

By: Representatives Fredericks, Martinson

To: Public Health and Human  
Services

## HOUSE BILL NO. 1590

1 AN ACT TO REENACT SECTIONS 73-67-1 THROUGH 73-67-37,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE MISSISSIPPI PROFESSIONAL  
3 MASSAGE THERAPY ACT; TO AMEND REENACTED SECTIONS 73-67-3 THROUGH  
4 73-67-37, MISSISSIPPI CODE OF 1972, TO CHANGE PROVISIONS FOR  
5 MASSAGE THERAPIST "REGISTRATION" TO MASSAGE THERAPIST "LICENSURE,"  
6 REVISE DEFINITIONS, DELETE PROVISIONAL REGISTRATION, REVISE  
7 REQUIREMENTS FOR PROVISIONAL PERMITS, AUTHORIZE THE STATE BOARD OF  
8 MASSAGE THERAPY TO ESTABLISH STANDARDS FOR THE OPERATION OF  
9 SCHOOLS OF MASSAGE THERAPY, DELETE PROVISIONS THAT ALLOW LOCAL  
10 REGULATION OF MASSAGE THERAPISTS AND ESTABLISHMENTS AND TO  
11 PROHIBIT DISCRIMINATION AGAINST SUCH FOR BUSINESS LICENSES, TO  
12 REQUIRE ESTABLISHMENTS TO VERIFY PROPER LICENSURE OF MASSAGE  
13 THERAPISTS EMPLOYED, EMPOWER THE BOARD TO ASSESS PENALTIES,  
14 AUTHORIZE THE BOARD TO ASSESS THE COSTS OF DISCIPLINARY  
15 PROCEEDINGS, AND PRESCRIBE CERTAIN EDUCATIONAL QUALIFICATIONS FOR  
16 LICENSURE; TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972, TO  
17 EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI PROFESSIONAL  
18 MASSAGE THERAPY ACT; TO AMEND SECTION 75-60-5, MISSISSIPPI CODE OF  
19 1972, TO EXEMPT SCHOOLS OR COURSES OF INSTRUCTION UNDER THE  
20 JURISDICTION OF THE STATE BOARD OF MASSAGE THERAPY FROM THE  
21 PROPRIETARY SCHOOL AND COLLEGE REGISTRATION LAW; AND FOR RELATED  
22 PURPOSES.

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

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

26 73-67-1. This chapter shall be known and may be cited as the  
27 "Mississippi Professional Massage Therapy Act."

28 **SECTION 2.** Section 73-67-3, Mississippi Code of 1972, is  
29 reenacted and amended as follows:

30 73-67-3. The Legislature finds that in the profession and  
31 practice of massage therapy there is a necessity to preserve and  
32 protect individual life and health, promote the public interest  
33 and welfare by providing for the licensure of massage therapists  
34 and assuring public safety.

35 **SECTION 3.** Section 73-67-5, Mississippi Code of 1972, is  
36 reenacted and amended as follows:

37           73-67-5. (1) The provisions of this chapter shall not apply  
38 to the following:

39           (a) Persons state licensed, state registered, state  
40 certified, or otherwise state credentialed by the laws of this  
41 state to include massage as part of their practice, or other  
42 allied modalities that are certified by a nationally accredited  
43 organization recognized by the board;

44           (b) Students enrolled in a massage therapy school and,  
45 at the same time, working in a student clinic, and out-of-state  
46 massage therapy instructors when teaching in these programs;

47           (2) Any exemption granted under this section is effective  
48 only insofar as and to the extent that the bona fide practice of  
49 the profession or business of the person exempted overlaps into  
50 the field comprehended by this law, and exemptions under this  
51 section are only for those activities that are currently  
52 authorized and performed in the course of the bona fide practice  
53 of the business or profession of the person exempted.

54           **SECTION 4.** Section 73-67-7, Mississippi Code of 1972, is  
55 reenacted and amended as follows:

56           73-67-7. For purposes of this chapter, the following terms  
57 shall have the meanings stated in this section, unless otherwise  
58 stated:

59           \* \* \*

60           (a) "Approved massage therapy school" means a facility  
61 that is licensed by this board and meets the curriculum and  
62 instruction requirements as stated in this chapter.

63           (b) "Board" means the state board for licensing massage  
64 therapists as created in this chapter.

65           (c) "Board-accepted hours" means hours of education  
66 accepted by the board to meet requirements of exemption and/or  
67 continuing education for pre-act practitioners and is different  
68 from "board-approved programs" and/or "board-approved school  
69 hours."

