

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 2360

By Representative(s) Committee

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

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

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

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

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

28 (b) Students enrolled in a massage therapy school and
29 working in a student clinic, or other state accredited school
30 offering instruction in the professions listed as exempt in this

31 section, and out-of-state massage therapy instructors when
32 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) "Massage" or "massage therapy" means the profession
44 in which the practitioner applies massage techniques. "Massage"
45 means effleurage, petrissage, friction, tapotement and vibration,
46 and includes holding, positioning, causing movement of the soft
47 tissues and applying manual touch and pressure to the body
48 (excluding any osseous tissue manipulation or adjustment).
49 "Manual" means by use of hand or body.

50 (b) "Massage therapist" means a person who is
51 registered under this act and practices massage therapy.

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

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

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

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

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

61 certificate holder has met the requirements of this act for the
62 practice of massage therapy.

63 (h) "Provisional permit" means a temporary certificate
64 of registration, approved by the board when all requirements,
65 other than the registration examination, have been met and until
66 the next registration examination occurs.

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

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

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

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

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

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

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

91 SECTION 5. (1) There is created the State Board of Massage
92 Therapy. The board shall consist of five (5) members who are
93 residents of the State of Mississippi. One (1) member shall be a
94 licensed health professional in a health field other than massage
95 therapy. One (1) member shall be a lay person. The remaining
96 three (3) members shall be qualified massage therapists having not
97 less than three (3) years experience of credentialed massage
98 therapy practice, with at least one (1) year of that practice in
99 this state. Board members shall be appointed by the Governor,
100 with the advice and consent of the Senate. The members of the
101 board who are massage therapists shall be appointed from a list of
102 persons provided by a state level professional massage therapy
103 association. Appointments shall be made within ninety (90) days
104 from the effective date of this act.

105 (2) Board members shall serve for four (4) years. No board
106 member shall serve more than two (2) consecutive terms at a time.

107 The board shall elect one (1) of the appointed massage therapists
108 as the chairman of the board.

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

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

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

121 registration renewal.

122 SECTION 6. Before entering upon discharge of the duties of
123 the office, the executive secretary of the board shall furnish a
124 bond, approved by the board, to the state in the sum of Five
125 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
126 the faithful discharge of the duties of the office, the premium on
127 the bond shall be paid from funds paid into the State Treasury by
128 the secretary of the board, and the bond shall be deposited with
129 the Secretary of State. Each month monies received by the
130 secretary of the board shall be deposited by him or her into the
131 State Treasury and placed in a special fund to be known as the
132 "State Board of Massage Therapy Fund" for the use of the board in
133 carrying out the provisions of this act. The board shall receive
134 no appropriations from any state funds for its support except from
135 the special fund.

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

149 SECTION 8. (1) The board shall:

150 (a) Adopt an official seal and keep a record of its

151 proceedings, persons registered as massage therapists, and a
152 record of the certificates of registration that have been revoked
153 or suspended;

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

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

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

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

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

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

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

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

181 (j) Revoke, suspend or deny a certificate of
182 registration in accordance with the provisions of this act;
183 (k) Adopt an annual budget;
184 (l) Establish policies with respect to continuing
185 education;
186 (m) Administer massage therapy examinations as provided
187 for and defined in this act;
188 (n) Adopt rules:
189 (i) For apprenticeships, which shall establish a
190 minimum training program that meets the same or greater
191 requirements of study and training as that established by this
192 act;
193 (ii) Specifying standards and procedures for
194 issuance of a provisional certificate of registration and a
195 provisional permit;
196 (iii) Specifying registration procedures for
197 practitioners desiring to be registered in this state who hold an
198 active license or credentials from another state board;
199 (iv) Establishing requirements for a temporary
200 reciprocal certificate of registration;
201 (v) Setting standards relating to practical
202 demonstrations for registration applicants to ensure practical
203 knowledge and safety;
204 (o) Make available all forms necessary for carrying out
205 all provisions of this act and any and all necessary business of
206 the board;
207 (p) Establish written duties of the executive
208 secretary;
209 (q) Establish a set of reasonable and customary fines
210 and penalties for violations of this act, and fees, including

