

By: Representative Watson

To: Public Health and Human Services

HOUSE BILL NO. 410

1 AN ACT TO REENACT SECTIONS 73-67-1 THROUGH 73-67-35,
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI PROFESSIONAL
3 MASSAGE THERAPY ACT; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE
4 OF 1972, TO EXTEND THE REPEAL DATE ON THOSE REENACTED SECTIONS;
5 AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-67-1, Mississippi Code of 1972, is
8 reenacted as follows:

9 73-67-1. This chapter shall be known and may be cited as the
10 "Mississippi Professional Massage Therapy Act."

11 **SECTION 2.** Section 73-67-3, Mississippi Code of 1972, is
12 reenacted as follows:

13 73-67-3. The Legislature finds that in the profession and
14 practice of massage therapy there is a necessity to preserve and
15 protect individual life and health, promote the public interest
16 and welfare by providing for the registration of massage
17 therapists and assuring public safety.

18 **SECTION 3.** Section 73-67-5, Mississippi Code of 1972, is
19 reenacted as follows:

20 73-67-5. (1) The provisions of this chapter shall not apply
21 to the following:

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



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

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

37 **SECTION 4.** Section 73-67-7, Mississippi Code of 1972, is
38 reenacted as follows:

39 73-67-7. For purposes of this chapter, the following terms
40 shall have the meanings stated in this section, unless otherwise
41 stated:

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

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

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

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

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



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

62 (g) "Certificate of registration" means a State Board
63 of Massage Therapy approved form of credential indicating that the
64 certificate holder has met the requirements of this chapter for
65 the practice of massage therapy.

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

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

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

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

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

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

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



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

97 **SECTION 5.** Section 73-67-9, Mississippi Code of 1972, is
98 reenacted as follows:

99 73-67-9. (1) There is created the State Board of Massage
100 Therapy.

101 (2) The board shall consist of five (5) members appointed by
102 the Governor, with the advice and consent of the Senate. At least
103 three (3) members shall be appointed from a list submitted by
104 state representatives of one or more nationally recognized
105 professional massage therapy association(s), all of whom must be
106 residents of Mississippi and must have engaged in the practice of
107 massage therapy within the state for at least three (3) years, one
108 (1) member shall be a licensed health professional in a health
109 field other than massage therapy and one (1) member shall be a
110 consumer at large who is not associated with or financially
111 interested in the practice or business of massage therapy. The
112 initial members of the board shall be appointed for staggered
113 terms, as follows: one (1) member shall be appointed for a term
114 that ends on June 30, 2002; one (1) member shall be appointed for
115 a term that ends on June 30, 2003; one (1) member shall be
116 appointed for a term that ends on June 30, 2004; and two (2)
117 members shall be appointed for terms that end on June 30, 2005.
118 Appointments shall be made within ninety (90) days from July 1,
119 2001.

120 (3) All subsequent appointments to the board shall be
121 appointed by the Governor for terms of four (4) years from the
122 expiration date of the previous term. No person shall be
123 appointed for more than two (2) consecutive terms. By approval of
124 the majority of the board, the service of a member may be extended
125 at the completion of a four-year term until a new member is



126 appointed or the current member is reappointed. The board shall
127 elect one (1) of the appointed massage therapists as the chairman
128 of the board.

129 (4) A majority of the board may elect an executive secretary
130 and other such individuals, including an attorney, as may be
131 necessary to implement the provisions of this chapter. The board
132 may hold additional meetings at such times and places as it deems
133 necessary. A majority of the board shall constitute a quorum and
134 a majority of the board shall be required to grant or revoke a
135 certificate of registration.

136 **SECTION 6.** Section 73-67-11, Mississippi Code of 1972, is
137 reenacted as follows:

138 73-67-11. Before entering upon discharge of the duties of
139 the office, the executive secretary of the board shall furnish a
140 bond, approved by the board, to the state in the sum of Five
141 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
142 the faithful discharge of the duties of the office, the premium on
143 the bond shall be paid from funds paid into the State Treasury by
144 the secretary of the board, and the bond shall be deposited with
145 the Secretary of State. All fees and other monies collected or
146 received by the board shall be paid into and credited to a special
147 fund that is created in the State Treasury, which shall be known
148 as the "State Board of Massage Therapy Fund." Any interest earned
149 on the special fund shall be credited to the special fund and
150 shall not be paid into the State General Fund. Any unexpended
151 monies remaining in the special fund at the end of a fiscal year
152 shall not lapse into the State General Fund. Monies in the
153 special fund shall be expended exclusively for the purposes of
154 carrying out the provisions of this chapter. Disbursement of
155 monies in the special fund shall be made only upon warrants issued
156 by the State Fiscal Officer upon requisitions signed by the
157 treasurer of the board. The financial records of the board shall
158 be audited annually by the State Auditor. The board shall receive



159 no appropriations from any state funds for its support except from
160 the special fund.