70           (d) "Classroom hour" means no less than fifty (50)  
71 minutes of any one (1) clock hour during which the student  
72 participates in a learning activity under the supervision of a  
73 member of the faculty of the school.

74           (e) "Examination" means the State Board of Massage  
75 Therapy approved examination for licensure.

76           (f) "License" means a State Board of Massage Therapy  
77 approved form of credential indicating that the license holder has  
78 met the requirements of this chapter for the practice of massage  
79 therapy.

80           (g) "Massage" means touch, stroking, kneading,  
81 stretching, friction, percussion and vibration, and includes  
82 holding, positioning, causing movement of the soft tissues and  
83 applying manual touch and pressure to the body (excluding an  
84 osseous tissue manipulation or adjustment). "Therapy" means  
85 action aimed at achieving or increasing health and wellness.  
86 "Massage therapy" means the profession in which the practitioner  
87 applies massage techniques with the intent of positively affecting  
88 the health and well-being of the client, and may adjunctively (i)  
89 apply allied modalities, heat, cold, water and topical  
90 preparations not classified as prescription drugs, (ii) use hand  
91 held tools or devices designed as t-bars or knobblies, and (iii)  
92 instruct self care and stress management. "Manual" means by use  
93 of hand or body.

94           (h) "Massage establishment" means a place of business  
95 where massage is being conducted.

96           (i) "Massage therapist" means a person who practices  
97 massage therapy.

98           (j) "MPMTA" means the "Mississippi Professional Massage  
99 Therapy Act."

100           (k) "Preact practitioner" means an individual who has  
101 practiced professional massage therapy before January 1, 2001.

102           (l) "Professional" means requiring minimum standards of  
103 conduct, ethics and education.

104       \* \* \*

105           (m) "Provisional permit" means a temporary permit  
106 approved by the board when all requirements, other than  
107 board-approved national examinations or the Mississippi law  
108 examination, have been met, not to exceed ninety (90) days.

109       **SECTION 5.** Section 73-67-9, Mississippi Code of 1972, is  
110 reenacted and amended as follows:

111       73-67-9. (1) There is created the State Board of Massage  
112 Therapy.

113       (2) The board shall consist of five (5) members appointed by  
114 the Governor, with the advice and consent of the Senate. At least  
115 three (3) members shall be appointed from a list submitted by  
116 state representatives of one or more nationally recognized  
117 professional massage therapy association(s), all of whom must be  
118 residents of Mississippi and must have engaged in the practice of  
119 massage therapy within the state for at least three (3) years, one  
120 (1) member shall be a licensed health professional in a health  
121 field other than massage therapy and one (1) member shall be a  
122 consumer at large who is not associated with or financially  
123 interested in the practice or business of massage therapy. The  
124 initial members of the board shall be appointed for staggered  
125 terms, as follows: one (1) member shall be appointed for a term  
126 that ends on June 30, 2002; one (1) member shall be appointed for  
127 a term that ends on June 30, 2003; one (1) member shall be  
128 appointed for a term that ends on June 30, 2004; and two (2)  
129 members shall be appointed for terms that end on June 30, 2005.  
130 Appointments shall be made within ninety (90) days from July 1,  
131 2001.

132       (3) All subsequent appointments to the board shall be  
133 appointed by the Governor for terms of four (4) years from the  
134 expiration date of the previous term. No person shall be

135 appointed for more than two (2) consecutive terms. By approval of  
136 the majority of the board, the service of a member may be extended  
137 at the completion of a four-year term until a new member is  
138 appointed or the current member is reappointed. The board shall  
139 elect one (1) of the appointed massage therapists as the chairman  
140 of the board.

141 (4) A majority of the board may appoint an executive  
142 director and other such individuals, including an attorney, as may  
143 be necessary to implement the provisions of this chapter. The  
144 board may hold additional meetings at such times and places as it  
145 deems necessary. A majority of the board shall constitute a  
146 quorum and a majority of the board shall be required to grant or  
147 revoke a license.

