

By: Representative White

To: Public Health and Human
Services

HOUSE BILL NO. 905

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 SECTION 73-67-39, MISSISSIPPI CODE
4 OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI
5 PROFESSIONAL MASSAGE THERAPY ACT; 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 licensure of massage therapists
17 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 at the same time, working in a student clinic, and out-of-state
29 massage therapy 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) "Approved massage therapy school" means a facility
43 that is licensed by this board and meets the curriculum and
44 instruction requirements as stated in this chapter.



45 (b) "Board" means the State Board of Massage Therapy as
46 created in this chapter.

47 (c) "Board-accepted hours" means hours of education
48 accepted by the board to meet requirements of exemption and/or
49 continuing education for pre-act practitioners and is different
50 from "board-approved programs" and/or "board-approved school
51 hours."

52 (d) "Classroom hour" means no less than fifty (50)
53 minutes of any one (1) clock hour during which the student
54 participates in a learning activity under the supervision of a
55 board licensed instructor.

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

58 (f) "License" means a State Board of Massage Therapy
59 approved form of credential indicating that the license holder has
60 met the requirements of this chapter for the practice of massage
61 therapy.

62 (g) "Massage" means touch, stroking, kneading,
63 stretching, friction, percussion and vibration, and includes
64 holding, positioning, causing movement of the soft tissues and
65 applying manual touch and pressure to the body (excluding an
66 osseous tissue manipulation or adjustment). "Therapy" means
67 action aimed at achieving or increasing health and wellness.
68 "Massage therapy" means the profession in which the practitioner
69 applies massage techniques with the intent of positively affecting



70 the health and well-being of the client, and may adjunctively (i)
71 apply allied modalities, heat, cold, water and topical
72 preparations not classified as prescription drugs, (ii) use hand
73 held tools such as electric hand massagers used adjunctively to
74 the application of hand massage or devices designed as t-bars or
75 knobbies, and (iii) instruct self-care and stress management.
76 "Manual" means by use of hand or body.

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

79 (i) "Massage therapist" means a person who practices
80 massage therapy.

81 (j) "MPMTA" means the "Mississippi Professional Massage
82 Therapy Act."

83 (k) "Mississippi State Law Examination" means the
84 comprehensive examination on the Mississippi Professional Massage
85 Therapy Act and the associated relevant Board Rules and
86 Regulations that is given by the board or its representative.

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

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

91 (n) "Provisional permit" means a temporary permit
92 approved by the board when all requirements, other than
93 board-approved national or state examinations, have been met, not
94 to exceed ninety (90) days.



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

97 73-67-9. (1) There is created the State Board of Massage
98 Therapy.

99 (2) The board shall consist of five (5) members appointed by
100 the Governor, with the advice and consent of the Senate. At least
101 three (3) members shall be appointed from a list submitted by
102 state representatives of one or more nationally recognized
103 professional massage therapy association(s), all of whom must be
104 residents of Mississippi and must have engaged in the practice of
105 massage therapy within the state for at least three (3) years, one
106 (1) member shall be a licensed health professional in a health
107 field other than massage therapy and one (1) member shall be a
108 consumer at large who is not associated with or financially
109 interested in the practice or business of massage therapy. No
110 member of the board may be an owner or partner of a massage
111 therapy school. The initial members of the board shall be
112 appointed for staggered terms, as follows: one (1) member shall
113 be appointed for a term that ends on June 30, 2002; one (1) member
114 shall be appointed for a term that ends on June 30, 2003; one (1)
115 member shall be appointed for a term that ends on June 30, 2004;
116 and two (2) members shall be appointed for terms that end on June
117 30, 2005. Appointments shall be made within ninety (90) days from
118 July 1, 2001.