161 **SECTION 7.** Section 73-67-13, Mississippi Code of 1972, is
162 reenacted as follows:

163 73-67-13. Each member of the board shall receive the per
164 diem authorized under Section 25-3-69 for each day actually
165 discharging his official duties, and shall receive reimbursement
166 for mileage and necessary expense incurred, as provided in Section
167 25-3-41. The expenses of the board in carrying out the provisions
168 of this chapter shall be paid upon requisitions signed by the
169 chairman and/or secretary of the board and warrants signed by the
170 State Fiscal Officer from the State Board of Massage Therapy Fund.
171 Such expenses shall not exceed the amount paid into the State
172 Treasury under the provisions of this chapter.

173 **SECTION 8.** Section 73-67-15, Mississippi Code of 1972, is
174 reenacted as follows:

175 73-67-15. (1) The board shall:

176 (a) Adopt an official seal and keep a record of its
177 proceedings, persons registered as massage therapists, and a
178 record of the certificates of registration that have been revoked
179 or suspended;

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

182 (c) Annually, on or before February 15, make a report
183 to the Governor and Legislature of all of its official acts during
184 the preceding year, its total receipts and disbursements, and a
185 full and complete report of relevant statistical and significantly
186 notable conditions of massage therapists in this state as
187 uniformly stipulated by the board;

188 (d) Evaluate the qualifications of applicants for
189 registration under this chapter, and advise applicants as to the
190 acceptance or denial of registration with any reasons for denial
191 within forty-five (45) days;



- 192 (e) Issue certificates of registration to applicants
193 who meet the requirements of this chapter;
- 194 (f) Inspect, or have inspected, when required, the
195 business premises of any registered massage therapist during their
196 operating hours, so long as such inspection does not infringe on
197 the reasonable privacy of any therapist's clients;
- 198 (g) Establish minimum training and educational
199 standards for obtaining a certificate of registration under this
200 chapter, provided that requirements do not decrease;
- 201 (h) Establish a procedure for approval of educational
202 standards required by this chapter;
- 203 (i) Investigate persons suspected of engaging in
204 practices which may violate provisions of this chapter;
- 205 (j) Revoke, suspend or deny a certificate of
206 registration in accordance with the provisions of this chapter;
- 207 (k) Adopt an annual budget;
- 208 (l) Establish policies with respect to continuing
209 education;
- 210 (m) Adopt rules:
- 211 (i) For apprenticeships, which shall establish a
212 minimum training program that meets the same or greater
213 requirements of study and training as that established by this
214 chapter;
- 215 (ii) Specifying standards and procedures for
216 issuance of a provisional certificate of registration and a
217 provisional permit;
- 218 (iii) Specifying registration procedures for
219 practitioners desiring to be registered in this state who hold an
220 active license or credentials from another state board;
- 221 (iv) Establishing requirements for a temporary
222 reciprocal certificate of registration;
- 223 (v) The board shall prescribe renewal procedures,
224 requirements, dates and fees for massage therapy certificates of



225 registration issued by the board and shall include provisions for
226 inactive and lapsed certificates.

227 (n) Make available all forms necessary for carrying out
228 all provisions of this chapter and any and all necessary business
229 of the board;

230 (o) Establish written duties of the executive
231 secretary;

232 (p) Establish a set of reasonable and customary fines
233 and penalties for violations of this chapter, and fees, including
234 refund policies, which shall be standardized and not exceeded
235 unless amended with at least thirty (30) days' notice to those who
236 are registered;

237 (q) Establish, amend or repeal any rules or regulations
238 necessary to carry out the purposes of this chapter and the duties
239 and responsibilities of the board. Affected practitioners shall
240 be sent relevant changes no less than once per registration
241 renewal.

242 (r) The board shall maintain a current register listing
243 the name of every massage therapist registered to practice in this
244 state, his/her last known place of business and last known place
245 of residence, and the date and number of his/her certificate of
246 registration.