148 **SECTION 6.** Section 73-67-11, Mississippi Code of 1972, is  
149 reenacted and amended as follows:

150 73-67-11. Before entering upon discharge of the duties of  
151 the office, the executive director of the board shall furnish a  
152 bond, approved by the board, to the state in the sum of Five  
153 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon  
154 the faithful discharge of the duties of the office, the premium on  
155 the bond shall be paid from funds paid into the State Treasury by  
156 the director of the board, and the bond shall be deposited with  
157 the Secretary of State. All fees and other monies collected or  
158 received by the board shall be paid into and credited to a special  
159 fund that is created in the State Treasury, which shall be known  
160 as the "State Board of Massage Therapy Fund." Any interest earned  
161 on the special fund shall be credited to the special fund and  
162 shall not be paid into the State General Fund. Any unexpended  
163 monies remaining in the special fund at the end of a fiscal year  
164 shall not lapse into the State General Fund. Monies in the  
165 special fund shall be expended exclusively for the purposes of  
166 carrying out the provisions of this chapter. Disbursement of  
167 monies in the special fund shall be made only upon warrants issued

168 by the State Fiscal Officer upon requisitions signed by the  
169 treasurer of the board. The financial records of the board shall  
170 be audited annually by the State Auditor. The board shall receive  
171 no appropriations from any state funds for its support except from  
172 the special fund.

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

175 73-67-13. Each member of the board shall receive the per  
176 diem authorized under Section 25-3-69 for each day actually  
177 discharging his official duties, and shall receive reimbursement  
178 for mileage and necessary expense incurred, as provided in Section  
179 25-3-41. The expenses of the board in carrying out the provisions  
180 of this chapter shall be paid upon requisitions signed by the  
181 chairman and/or secretary of the board and warrants signed by the  
182 State Fiscal Officer from the State Board of Massage Therapy Fund.  
183 Such expenses shall not exceed the amount paid into the State  
184 Treasury under the provisions of this chapter.

185 **SECTION 8.** Section 73-67-15, Mississippi Code of 1972, is  
186 reenacted and amended as follows:

187 73-67-15. (1) The board shall:

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

191 (b) Keep on file all appropriate records pertaining to  
192 each license;

193 (c) Annually, on or before February 15, make a report  
194 to the Governor and Legislature of all of its official acts during  
195 the preceding year, its total receipts and disbursements, and a  
196 full and complete report of relevant statistical and significantly  
197 notable conditions of massage therapists in this state as  
198 uniformly stipulated by the board;

199 (d) Evaluate the qualifications of applicants for  
200 licensure under this chapter, and advise applicants as to the

201 acceptance or denial of a license with any reasons for denial  
202 within forty-five (45) days;

203 (e) Issue a license to applicants who meet the  
204 requirements of this chapter;

205 (f) Inspect, or have inspected, when required, the  
206 business premises of any licensed massage therapist during their  
207 operating hours, so long as that inspection does not infringe on  
208 the reasonable privacy of any therapist's clients;

209 (g) Establish minimum training and educational  
210 standards for obtaining a license under this chapter, provided  
211 that requirements do not decrease;

212 (h) Establish a procedure for approval of educational  
213 standards required by this chapter;

214 (i) Investigate persons suspected of engaging in  
215 practices that may violate provisions of this chapter;

216 (j) Revoke, suspend or deny a license in accordance  
217 with the provisions of this chapter;

218 (k) Adopt an annual budget;

219 (l) Establish policies with respect to continuing  
220 education;

221 (m) Adopt rules:

222 \* \* \*

223 (i) Specifying standards and procedures for  
224 issuance of a \* \* \* provisional permit;

225 (ii) Specifying licensing procedures for  
226 practitioners desiring to be licensed in this state who hold an  
227 active license or credentials from another state board;

228 \* \* \*

229 (iii) The board shall prescribe renewal  
230 procedures, requirements, dates and fees for massage therapy  
231 licenses issued by the board and shall include provisions for  
232 inactive and lapsed licenses;

233           (n) Make available all forms necessary for carrying out  
234 all provisions of this chapter and any and all necessary business  
235 of the board;

236           (o) Establish written duties of the executive director;

237           (p) Establish a set of reasonable and customary fines  
238 and penalties for violations of this chapter, and fees, including  
239 refund policies, which shall be standardized and not exceeded  
240 unless amended with at least thirty (30) days' notice to those who  
241 are licensed;

242           (q) Establish, amend or repeal any rules or regulations  
243 necessary to carry out the purposes of this chapter and the duties  
244 and responsibilities of the board. Affected practitioners shall  
245 be sent relevant changes no less than once per license renewal;

246           (r) The board shall maintain a current register listing  
247 the name of every massage therapist licensed to practice in this  
248 state, his/her last known place of business and last known place  
249 of residence, and the date and number of his/her license.