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

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

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

137 73-67-11. Before entering upon discharge of the duties of
138 the office, the executive director of the board shall furnish a
139 bond, approved by the board, to the state in the sum of Five
140 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
141 the faithful discharge of the duties of the office, the premium on
142 the bond shall be paid from funds paid into the State Treasury by
143 the director of the board, and the bond shall be deposited with



144 the Secretary of State. All fees and other monies collected or
145 received by the board shall be paid into and credited to a special
146 fund that is created in the State Treasury, which shall be known
147 as the "State Board of Massage Therapy Fund." Any interest earned
148 on the special fund shall be credited to the special fund and
149 shall not be paid into the State General Fund. Any unexpended
150 monies remaining in the special fund at the end of a fiscal year
151 shall not lapse into the State General Fund. Monies in the
152 special fund shall be expended exclusively for the purposes of
153 carrying out the provisions of this chapter. Disbursement of
154 monies in the special fund shall be made only upon warrants issued
155 by the State Fiscal Officer upon requisitions signed by the
156 treasurer of the board. The financial records of the board shall
157 be audited annually by the State Auditor. The board shall receive
158 no appropriations from any state funds for its support except from
159 the special fund.

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

162 73-67-13. Each member of the board shall receive the per
163 diem authorized under Section 25-3-69 for each day actually
164 discharging his official duties, and shall receive reimbursement
165 for mileage and necessary expense incurred, as provided in Section
166 25-3-41. The expenses of the board in carrying out the provisions
167 of this chapter shall be paid upon requisitions signed by the
168 chairman and/or secretary of the board and warrants signed by the



169 State Fiscal Officer from the State Board of Massage Therapy Fund.
170 Such expenses shall not exceed the amount paid into the State
171 Treasury under the provisions of this chapter.

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

174 73-67-15. (1) The board shall:

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

178 (b) Keep on file all appropriate records pertaining to
179 each license;

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

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

190 (e) Issue licenses to applicants who meet the
191 requirements of this chapter;

192 (f) Inspect, or have inspected, when required, the
193 business premises of any licensed massage therapist during their



194 operating hours, so long as that inspection does not infringe on
195 the reasonable privacy of any therapist's clients;

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

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

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

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

205 (k) Adopt an annual budget;

206 (l) Establish policies with respect to continuing
207 education;

208 (m) Adopt rules:

209 (i) Specifying standards and procedures for
210 issuance of a provisional permit;

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

214 (iii) The board shall prescribe renewal
215 procedures, requirements, dates and fees for massage therapy
216 licenses issued by the board and shall include provisions for
217 inactive and lapsed licenses; those rules shall be in accordance
218 with Section 33-1-39;



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

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

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

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

232 (r) The board shall maintain a current register listing
233 the name of every massage therapist licensed to practice in this
234 state, his/her last known place of business and last known place
235 of residence, and the date and number of his/her license;

236 (s) The board shall set up guidelines for the operation
237 of schools of massage therapy, and it is charged with that
238 regulation in this state. The board may prescribe reasonable
239 rules and regulations governing schools of massage therapy for the
240 guidance of persons licensed under this chapter in the operation
241 of schools of massage therapy and in the practice of massage
242 therapy. When the board has reasons to believe that any of the
243 provisions of this chapter or the rules and regulations of the



244 board have been violated, either upon receipt of a written
245 complaint alleging those violations or upon the board's own
246 initiative, the board or any of its authorized agents shall
247 investigate same and may enter upon the premises of a school of
248 massage therapy at any time during regular business hours of that
249 school to conduct the investigation. The investigation may
250 include, but not be limited to, conducting oral interviews with
251 the complaining party, school or school owner(s) and/or students
252 of the school, and reviewing records of the school pertinent to
253 the complaint and related to an area subject to the authority of
254 the board.

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

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

262 73-67-17. The board may adopt rules:

263 (a) Establishing reasonable standards concerning the
264 sanitary, hygienic and healthful conditions of the licensed
265 massage therapist and of premises and facilities used by massage
266 therapists;

267 (b) Relating to the methods and procedures used in the
268 practice of massage;



269 (c) Governing the examination and investigation of
270 applicants for the licenses issued under this chapter and the
271 issuance, renewal, suspension and revocation of the license;

272 (d) Setting standards for certifying continuing
273 education classes;

274 (e) Requiring that massage therapists supply the board
275 with the accurate, current address or addresses where they
276 practice massage;

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

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

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

283 73-67-19. (1) The board shall report to the proper district
284 attorney all cases that, in the judgment of the board, warrant
285 prosecution.

