

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2360: Massage therapists; license and regulate.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 knobbies, 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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

X  
Robert G. Huggins

X  
Neely C. Carlton

X  
Bob M. Dearing

CONFEREES FOR THE HOUSE

X  
Bobby Moody

X  
Frances Fredericks

X  
Omeria Scott