211 refund policies, which shall be standardized and not exceeded
212 unless amended with at least thirty (30) days notice to those who
213 are registered;

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

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

221 SECTION 9. The board may adopt rules:

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

225 (b) Relating to the methods and procedures used in the
226 practice of massage;

227 (c) Governing the examination and investigation of
228 applicants for the certificates of registration issued under this
229 act and the issuance, renewal, suspension and revocation of those
230 certificates of registration;

231 (d) Setting standards for certifying continuing
232 education classes;

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

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

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

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

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

247 (2) Any civil penalty imposed under this section shall
248 become due and payable when the person incurring the penalty
249 receives a notice in writing of the penalty. The notice shall be
250 sent by registered or certified mail. The person to whom the
251 notice is addressed shall have thirty (30) days from the date of
252 mailing of the notice in which to make written application for a
253 hearing. Any person who makes such application shall be entitled
254 to a hearing. The hearing shall be conducted as a contested case
255 hearing. When an order assessing a civil penalty under this
256 section becomes final by operation of law or on appeal, unless the
257 amount of penalty is paid within ten (10) days after the order
258 becomes final, it may be recorded with the circuit clerk in any
259 county of this state. The clerk shall thereupon record the name
260 of the person incurring the penalty and the amount of the penalty
261 in his lien record book.

262 (3) Where the board proposes to refuse to grant or renew a
263 certificate of registration or proposes to revoke or suspend a
264 certificate of registration, an opportunity for a hearing shall be
265 accorded. The board may designate any competent person(s) to
266 preside at such hearing. The board shall promulgate rules for the
267 conduct of hearings and issuance of orders.

268 (4) The board may adopt rules requiring any person,
269 including, but not limited to, registered massage therapists,
270 corporations, organizations, health care facilities and state or

271 local governmental agencies, to report to the board any
272 conviction, determination or finding that a holder of a
273 certificate of registration has committed an act that constitutes
274 unprofessional conduct, or to report information that indicates
275 that the holder of a certificate of registration may not be able
276 to practice his profession with reasonable skill and safety to
277 consumers as a result of a mental, emotional or physical
278 condition. If such entity fails to furnish a required report, the
279 board may petition the circuit court of the county in which the
280 entity resides or is found, and the court shall issue to the
281 entity an order to furnish the required report. A failure to obey
282 the order is a contempt of court.

283 (5) A person is immune from civil liability, whether direct
284 or derivative, for providing information to the board.

285 (6) Upon the complaint of any citizen of this state, or upon
286 its own motion, the board may investigate any alleged violation of
287 this act. In the conduct of investigations, the board may take
288 evidence; take the depositions of witnesses, including the person
289 charged; compel the appearance of witnesses, including the person
290 charged, before the board in person the same as in civil cases;
291 require answers to interrogations; and compel the production of
292 books, papers, accounts, documents and testimony pertaining to the
293 matter under investigation.

294 (7) The board shall make available, upon request, written
295 appeals procedures for anyone whose certificate of registration
296 has been denied, suspended, or revoked, and/or for anyone accused
297 of violating any provisions of this act.

298 (8) Any time the board intends to deny an application for
299 registration, or suspend or revoke an existing certificate of
300 registration, the board shall give the person an opportunity for a

301 hearing before taking final action.

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

314 (2) The following are requirements for registration:

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

321 (b) An application must provide proof of high school
322 graduate equivalency.

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

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

331 (e) All required fees for registration must be
332 submitted by the applicant.

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

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

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

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

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

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

359 (c) Those having no formal training, but who have
360 successfully passed the National Certification Examination for

361 Therapeutic Massage and Bodywork.

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

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

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

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

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

390 (4) An applicant for registration who has been previously

391 registered may be required to take the NCETMB and achieve a
392 passing score before reregistration under any one of the following
393 circumstances:

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

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

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

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

410 (2) If an individual who is licensed in another state that
411 has licensing standards substantially equivalent to the standards
412 under this act applies for registration, the board may issue a
413 temporary reciprocal permit authorizing the applicant to practice
414 massage therapy pending completion of documentation that the
415 applicant meets the requirements for registration under this act.