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

289 (3) Any civil penalty imposed under this section shall
290 become due and payable when the person incurring the penalty
291 receives a notice in writing of the penalty. The notice shall be
292 sent by registered or certified mail. The person to whom the
293 notice is addressed shall have thirty (30) days from the date of



294 mailing of the notice in which to make written application for a
295 hearing. Any person who makes that application shall be entitled
296 to a hearing. The hearing shall be conducted as a contested case
297 hearing. When an order assessing a civil penalty under this
298 section becomes final by operation of law or on appeal, unless the
299 amount of penalty is paid within ten (10) days after the order
300 becomes final, it may be recorded with the circuit clerk in any
301 county of this state. The clerk shall then record the name of the
302 person incurring the penalty and the amount of the penalty in his
303 lien record book.

304 (4) Where the board proposes to refuse to grant or renew a
305 license or proposes to revoke or suspend a license, an opportunity
306 for a hearing shall be accorded. The board may designate any
307 competent person(s) to preside at the hearing. The board shall
308 promulgate rules for the conduct of hearings and issuance of
309 orders.

310 (5) The board may adopt rules requiring any person,
311 including, but not limited to, licensed massage therapists,
312 corporations, organizations, health care facilities and state or
313 local governmental agencies to report to the board any conviction,
314 determination or finding that a holder of a license has committed
315 an act that constitutes unprofessional conduct, or to report
316 information that indicates that the holder of a license may not be
317 able to practice his profession with reasonable skill and safety
318 to consumers as a result of a mental, emotional or physical



319 condition. If the entity fails to furnish a required report, the
320 board may petition the circuit court of the county in which the
321 entity resides or is found, and the court shall issue to the
322 entity an order to furnish the required report. A failure to obey
323 the order is a contempt of court.

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

326 (7) Upon the complaint of any citizen of this state, or upon
327 its own motion, the board may investigate any alleged violation of
328 this chapter. In the conduct of investigations, the board may
329 take evidence; take the depositions of witnesses, including the
330 person charged; compel the appearance of witnesses, including the
331 person charged, before the board in person the same as in civil
332 cases; require answers to interrogations; and compel the
333 production of books, papers, accounts, documents and testimony
334 pertaining to the matter under investigation.

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

339 (9) Any time the board intends to deny an application for
340 licensure, or suspend or revoke an existing license, the board
341 shall give the person an opportunity for a hearing before taking
342 final action.



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

345 73-67-21. (1) It shall be the responsibility of a massage
346 therapy establishment to verify the current license of any and all
347 persons practicing massage therapy at the location of or on behalf
348 of the establishment. Failure to comply is subject to penalty
349 assessed by the board of not less than Five Hundred Dollars
350 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
351 offense.

352 (2) No person may advertise massage or practice massage for
353 compensation in this state unless he is licensed as a massage
354 therapist by the board. No person may use the title of or
355 represent himself to be a massage therapist or use any other
356 title, abbreviations, letters, figures, signs or devices that
357 indicate that the person is a massage therapist unless he is
358 licensed to practice massage therapy under the provisions of this
359 chapter. A current massage therapy license issued by the board
360 shall at all times be prominently displayed in any place where
361 massage therapy is being practiced.

362 (3) The following are requirements for licensure:

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

365 (b) An application must provide proof of high school
366 graduate equivalency.



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

370 (d) An applicant must supply proof of current
371 certification in cardiopulmonary resuscitation (CPR) and first aid
372 of at least eight (8) hours of training, including practical
373 testing, and supply documentation of familiarity with the
374 Americans with Disabilities Act.

375 (e) All required fees for licensure must be submitted
376 by the applicant.

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

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

383 (h) The applicant's official and certified
384 transcript(s) from the applicant's massage therapy school. The
385 transcript must verify that the applicant has completed a
386 board-approved training program of no less than the minimum
387 requirement for supervised in-class massage therapy instruction
388 and student clinic, with a minimum grade requirement of "C" or
389 better in every course of instruction, as stated for school
390 requirements.