250           (s) The board shall set up guidelines for the operation  
251 of schools of massage therapy, and it is charged with that  
252 regulation in this state. The board may prescribe reasonable  
253 rules and regulations governing schools of massage therapy for the  
254 guidance of persons licensed under this chapter in the operation  
255 of schools of massage therapy and in the practice of massage  
256 therapy. When the board has reasons to believe that any of the  
257 provisions of this chapter or the rules and regulations of the  
258 board have been violated, either upon receipt of a written  
259 complaint alleging those violations or upon the board's own  
260 initiative, the board or any of its authorized agents shall  
261 investigate same and may enter upon the premises of a school of  
262 massage therapy at any time during regular business hours of that  
263 school to conduct the investigation. The investigation may  
264 include, but not be limited to, conducting oral interviews with  
265 the complaining party, school or school owner(s) and/or students



266 of the school, and reviewing records of the school pertinent to  
267 the complaint and related to an area subject to the authority of  
268 the board.

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

274 **SECTION 9.** Section 73-67-17, Mississippi Code of 1972, is  
275 reenacted and amended as follows:

276 73-67-17. The board may adopt rules:

277 (a) Establishing reasonable standards concerning the  
278 sanitary, hygienic and healthful conditions of premises and  
279 facilities used by massage therapists;

280 (b) Relating to the methods and procedures used in the  
281 practice of massage;

282 (c) Governing the examination and investigation of  
283 applicants for the license issued under this chapter and the  
284 issuance, renewal, suspension and revocation of the license;

285 (d) Setting standards for certifying continuing  
286 education classes;

287 (e) Requiring that massage therapists supply the board  
288 with the accurate, current address or addresses where they  
289 practice massage;

290 (f) Establishing the educational, training and  
291 experience requirements for licensure by reciprocity;

292 (g) Establishing requirements for issuance and  
293 retention of an inactive license and/or provisional permits.

294 **SECTION 10.** Section 73-67-19, Mississippi Code of 1972, is  
295 reenacted and amended as follows:

296 73-67-19. (1) The board shall report to the proper district  
297 attorney all cases that, in the judgment of the board, warrant  
298 prosecution.

299           (2) Massage therapists or establishments may not be  
300 discriminated against regarding business licenses and shall be  
301 treated as any other health care profession.

302           (3) Any civil penalty imposed under this section shall  
303 become due and payable when the person incurring the penalty  
304 receives a notice in writing of the penalty. The notice shall be  
305 sent by registered or certified mail. The person to whom the  
306 notice is addressed shall have thirty (30) days from the date of  
307 mailing of the notice in which to make written application for a  
308 hearing. Any person who makes that application shall be entitled  
309 to a hearing. The hearing shall be conducted as a contested case  
310 hearing. When an order assessing a civil penalty under this  
311 section becomes final by operation of law or on appeal, unless the  
312 amount of penalty is paid within ten (10) days after the order  
313 becomes final, it may be recorded with the circuit clerk in any  
314 county of this state. The clerk shall then record the name of the  
315 person incurring the penalty and the amount of the penalty in his  
316 lien record book.

317           (4) Where the board proposes to refuse to grant or renew a  
318 license or proposes to revoke or suspend a license, an opportunity  
319 for a hearing shall be accorded. The board may designate any  
320 competent person(s) to preside at the hearing. The board shall  
321 promulgate rules for the conduct of hearings and issuance of  
322 orders.

323           (5) The board may adopt rules requiring any person,  
324 including, but not limited to, licensed massage therapists,  
325 corporations, organizations, health care facilities and state or  
326 local governmental agencies to report to the board any conviction,  
327 determination or finding that a holder of a license has committed  
328 an act that constitutes unprofessional conduct, or to report  
329 information that indicates that the holder of a license may not be  
330 able to practice his profession with reasonable skill and safety  
331 to consumers as a result of a mental, emotional or physical

332 condition. If the entity fails to furnish a required report, the  
333 board may petition the circuit court of the county in which the  
334 entity resides or is found, and the court shall issue to the  
335 entity an order to furnish the required report. A failure to obey  
336 the order is a contempt of court.

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

339 (7) Upon the complaint of any citizen of this state, or upon  
340 its own motion, the board may investigate any alleged violation of  
341 this chapter. In the conduct of investigations, the board may  
342 take evidence; take the depositions of witnesses, including the  
343 person charged; compel the appearance of witnesses, including the  
344 person charged, before the board in person the same as in civil  
345 cases; require answers to interrogations; and compel the  
346 production of books, papers, accounts, documents and testimony  
347 pertaining to the matter under investigation.

348 (8) The board shall make available, upon request, written  
349 appeals procedures for anyone whose license has been denied,  
350 suspended or revoked, and/or for anyone accused of violating any  
351 provisions of this chapter.