416 The temporary permit may reflect statutory limitations on the
417 scope of practice.

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

421 massage therapist, doing business during business hours.

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

424 SECTION 14. (1) The board shall prescribe renewal
425 procedures, requirements, dates and fees for massage therapy
426 certificates of registration issued by the board. Certificates of
427 registration shall be valid for two (2), years unless earlier
428 suspended or revoked. The initial fee and biennial renewal fee
429 for a certificate of registration shall be set by the board, but
430 shall not exceed Two Hundred Dollars (\$200.00).

431 (2) A person registered under this act may move to an
432 inactive status by notifying the board in writing. Following
433 approval by the board and upon payment of the appropriate fee(s),
434 the applicant will be placed in inactive status. During the
435 period of any inactive or lapsed status, no such person may
436 practice massage therapy in the State of Mississippi beyond any
437 grace period as set by the board.

438 (3) An inactive certificate of registration may be
439 reactivated upon payment of the fee(s) for an active certificate
440 of registration and proof of compliance with continuing education
441 requirements as established by the board.

442 (4) A massage therapy certificate of registration shall be
443 considered lapsed if an individual fails to pay registration fees
444 when due or fails to meet continuing education requirements. A
445 certificate of registration in lapsed status shall not be placed
446 in inactive status.

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

450 (6) If a certificate of registration has been in any

451 combination of inactive or lapsed status for five (5) consecutive
452 years, the certificate holder may be required to reapply in the
453 same manner as a new applicant.

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

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

461 (b) Attempted to use as his own the certificate of
462 registration of another;

463 (c) Allowed the use of his certificate of registration
464 by another;

465 (d) Has been adjudicated as mentally incompetent by
466 regularly constituted authorities;

467 (e) Has been convicted of a crime, or has charges or
468 disciplinary action pending that directly relates to the practice
469 of massage therapy or to the ability to practice massage therapy.

470 Any plea of nolo contendere shall be considered a conviction for
471 the purposes of this section;

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

474 (g) Is guilty of false, misleading or deceptive
475 advertising, or is guilty of aiding or assisting in the
476 advertising of any unregistered or unpermitted person in the
477 practice of massage therapy;

478 (h) Is grossly negligent or incompetent in the practice
479 of massage therapy; or

480 (i) Has had rights, credentials, or one or more

481 license(s) to practice massage therapy revoked, suspended or
482 denied in any jurisdiction, territory or possession of the United
483 States or another country for acts of the licensee similar to acts
484 described in this section. A certified copy of the record of the
485 jurisdiction making such a revocation, suspension or denial shall
486 be conclusive evidence thereof.

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

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

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

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

511 offense.

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

521 (2) Any and all advertising of the registered massage
522 therapist shall be of a professional and ethical nature and shall
523 not be attached to or identified with any pornographic or other
524 establishment that may be construed as unprofessional and/or
525 unethical in the practice of professional massage therapy.

526 (3) No practice of, or advertisement by any means of, any
527 type of therapy involving soft tissue movement by the use of any
528 body part, instrument(s) or device(s), or any term that may be
529 interpreted to involve massage, shiatsu, acupressure, oriental,
530 spa, rub, or therapeutic touch, shall be allowed unless such
531 therapy is performed by person(s) who are registered or exempt as
532 provided in this act.

533 (4) Providing information concerning continuing education of
534 massage therapy shall not constitute advertising as that term is
535 used in this section. National massage publications and
536 out-of-state instruction/education/information materials are
537 exempt.

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

541 questionable. Questionable terms may include bath, shampoo and
542 escort.

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

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

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

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

552 (c) Recognize and respect the rights of all ethical
553 practitioners and cooperate with health professionals in a
554 professional manner;

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

558 (e) Keep accurate and up-to-date records regarding a
559 client's condition before and after each massage therapy session.