391 (4) The following pre-act practitioners are exempt from
392 having to take any examination for licensure, but must fulfill all
393 other requirements as stated in this chapter, except for the
394 requirements in subsection (3)(h) of this section:

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

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

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

404 (d) All grandfathering exemption allowances as stated
405 in this subsection (4) shall end on July 1, 2002, for nonstudents,
406 and on June 1, 2003, for students who were enrolled in a part-time
407 massage school curriculum on July 1, 2001. Individuals may apply
408 for a license until the grandfathering exemption ends, but may not
409 practice massage beyond the allowed grace period as provided for
410 in Section 73-67-37 unless a valid massage therapy license or
411 provisional permit is obtained. Except as provided in subsection
412 (5) of this section, all other pre-act practitioners and anyone
413 not practicing massage therapy before January 1, 2001, must take
414 and pass the licensure examination and follow the requirements in



415 this chapter to practice massage therapy for compensation in
416 Mississippi.

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

420 (5) Any person who has practiced massage therapy for a
421 period of more than twenty-five (25) years before March 14, 2005,
422 who is employed as a massage therapist by a YMCA or YWCA
423 authorized and existing as a nonprofit corporation under the laws
424 of this state on March 14, 2005, is exempt from having to take any
425 examination for licensure, but must fulfill all other requirements
426 as stated in this chapter, except for the requirements in
427 subsection (3)(b), (d), (g) and (h) of this section. Persons
428 exempt under this subsection may apply for a massage therapy
429 license until January 1, 2006, but may not practice massage
430 therapy after January 1, 2006, unless a valid license is obtained.

431 (6) Certificates of registration issued by the board before
432 July 1, 2008, shall remain valid as licenses until the next
433 renewal period.

434 (7) An applicant must have successfully been cleared for
435 licensure through an investigation that shall consist of a
436 determination as to good moral character and verification that the
437 prospective licensee is not guilty of or in violation of any
438 statutory ground for denial of licensure as set forth in Section
439 73-67-27.



440 (a) To assist the board in conducting its licensure
441 investigation, all applicants shall undergo a fingerprint-based
442 criminal history records check of the Mississippi central criminal
443 database and the Federal Bureau of Investigation criminal history
444 database. Each applicant shall submit a full set of the
445 applicant's fingerprints in a form and manner prescribed by the
446 board, which shall be forwarded to the Mississippi Department of
447 Public Safety (department) and the Federal Bureau of Investigation
448 Identification Division for this purpose.

449 (b) Any and all state or national criminal history
450 records information obtained by the board that is not already a
451 matter of public record shall be deemed nonpublic and confidential
452 information restricted to the exclusive use of the board, its
453 members, officers, investigators, agents and attorneys in
454 evaluating the applicant's eligibility or disqualification for
455 licensure, and shall be exempt from the Mississippi Public Records
456 Act of 1983. Except when introduced into evidence in a hearing
457 before the board to determine licensure, no such information or
458 records related thereto shall, except with the written consent of
459 the applicant or by order of a court of competent jurisdiction, be
460 released or otherwise disclosed by the board to any other person
461 or agency.

462 (c) The board shall provide to the department the
463 fingerprints of the applicant, any additional information that may
464 be required by the department, and a form signed by the applicant



465 consenting to the check of the criminal records and to the use of
466 the fingerprints and other identifying information required by the
467 state or national repositories.

468 (d) The board shall charge and collect from the
469 applicant, in addition to all other applicable fees and costs,
470 such amount as may be incurred by the board in requesting and
471 obtaining state and national criminal history records information
472 on the applicant.

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

475 73-67-23. (1) The purpose of requiring examination is to
476 determine that each applicant for licensure possesses the minimum
477 skills and knowledge to practice competently.

478 (2) The board shall accept as evidence of competency, in
479 addition to all other requirements as stated in this chapter, the
480 successful completion of any state, nationally or internationally
481 accredited examination approved by the board.

482 (3) Eligibility requirements to take an examination approved
483 by the board are set by the organization that is responsible for
484 establishing and maintaining the examination.

485 (4) An applicant for licensure who has been previously
486 licensed may be required to take an examination approved by the
487 board and achieve a passing score before re-licensure under any
488 one (1) of the following circumstances:



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

491 (b) The board may require reexamination in any
492 disciplinary order, based upon the findings and conclusions
493 relative to the competency of a holder of a license to practice
494 massage before issuing an unconditional license.