352 (9) Any time the board intends to deny an application for  
353 licensure, or suspend or revoke an existing license, the board  
354 shall give the person an opportunity for a hearing before taking  
355 final action.

356 **SECTION 11.** Section 73-67-21, Mississippi Code of 1972, is  
357 reenacted and amended as follows:

358 73-67-21. (1) It shall be the responsibility of a massage  
359 therapy establishment to verify the current licensure of any and  
360 all persons practicing massage therapy at the location of or on  
361 behalf of the establishment. Failure to comply is subject to  
362 penalty assessed by the board of not less than Five Hundred  
363 Dollars (\$500.00) and not more than One Thousand Dollars  
364 (\$1,000.00) per offense.

365       (2) No person may advertise massage or practice massage for  
366 compensation in this state unless he is licensed as a massage  
367 therapist by the board. No person may use the title of or  
368 represent himself to be a massage therapist or use any other  
369 title, abbreviations, letters, figures, signs or devices that  
370 indicate that the person is a massage therapist unless he is  
371 licensed to practice massage therapy under the provisions of this  
372 chapter. Massage establishments with six (6) or more licensed  
373 massage therapists shall be exempt from the advertising provisions  
374 found in Section 73-67-29 provided that the therapy or service is  
375 performed by person(s) licensed under this chapter.

376       (3) The following are requirements for licensure:

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

379           (b) An application must provide proof of high school  
380 graduate equivalency.

381           (c) An applicant must be of legal status not only to  
382 receive a license, but also to work in the State of Mississippi  
383 with that license.

384           (d) An applicant must supply proof of current  
385 certification in cardiopulmonary resuscitation (CPR) and first aid  
386 of at least eight (8) hours of training, including practical  
387 testing, and supply documentation of familiarity with the  
388 Americans With Disabilities Act.

389           (e) All required fees for licensure must be submitted  
390 by the applicant.

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

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

397           (h) The applicant's official and certified  
398 transcript(s) from the applicant's massage therapy school. The  
399 transcript must verify that the applicant has completed a  
400 board-approved training program of no less than the minimum  
401 requirement for supervised in-class massage therapy instruction  
402 and student clinic, with a minimum grade requirement of "C" or  
403 better in every course of instruction, as stated for school  
404 requirements; or if the applicant is submitting criteria from an  
405 apprenticeship program, all required documentation, forms and  
406 other board-stipulated requirements must be met.

407           (4) The following pre-act practitioners are exempt from  
408 having to take any examination for licensure, but must fulfill all  
409 other requirements as stated in this chapter, except for the  
410 requirements in subsection (2)(h) of this section:

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

414           (b) Those having more than five (5) years of  
415 professional massage therapy experience and a minimum of one  
416 hundred fifty (150) hours of approved massage therapy  
417 education \* \* \*.

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

421           (d) All grandfathering exemption allowances as stated  
422 in this section shall end on July 1, 2002, for nonstudents, and on  
423 June 1, 2003, for students who were enrolled in a part-time  
424 massage school curriculum on July 1, 2001. Individuals may apply  
425 for a license until the grandfathering exemption ends, but may not  
426 practice massage beyond the allowed grace period as provided for  
427 in Section 73-67-37 unless a valid massage therapy license or  
428 provisional permit is obtained. All other pre-act practitioners  
429 and anyone not practicing massage therapy before January 1, 2001,

430 must take and pass the licensure examination and follow the  
431 requirements in this chapter to practice massage therapy for  
432 compensation in Mississippi.

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

436 **SECTION 12.** Section 73-67-23, Mississippi Code of 1972, is  
437 reenacted and amended as follows:

438 73-67-23. (1) The purpose of requiring examination is to  
439 determine that each applicant for licensure possesses the minimum  
440 skills and knowledge to practice competently.

441 (2) The board shall accept as evidence of competency, in  
442 addition to all other requirements as stated in this chapter, the  
443 successful completion of the "National Certification Examination  
444 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other  
445 nationally or internationally accredited examination approved by  
446 the board.

447 (3) Eligibility requirements to take the NCETMB are set by  
448 the National Certification Board for Therapeutic Massage and  
449 Bodywork as stated in the NCETMB candidate handbook. Eligibility  
450 to take the ABTE shall be determined by the National Certification  
451 Commission for Acupuncture and Oriental Medicine as stated in the  
452 NCCAOM candidate handbook.

453 (4) An applicant for licensure who has been previously  
454 licensed may be required to take the NCETMB or ABTE or any other  
455 examination approved by the board and achieve a passing score  
456 before relicensure under any one (1) of the following  
457 circumstances:

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

460 (b) The board may require reexamination in any  
461 disciplinary order, based upon the findings and conclusions

462 relative to the competency of a holder of a license to practice  
463 massage before issuing an unconditional license.