560 Public and on-site seated massage sessions are exempt from
561 documentation. Sports massage is exempt from post event
562 documentation;

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

566 (g) Maintain clear and honest communications with their
567 clients, and acknowledge the confidential nature of the
568 professional relationship with a client and respect rights to
569 privacy;

570 (h) Abide by all laws that pertain to their work as a

571 massage therapist;

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

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

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

577 (2) No massage therapist shall diagnose or prescribe
578 medicine, drugs or treatment.

579 SECTION 18. (1) Construction of the massage therapy
580 establishment and items used in the establishment shall be
581 reasonably sanitary and in good repair.

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

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

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

592 (5) Have available during business hours a copy of the State
593 of Mississippi Professional Massage Therapy Code of Ethics and
594 Professional Conduct.

595 SECTION 19. (1) To obtain a massage therapy certificate of
596 registration, an applicant must submit to the board the
597 applicant's official and certified transcript(s) from the
598 applicant's massage therapy school. The transcript must verify
599 that the applicant has completed a board-approved training program
600 of not less than six hundred (600) hours of supervised in-class

601 massage therapy instruction, and at least one hundred (100) hours
602 of student clinic, with a minimum grade requirement of "C" or
603 better in every course of instruction, in the following subjects:

604 (a) Two hundred (200) hours in massage theory and
605 practicum;

606 (b) Two hundred (200) hours in science of the human
607 body;

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

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

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

612 (a) Ten (10) hours in legalities including Mississippi
613 massage law and ethics;

614 (b) Twenty (20) hours in history, benefits, indications
615 and contraindications;

616 (c) One hundred (100) hours in massage demonstration
617 and supervised practice, which must include, but is not limited
618 to, client evaluation, effleurage, petrissage, friction,
619 tapotement, vibration, range of motion, hand held tools and
620 devices designated as t-bars or knobblies, and draping and turning;
621 and

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

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

627 (a) Twenty (20) hours in anatomy, including all body
628 systems;

629 (b) Twenty (20) hours in physiology, including all body
630 systems;

631 (c) Twenty (20) hours in myology/kinesiology;
632 (d) Twenty (20) hours in neurology;
633 (e) Twenty (20) hours in pathology, including medical
634 terminology; and
635 (f) The remaining one hundred (100) hours may expand on
636 any or all of the previous six (6) subject areas and/or be related
637 to the science of the human body.

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

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

643 (b) Eight (8) hours in cardiopulmonary resuscitation
644 (CPR) and first aid;

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

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

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

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

655 (5) "Student clinic" must include at least thirty (30)
656 practical hands-on one-hour massage therapy sessions, outside of
657 class, to be evaluated on documents filed and kept on record at
658 the school for a minimum of six (6) months. These evaluations are
659 to be completed by the clients of the massage therapy sessions and
660 shall include the client's name, address, reason for session,

661 indications and contraindications, date and signature. Each
662 completed session shall constitute two (2) hours of student
663 clinic. The hands-on session may be supervised or nonsupervised.
664 The remaining forty (40) hours shall be acquired in an actual
665 clinical massage therapy establishment, student clinic or
666 location(s) approved by the school. These remaining forty (40)
667 hours shall be supervised, either directly or indirectly, and
668 shall also be documented.

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

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

682 (8) Hours credited through transfer credit shall not be
683 recognized by the board unless the following transfer standards
684 are met:

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

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

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

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

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

704 SECTION 22. This act shall take effect and be in force from
705 and after July 1, 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; TO
6 PROHIBIT PERSONS FROM ADVERTISING OR PRACTICING MASSAGE FOR
7 COMPENSATION UNLESS THEY ARE REGISTERED UNDER THIS ACT; TO
8 PRESCRIBE THE QUALIFICATIONS FOR A CERTIFICATE OF REGISTRATION; TO
9 PROVIDE FOR THE EXAMINATION OF CERTAIN APPLICANTS; TO PROVIDE
10 GROUNDS FOR THE REVOCATION OF THE CERTIFICATE OF REGISTRATION; TO
11 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
12 PURPOSES.