247 (2) Each board member shall be held accountable to the
248 Governor for the proper performance of all duties and obligations
249 of the member's office. Board members shall be immune from civil
250 liability pertaining to any legal functions involving the carrying
251 out of the activities and responsibilities of this chapter.

252 **SECTION 9.** Section 73-67-17, Mississippi Code of 1972, is
253 reenacted as follows:

254 73-67-17. The board may adopt rules:

255 (a) Establishing reasonable standards concerning the
256 sanitary, hygienic and healthful conditions of premises and
257 facilities used by massage therapists;



258 (b) Relating to the methods and procedures used in the
259 practice of massage;

260 (c) Governing the examination and investigation of
261 applicants for the certificates of registration issued under this
262 chapter and the issuance, renewal, suspension and revocation of
263 such certificate of registration;

264 (d) Setting standards for certifying continuing
265 education classes;

266 (e) Requiring that massage therapists supply the board
267 with the accurate, current address or addresses where they
268 practice massage;

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

271 (g) Establishing requirements for issuance and
272 retention of an inactive certificate of registration and/or
273 provisional permits.

274 **SECTION 10.** Section 73-67-19, Mississippi Code of 1972, is
275 reenacted as follows:

276 73-67-19. (1) The board may report to the proper district
277 attorney all cases that, in the judgment of the board, warrant
278 prosecution.

279 (2) This chapter does not supersede any regulation adopted
280 by a political subdivision of this state relating to the licensing
281 or regulation of any massage therapist and/or massage
282 establishment.

283 (3) Any civil penalty imposed under this section shall
284 become due and payable when the person incurring the penalty
285 receives a notice in writing of the penalty. The notice shall be
286 sent by registered or certified mail. The person to whom the
287 notice is addressed shall have thirty (30) days from the date of
288 mailing of the notice in which to make written application for a
289 hearing. Any person who makes such application shall be entitled
290 to a hearing. The hearing shall be conducted as a contested case



291 hearing. When an order assessing a civil penalty under this
292 section becomes final by operation of law or on appeal, unless the
293 amount of penalty is paid within ten (10) days after the order
294 becomes final, it may be recorded with the circuit clerk in any
295 county of this state. The clerk shall thereupon record the name
296 of the person incurring the penalty and the amount of the penalty
297 in his lien record book.

298 (4) Where the board proposes to refuse to grant or renew a
299 certificate of registration or proposes to revoke or suspend a
300 certificate of registration, an opportunity for a hearing shall be
301 accorded. The board may designate any competent person(s) to
302 preside at such hearing. The board shall promulgate rules for the
303 conduct of hearings and issuance of orders.

304 (5) The board may adopt rules requiring any person,
305 including, but not limited to, registered massage therapists,
306 corporations, organizations, health care facilities and state or
307 local governmental agencies to report to the board any conviction,
308 determination or finding that a holder of a certificate of
309 registration has committed an act that constitutes unprofessional
310 conduct, or to report information that indicates that the holder
311 of a certificate of registration may not be able to practice his
312 profession with reasonable skill and safety to consumers as a
313 result of a mental, emotional or physical condition. If such
314 entity fails to furnish a required report, the board may petition
315 the circuit court of the county in which the entity resides or is
316 found, and the court shall issue to the entity an order to furnish
317 the required report. A failure to obey the order is a contempt of
318 court.

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

321 (7) Upon the complaint of any citizen of this state, or upon
322 its own motion, the board may investigate any alleged violation of
323 this chapter. In the conduct of investigations, the board may



324 take evidence; take the depositions of witnesses, including the
325 person charged; compel the appearance of witnesses, including the
326 person charged, before the board in person the same as in civil
327 cases; require answers to interrogations; and compel the
328 production of books, papers, accounts, documents and testimony
329 pertaining to the matter under investigation.

330 (8) The board shall make available, upon request, written
331 appeals procedures for anyone whose certificate of registration
332 has been denied, suspended or revoked, and/or for anyone accused
333 of violating any provisions of this chapter.