464 **SECTION 13.** Section 73-67-25, Mississippi Code of 1972, is  
465 reenacted and amended as follows:

466 73-67-25. (1) An applicant may be licensed by demonstrating  
467 proof that the applicant holds a valid, current license in another  
468 state with similar educational requirements to those required by  
469 this chapter, and that all other licensure requirements under this  
470 chapter are met. This is subject to investigation by the board  
471 and excludes grandfathering by other states.

472 (2) If an individual who is licensed in another state that  
473 has licensing standards substantially equivalent to the standards  
474 under this chapter applies for licensure, the board may issue a  
475 provisional permit authorizing the applicant to practice massage  
476 therapy pending completion of documentation that the applicant  
477 meets the requirements for licensure under this chapter,  
478 including, but not limited to, the Mississippi law examination.  
479 The provisional permit may reflect statutory limitations on the  
480 scope of practice.

481 (3) A current massage therapy license issued by the board  
482 shall at all times be prominently displayed in any place where  
483 massage therapy is being practiced.

484 (4) A license issued pursuant to this chapter is not  
485 transferable or assignable.

486 **SECTION 14.** Section 73-67-27, Mississippi Code of 1972, is  
487 reenacted and amended as follows:

488 73-67-27. (1) The board may refuse to issue or renew or may  
489 deny, suspend or revoke any license held or applied for under this  
490 chapter upon finding that the holder of a license or applicant:

491 (a) Is guilty of fraud, deceit or misrepresentation in  
492 procuring or attempting to procure any license provided for in  
493 this chapter;

494 (b) Attempted to use as his own the license of another;

- 495 (c) Allowed the use of his license by another;
- 496 (d) Has been adjudicated as mentally incompetent by  
497 regularly constituted authorities;
- 498 (e) Has been convicted of a crime, or has charges or  
499 disciplinary action pending that directly relates to the practice  
500 of massage therapy or to the ability to practice massage therapy.  
501 Any plea of nolo contendere shall be considered a conviction for  
502 the purposes of this section;
- 503 (f) Is guilty of unprofessional or unethical conduct as  
504 defined by the code of ethics;
- 505 (g) Is guilty of false, misleading or deceptive  
506 advertising, or is guilty of aiding or assisting in the  
507 advertising of any unlicensed or unpermitted person in the  
508 practice of massage therapy;
- 509 (h) Is grossly negligent or incompetent in the practice  
510 of massage therapy; \* \* \*
- 511 (i) Has had rights, credentials or one or more  
512 license(s) to practice massage therapy revoked, suspended or  
513 denied in any jurisdiction, territory or possession of the United  
514 States or another country for acts of the licensee similar to acts  
515 described in this section. A certified copy of the record of the  
516 jurisdiction making such a revocation, suspension or denial shall  
517 be conclusive evidence thereof; or
- 518 (j) Has been convicted of any felony, other than a  
519 violation of federal or state tax laws.

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

522 (3) (a) Any person(s) found guilty of prostitution using as  
523 any advertisement, claim or insignia of being an actual licensed  
524 massage therapist or to be practicing massage therapy by using the  
525 word "massage" or any other description indicating the same,  
526 whether or not the person(s) have one or more licenses for  
527 person(s) or establishment(s), shall be guilty of a misdemeanor,



528 and upon conviction, shall be punished by a fine of not less than  
529 One Thousand Dollars (\$1,000.00), nor more than Five Thousand  
530 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or  
531 both, per offense, per person.

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

538 (c) Any person who violates any provision of this  
539 chapter, other than violation(s) of paragraph (a) of this  
540 subsection, is guilty of a misdemeanor, and upon conviction, shall  
541 be punished by a fine not exceeding Five Hundred Dollars  
542 (\$500.00), or imprisonment for up to one (1) month in jail, or  
543 both, per offense.

544 (d) The board, in its discretion, may assess and tax  
545 any part or all of the costs of any disciplinary proceedings  
546 conducted against either the accused, the charging party, or both,  
547 as it may elect.

548 **SECTION 15.** Section 73-67-29, Mississippi Code of 1972, is  
549 reenacted and amended as follows:

550 73-67-29. (1) Any licensed massage therapist advertising by  
551 the use of radio, newspaper, television, electronic media, flyers,  
552 business cards, phone book or any other means shall include  
553 legibly, or clearly audible, the massage therapy license number  
554 issued to the therapist(s) on and/or with that advertising.

