration, may continue the practice
676 of massage therapy or instruction thereof within these one hundred
677 eighty (180) days. Massage curriculums that begin before July 1,
678 2001, may continue with the same curriculum until completion.
679 Anyone not meeting the minimum requirements as stated in this act
680 shall not advertise massage therapy or instruction thereof until
681 they meet the minimum requirements of this act.

682 SECTION 20. Sections 1 through 19 of this act shall stand
683 repealed on July 1, 2004.

684 SECTION 21. Section 73-6-5, Mississippi Code of 1972, as
685 reenacted and amended by House Bill No. 522, 2001 Regular Session,
686 is amended as follows:



687 73-6-5. (1) The State Board of Chiropractic Examiners shall
688 select by election from its membership a chairman and vice
689 chairman who shall hold their respective offices for a period of
690 one (1) year. A majority of the members of the board may select
691 an executive secretary; and may hire such other employees,
692 including an attorney, needed to implement the provisions of this
693 chapter. The board shall hold regular meetings for examination
694 beginning on the second week of January and July of each year; and
695 may hold additional meetings at such times and places as it deems
696 necessary, but not to exceed twelve (12) times during its initial
697 calendar year and not more than four (4) times during any
698 subsequent calendar year. The July meeting shall be held in the
699 City of Jackson. A majority of the board shall constitute a
700 quorum, and the concurrence of a majority of the members of the
701 board shall be required to grant or revoke a license. The board
702 shall make such rules and regulations as is necessary to carry out
703 the provisions of this chapter, and a copy of these rules and
704 regulations as well as all changes thereto shall, upon passage, be
705 sent to all practitioners licensed hereunder.

706 (2) The State Board of Chiropractic Examiners shall be
707 authorized to certify to the State Department of Health those
708 chiropractic assistants who are exempt from registration under
709 Section 41-58-3(7)(d) as having completed continuing education
710 requirements and charge a fee of not more than Fifty Dollars
711 (\$50.00) annually to each individual whom the board certifies, as
712 required under Section 41-58-5(4)(f). The board shall be
713 authorized to establish educational qualifications and continuing
714 education requirements for chiropractic assistants that
715 participate in direct patient care. The board shall charge a fee
716 not to exceed Fifty Dollars (\$50.00) annually for this
717 certification and annual renewal. Likewise, a late fee of One
718 Hundred Dollars (\$100.00) shall be charged on all chiropractic
719 assistance and chiropractic radiological technologist not renewing



720 on or before July 1 of each year. Chiropractic radiological
721 technologists are not exempt from these continuing education
722 requirements.

723 SECTION 22. This act shall take effect and be in force from
724 and after July 1, 2001; provided, however, that Section 21 shall
725 take effect and be in force from and after July 2, 2001.