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

338 **SECTION 11.** Section 73-67-21, Mississippi Code of 1972, is
339 reenacted as follows:

340 73-67-21. (1) No person may advertise massage or practice
341 massage for compensation in this state unless he is registered as
342 a massage therapist by the board. No person may use the title of
343 or represent himself to be a massage therapist or use any other
344 title, abbreviations, letters, figures, signs or devices that
345 indicate that such person is a massage therapist unless he is
346 registered to practice massage therapy under the provisions of
347 this chapter. Massage establishments shall be exempt from the
348 advertising provisions found in Section 73-67-29 provided that
349 such therapy or service is performed by person(s) registered under
350 this chapter.

351 (2) The following are requirements for registration:

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

354 (b) An application must provide proof of high school
355 graduate equivalency.



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

359 (d) An applicant must supply proof of current
360 certification in cardiopulmonary resuscitation (CPR) and first aid
361 of at least eight (8) hours of training, including practical
362 testing, and supply documentation of familiarity with the
363 Americans With Disabilities Act.

364 (e) All required fees for registration must be
365 submitted by the applicant.

366 (f) Any and all requirements regarding good moral
367 character and competency, as provided for in this chapter and in
368 accepted codes of ethics, shall be met.

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

372 (h) The applicant's official and certified
373 transcript(s) from the applicant's massage therapy school. Such
374 transcript must verify that the applicant has completed a
375 board-approved training program of no less than the minimum
376 requirement for supervised in-class massage therapy instruction
377 and student clinic, with a minimum grade requirement of "C" or
378 better in every course of instruction, as stated for school
379 requirements; or if the applicant is submitting criteria from an
380 apprenticeship program, all required documentation, forms and
381 other board-stipulated requirements must be met.

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

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



389 (b) Those having more than five (5) years of
390 professional massage therapy experience and a minimum of one
391 hundred fifty (150) hours of approved massage therapy education
392 before January 1, 2001.

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

396 (d) All grandfathering exemption allowances as stated
397 in this section shall end on July 1, 2002, for nonstudents, and on
398 June 1, 2003, for students who were enrolled in a part-time
399 massage school curriculum on July 1, 2001. Individuals may apply
400 for a certificate of registration until the grandfathering
401 exemption ends, but may not practice massage beyond the allowed
402 grace period as provided for in Section 73-67-37 unless a valid
403 massage therapy certificate of registration or provisional permit
404 is obtained. All other pre-act practitioners and anyone not
405 practicing massage therapy before January 1, 2001, must take and
406 pass the registration examination and follow the requirements in
407 this chapter to practice massage therapy for compensation in
408 Mississippi.

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

412 **SECTION 12.** Section 73-67-23, Mississippi Code of 1972, is
413 reenacted as follows:

414 73-67-23. (1) The purpose of requiring examination is to
415 determine that each applicant for registration possesses the
416 minimum skills and knowledge to practice competently.

417 (2) The board shall accept as evidence of competency, in
418 addition to all other requirements as stated in this chapter, the
419 successful completion of the "National Certification Examination
420 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other



421 nationally or internationally accredited examination approved by
422 the board.

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

426 (4) An applicant for registration who has been previously
427 registered may be required to take the NCETMB and achieve a
428 passing score before reregistration under any one (1) of the
429 following circumstances:

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

432 (b) The board may require reexamination in any
433 disciplinary order, based upon the findings and conclusions
434 relative to the competency of a holder of a certificate of
435 registration to practice massage before issuing an unconditional
436 certificate of registration.

437 **SECTION 13.** Section 73-67-25, Mississippi Code of 1972, is
438 reenacted as follows:

439 73-67-25. (1) An applicant may be registered by
440 demonstrating proof that the applicant holds a valid, current
441 license in another state with similar educational requirements to
442 those required by this chapter, and that all other registration
443 requirements under this chapter are met. This is subject to
444 investigation by the board and excludes grandfathering by other
445 states.

446 (2) If an individual who is licensed in another state that
447 has licensing standards substantially equivalent to the standards
448 under this chapter applies for registration, the board may issue a
449 temporary reciprocal permit authorizing the applicant to practice
450 massage therapy pending completion of documentation that the
451 applicant meets the requirements for registration under this
452 chapter. The temporary permit may reflect statutory limitations
453 on the scope of practice.



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

458 (4) A certificate of registration issued pursuant to this
459 chapter is not transferable or assignable.