555 (2) Any and all advertising of the licensed massage  
556 therapist shall be of a professional and ethical nature and shall  
557 not be attached to or identified with any pornographic or other  
558 establishment that may be construed as unprofessional and/or  
559 unethical in the practice of professional massage therapy.

560 (3) No practice of, or advertisement by any means of, any  
561 type of therapy involving soft tissue movement by the use of any  
562 body part, instrument(s) or device(s), or any term that may be  
563 interpreted to involve massage, shiatsu, acupressure, oriental,  
564 Eastern or Asian massage techniques, spa, rub, or therapeutic  
565 touch, shall be allowed unless that therapy is performed by  
566 person(s) who are licensed or exempt as stated in this chapter.

567 (4) Providing information concerning continuing education of  
568 massage therapy shall not constitute advertising as that term is  
569 used in this section. National massage publications and  
570 out-of-state instruction/education/information materials are  
571 exempt.

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

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

580 (7) Advertisers shall obtain the license number from each  
581 massage therapist before entering into an agreement or contract to  
582 advertise any form of massage therapy as stated in this chapter.  
583 The license number(s) shall be part of the actual advertisement.

584 **SECTION 16.** Section 73-67-31, Mississippi Code of 1972, is  
585 reenacted and amended as follows:

586 73-67-31. (1) All licensed massage therapists shall:

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

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

592 (c) Recognize and respect the rights of all ethical  
593 practitioners and cooperate with health professionals in a  
594 professional manner;

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

598 (e) Keep accurate and up-to-date records regarding a  
599 client's condition before and after massage therapy session in  
600 cases of a client being treated for a specific condition. Public,  
601 sports and on-site seated massage sessions are exempt from  
602 documentation; sports massage sessions are exempt from post-event  
603 documentation;

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

607 (g) Maintain clear and honest communications with their  
608 clients, and acknowledge the confidential nature of the  
609 professional relationship with a client and respect rights to  
610 privacy;

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

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

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

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

618 (2) No massage therapist shall diagnose or prescribe  
619 medicine, drugs or treatment.

620 **SECTION 17.** Section 73-67-33, Mississippi Code of 1972, is  
621 reenacted and amended as follows:

622 73-67-33. (1) Lavatories or wash basins provided with an  
623 adequate supply of both hot and cold running water should be

624 available. Lavatories or wash basins shall be provided with soap  
625 in a dispenser and paper, individual use towels, or air dryers.

626 (2) Any mobile massage shall have a previous recording of  
627 the client's name, address where the therapy is to occur,  
628 estimated time of return, and phone number (if available) in a  
629 conspicuous record.

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

632 (4) \* \* \* A copy of the State of Mississippi Professional  
633 Massage Therapy Code of Ethics and Professional Conduct shall be  
634 prominently displayed.

635 **SECTION 18.** Section 73-67-35, Mississippi Code of 1972, is  
636 reenacted and amended as follows:

637 73-67-35. (1) To obtain a massage therapy license, an  
638 applicant must submit to the board the applicant's official and  
639 certified transcript(s) from the applicant's massage therapy  
640 school. The transcript must verify that the applicant has  
641 completed a board-approved training program of not less than six  
642 hundred (600) hours of supervised in-class massage therapy  
643 instruction, and at least one hundred (100) hours of student  
644 clinic, with a minimum grade requirement of "C" or better in every  
645 course of instruction, in the following subjects:

646 (a) Two hundred (200) hours in massage theory and  
647 practicum;

648 (b) Two hundred (200) hours in science of the human  
649 body;

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

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

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

654 (a) Ten (10) hours in legalities including Mississippi  
655 massage law and ethics;

656           (b) Twenty (20) hours in history, benefits, indications  
657 and contraindications;

658           (c) One hundred (100) hours in massage demonstration  
659 and supervised practice, which must include, but is not limited  
660 to, client evaluation, stroking, kneading, stretching, friction,  
661 percussion, vibration, range of motion, hand held tools and  
662 devices designated as t-bars or knobbies, and draping and turning;  
663 and

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

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

669           (a) Twenty (20) hours in anatomy, including all body  
670 systems;

671           (b) Twenty (20) hours in physiology, including all body  
672 systems;

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

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

675           (e) Twenty (20) hours in pathology, including medical  
676 terminology; and

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

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

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

685           (b) Eight (8) hours in cardiopulmonary resuscitation  
686 (CPR) and first aid;

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

688           (d) Twenty-five (25) hours in hydrotherapy and infrared  
689 heat;