460 **SECTION 14.** Section 73-67-27, Mississippi Code of 1972, is
461 reenacted as follows:

462 73-67-27. (1) The board may refuse to issue or renew or may
463 deny, suspend or revoke any certificate of registration held or
464 applied for under this chapter upon finding that the holder of a
465 certificate of registration or applicant:

466 (a) Is guilty of fraud, deceit or misrepresentation in
467 procuring or attempting to procure any certificate of registration
468 provided for in this chapter;

469 (b) Attempted to use as his own the certificate of
470 registration of another;

471 (c) Allowed the use of his certificate of registration
472 by another;

473 (d) Has been adjudicated as mentally incompetent by
474 regularly constituted authorities;

475 (e) Has been convicted of a crime, or has charges or
476 disciplinary action pending that directly relates to the practice
477 of massage therapy or to the ability to practice massage therapy.
478 Any plea of nolo contendere shall be considered a conviction for
479 the purposes of this section;

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

482 (g) Is guilty of false, misleading or deceptive
483 advertising, or is guilty of aiding or assisting in the
484 advertising of any unregistered or unpermitted person in the
485 practice of massage therapy;



486 (h) Is grossly negligent or incompetent in the practice
487 of massage therapy; or

488 (i) Has had rights, credentials or one or more
489 license(s) to practice massage therapy revoked, suspended or
490 denied in any jurisdiction, territory or possession of the United
491 States or another country for acts of the licensee similar to acts
492 described in this section. A certified copy of the record of the
493 jurisdiction making such a revocation, suspension or denial shall
494 be conclusive evidence thereof.

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

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

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

513 (c) Any person who violates any provision of this
514 chapter, other than violation(s) of paragraph (a) of this
515 subsection, is guilty of a misdemeanor, and upon conviction, shall
516 be punished by a fine not exceeding Five Hundred Dollars
517 (\$500.00), or imprisonment for up to one (1) month in jail, or
518 both, per offense.



519 **SECTION 15.** Section 73-67-29, Mississippi Code of 1972, is
520 reenacted as follows:

521 73-67-29. (1) Any registered massage therapist advertising
522 by the use of radio, newspaper, television, electronic media,
523 flyers, business cards, phone book or any other means shall
524 include legibly, or clearly audible, the massage therapy
525 certificate of registration number issued to the therapist(s) on
526 and/or with such advertising.

527 (2) Any and all advertising of the registered massage
528 therapist shall be of a professional and ethical nature and shall
529 not be attached to or identified with any pornographic or other
530 establishment that may be construed as unprofessional and/or
531 unethical in the practice of professional massage therapy.

532 (3) No practice of, or advertisement by any means of, any
533 type of therapy involving soft tissue movement by the use of any
534 body part, instrument(s) or device(s), or any term that may be
535 interpreted to involve massage, shiatsu, acupressure, oriental,
536 Eastern or Asian massage techniques, spa, rub, or therapeutic
537 touch, shall be allowed unless such therapy is performed by
538 person(s) who are registered or exempt as stated in this chapter.

539 (4) Providing information concerning continuing education of
540 massage therapy shall not constitute advertising as that term is
541 used in this section. National massage publications and
542 out-of-state instruction/education/information materials are
543 exempt.

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

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



552 **SECTION 16.** Section 73-67-31, Mississippi Code of 1972, is
553 reenacted as follows:

554 73-67-31. (1) All registered massage therapists shall:

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

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

560 (c) Recognize and respect the rights of all ethical
561 practitioners and cooperate with health professionals in a
562 professional manner;

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

566 (e) Keep accurate and up-to-date records regarding a
567 client's condition before and after massage therapy session in
568 cases of a client being treated for a specific condition. Public,
569 sports and on-site seated massage sessions are exempt from
570 documentation; sports massage sessions are exempt from post event
571 documentation;

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

575 (g) Maintain clear and honest communications with their
576 clients, and acknowledge the confidential nature of the
577 professional relationship with a client and respect rights to
578 privacy;

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

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

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



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

586 (2) No massage therapist shall diagnose or prescribe
587 medicine, drugs or treatment.

588 **SECTION 17.** Section 73-67-33, Mississippi Code of 1972, is
589 reenacted as follows:

590 73-67-33. (1) Lavatories or wash basins provided with an
591 adequate supply of both hot and cold running water should be
592 available. Lavatories or wash basins shall be provided with soap
593 in a dispenser and paper, individual use towels, or air dryers.

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

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

600 (4) Have available during business hours a copy of the State
601 of Mississippi Professional Massage Therapy Code of Ethics and
602 Professional Conduct.