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

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

698           (5) "Student clinic" must include at least thirty (30)  
699 practical hands-on one-hour massage therapy sessions, outside of  
700 class, to be evaluated on documents filed and kept on record at  
701 the school for a minimum of six (6) months. These evaluations are  
702 to be completed by the clients of the massage therapy sessions and  
703 shall include the client's name, address, reason for session,  
704 indications and contraindications, date and signature. Each  
705 completed session shall constitute two (2) hours of student  
706 clinic. The hands-on session may be supervised or nonsupervised.  
707 The remaining forty (40) hours shall be acquired in an actual  
708 clinical massage therapy establishment, student clinic or  
709 location(s) approved by the school. These remaining forty (40)  
710 hours shall be supervised, either directly or indirectly, and  
711 shall also be documented.

712           (6) A massage therapy program shall not operate in the State  
713 of Mississippi unless it meets the minimum standards of curriculum  
714 for licensure as stated in this chapter. Massage schools and  
715 massage curriculums for licensure preparation must obtain a  
716 national accreditation from such agencies as the Commission on  
717 Massage Therapy Accreditation or programs with the same or greater  
718 requirements. Existing massage schools will have five (5) years  
719 from July 1, 2001, to obtain that accreditation. New massage

720 schools will have five (5) years from the opening of the massage  
721 school to show conformance with the accreditation requirements.

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

724 (8) Hours credited through transfer credit shall not be  
725 recognized by the board unless the following transfer standards  
726 are met:

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

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

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

733 **SECTION 19.** Section 73-67-37, Mississippi Code of 1972, is  
734 reenacted and amended as follows:

735 73-67-37. The grace period for a license to be issued shall  
736 be from the effective date of this act until July 1, 2002. Those  
737 meeting the minimum requirements as stated in this chapter, except  
738 for obtaining a license, may continue the practice of massage  
739 therapy or instruction thereof within the grace period. Massage  
740 curriculums that begin before July 1, 2001, may continue with the  
741 same curriculum until completion. Anyone not meeting the minimum  
742 requirements as stated in this chapter shall not advertise massage  
743 therapy or instruction thereof until they meet the minimum  
744 requirements of this chapter.

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

747 73-67-39. Sections 73-67-1 through 73-67-37 shall stand  
748 repealed on July 1, 2006.

749 **SECTION 21.** Section 75-60-5, Mississippi Code of 1972, is  
750 amended as follows:

751 75-60-5. The provisions of this chapter do not apply to the  
752 following categories of courses, schools or colleges:

753           (a) Tuition-free courses or schools conducted by  
754 employers exclusively for their own employees;

755           (b) Schools, colleges, technical institutes, community  
756 colleges, junior colleges or universities under the jurisdiction  
757 of the Board of Trustees of State Institutions of Higher Learning  
758 or the State Board for Community and Junior Colleges;

759           (c) Schools or courses of instruction under the  
760 jurisdiction of the State Board of Cosmetology, State Board of  
761 Barber Examiners or the State Board of Massage Therapy;

762           (d) Courses of instruction required by law to be  
763 approved or licensed, or given by institutions approved or  
764 licensed, by a state board or agency other than the Commission on  
765 Proprietary School and College Registration; however, a school so  
766 approved or licensed may apply to the Commission on Proprietary  
767 School and College Registration for a certificate of registration  
768 to be issued in accordance with the provisions of this chapter;

769           (e) Correspondence courses;

770           (f) Nonprofit private schools offering academic credits  
771 at primary or secondary levels, or conducting classes for  
772 exceptional education as defined by regulations of the State  
773 Department of Education;

774           (g) Private nonprofit colleges and universities or any  
775 private school offering academic credits at primary, secondary or  
776 postsecondary levels;

777           (h) Courses of instruction conducted by a public school  
778 district or a combination of public school districts;

779           (i) Courses of instruction conducted outside the United  
780 States;

781           (j) A school that offers only instruction in subjects  
782 that the Commission on Proprietary School and College Registration  
783 determines are primarily for avocational, personal improvement or  
784 cultural purposes and that does not represent to the public that



785 its course of study or instruction will or may produce income for  
786 those who take that study or instruction;

787 (k) Courses conducted primarily on an individual  
788 tutorial basis, where not more than one (1) student is involved at  
789 any one (1) time, except in those instances where the Commission  
790 on Proprietary School and College Registration determines that the  
791 course is for the purpose of preparing for a vocational objective;

792 (l) Kindergartens or similar programs for preschool-age  
793 children.

794 **SECTION 22.** This act shall take effect and be in force from  
795 and after June 30, 2004.