603 **SECTION 18.** Section 73-67-35, Mississippi Code of 1972, is
604 reenacted as follows:

605 73-67-35. (1) To obtain a massage therapy certificate of
606 registration, an applicant must submit to the board the
607 applicant's official and certified transcript(s) from the
608 applicant's massage therapy school. The transcript must verify
609 that the applicant has completed a board-approved training program
610 of not less than six hundred (600) hours of supervised in-class
611 massage therapy instruction, and at least one hundred (100) hours
612 of student clinic, with a minimum grade requirement of "C" or
613 better in every course of instruction, in the following subjects:

614 (a) Two hundred (200) hours in massage theory and
615 practicum;



616 (b) Two hundred (200) hours in science of the human
617 body;

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

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

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

622 (a) Ten (10) hours in legalities including Mississippi
623 massage law and ethics;

624 (b) Twenty (20) hours in history, benefits, indications
625 and contraindications;

626 (c) One hundred (100) hours in massage demonstration
627 and supervised practice, which must include, but is not limited
628 to, client evaluation, stroking, kneading, stretching, friction,
629 percussion, vibration, range of motion, hand held tools and
630 devices designated as t-bars or knobbies, and draping and turning;
631 and

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

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

637 (a) Twenty (20) hours in anatomy, including all body
638 systems;

639 (b) Twenty (20) hours in physiology, including all body
640 systems;

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

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

643 (e) Twenty (20) hours in pathology, including medical
644 terminology; and

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



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

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

653 (b) Eight (8) hours in cardiopulmonary resuscitation
654 (CPR) and first aid;

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

656 (d) Twenty-five (25) hours in hydrotherapy and infrared
657 heat;

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

660 (f) The remaining one hundred thirty (130) hours may
661 expand on any or all of the previous five (5) subject areas,
662 including the Americans With Disabilities Act, and/or be devoted
663 to any approach to massage therapy and wellness, such as trigger
664 points, management, communication, safety, oriental or Eastern
665 massage techniques and specialized populations.

666 (5) "Student clinic" must include at least thirty (30)
667 practical hands-on one-hour massage therapy sessions, outside of
668 class, to be evaluated on documents filed and kept on record at
669 the school for a minimum of six (6) months. These evaluations are
670 to be completed by the clients of the massage therapy sessions and
671 shall include the client's name, address, reason for session,
672 indications and contraindications, date and signature. Each
673 completed session shall constitute two (2) hours of student
674 clinic. The hands-on session may be supervised or nonsupervised.
675 The remaining forty (40) hours shall be acquired in an actual
676 clinical massage therapy establishment, student clinic or
677 location(s) approved by the school. These remaining forty (40)
678 hours shall be supervised, either directly or indirectly, and
679 shall also be documented.



680 (6) A massage therapy program shall not operate in the State
681 of Mississippi unless it meets the minimum standards of curriculum
682 for registration as stated in this chapter. Massage schools and
683 massage curriculums for registration preparation must obtain a
684 national accreditation from such agencies as the Commission on
685 Massage Therapy Accreditation or programs with the same or greater
686 requirements. Existing massage schools will have five (5) years
687 from July 1, 2001, to obtain that accreditation. New massage
688 schools will have five (5) years from the opening of the massage
689 school to show conformance with the accreditation requirements.

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

692 (8) Hours credited through transfer credit shall not be
693 recognized by the board unless the following transfer standards
694 are met:

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

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

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

701 **SECTION 19.** Section 73-67-37, Mississippi Code of 1972, is
702 reenacted as follows:

703 73-67-37. The grace period for certificates of registration
704 to be issued shall be from the effective date of this act until
705 July 1, 2002. Those meeting the minimum requirements as stated in
706 this chapter, except for obtaining a certificate of registration,
707 may continue the practice of massage therapy or instruction
708 thereof within the grace period. Massage curriculums that begin
709 before July 1, 2001, may continue with the same curriculum until
710 completion. Anyone not meeting the minimum requirements as stated
711 in this chapter shall not advertise massage therapy or instruction
712 thereof until they meet the minimum requirements of this chapter.



713 **SECTION 20.** Section 73-67-39, Mississippi Code of 1972, is
714 amended as follows:

715 73-67-39. Sections 73-67-1 through 73-67-37 of this act
716 shall stand repealed on July 1, 2006.

717 **SECTION 21.** This act shall take effect and be in force from
718 and after July 1, 2004.