495 (5) An applicant for licensure must also successfully
496 complete the Mississippi State Law Examination.

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

499 73-67-25. (1) An applicant may be licensed by demonstrating
500 proof that the applicant holds a valid, current license in another
501 state with similar educational requirements to those required by
502 this chapter, and that all other licensure requirements under this
503 chapter are met. This is subject to investigation by the board
504 and excludes grandfathering by other states.

505 (2) If an individual who is licensed in another state that
506 has licensing standards substantially equivalent to the standards
507 under this chapter applies for licensure, the board may issue a
508 provisional permit authorizing the applicant to practice massage
509 therapy pending completion of documentation that the applicant
510 meets the requirements for licensure under this chapter. The
511 provisional permit may reflect statutory limitations on the scope
512 of practice. The provisional permit shall not be issued until an



513 applicant has successfully passed the Mississippi State Law
514 Examination.

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

518 (4) A license issued under this chapter is not transferable
519 or assignable.

520 The issuance of a license or provisional permit by
521 reciprocity to a military-trained applicant or military spouse
522 shall be subject to the provisions of Section 73-50-1.

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

525 73-67-27. (1) The board may refuse to issue or renew or may
526 deny, suspend or revoke any license held or applied for under this
527 chapter upon finding that the holder of a license or applicant:

528 (a) Is guilty of fraud, deceit or misrepresentation in
529 procuring or attempting to procure any license provided for in
530 this chapter;

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

532 (c) Allowed the use of his license by another;

533 (d) Has been adjudicated as mentally incompetent by
534 regularly constituted authorities;

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



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

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

542 (g) Is guilty of false, misleading or deceptive
543 advertising, or is guilty of aiding or assisting in the
544 advertising or practice of any unlicensed or unpermitted person in
545 the practice of massage therapy;

546 (h) Is grossly negligent or incompetent in the practice
547 of massage therapy;

548 (i) Has had rights, credentials or one or more
549 license(s) to practice massage therapy revoked, suspended or
550 denied in any jurisdiction, territory or possession of the United
551 States or another country for acts of the licensee similar to acts
552 described in this section. A certified copy of the record of the
553 jurisdiction making such a revocation, suspension or denial shall
554 be conclusive evidence thereof; or

555 (j) Has been convicted of any felony, other than a
556 violation of federal or state tax laws.

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

559 (3) (a) Any person(s) found guilty of prostitution using as
560 any advertisement, claim or insignia of being an actual licensed
561 massage therapist or to be practicing massage therapy by using the
562 word "massage" or any other description indicating the same,



563 whether or not the person(s) have one or more license for the
564 person(s) or establishment(s), shall be guilty of a misdemeanor,
565 and upon conviction, shall be punished by a fine of not less than
566 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
567 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
568 both, per offense, per person.

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

575 (c) Any person who violates any provision of this
576 chapter, other than violation(s) of paragraph (a) of this
577 subsection, is guilty of a misdemeanor, and upon conviction, shall
578 be punished by a fine not exceeding Five Hundred Dollars
579 (\$500.00), or imprisonment for up to one (1) month in jail, or
580 both, per offense.

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

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



587 73-67-29. (1) Any licensed massage therapist advertising by
588 the use of radio, newspaper, television, electronic media, flyers,
589 business cards, phone book or any other means shall include
590 legibly, or clearly audible, the massage therapy license number
591 issued to the therapist(s) on and/or with that advertising.
592 Massage establishments with six (6) or more licensed massage
593 therapists shall be exempt from this provision provided that the
594 therapy or service is performed by person(s) licensed under this
595 chapter.

596 (2) Any and all advertising of the licensed massage
597 therapist shall be of a professional and ethical nature and shall
598 not be attached to or identified with any pornographic or other
599 establishment that may be construed as unprofessional and/or
600 unethical in the practice of professional massage therapy.

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

608 (4) Providing information concerning continuing education of
609 massage therapy shall not constitute advertising as that term is
610 used in this section. National massage publications and



611 out-of-state instruction/education/information materials are
612 exempt.

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

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

621 (7) Advertisers shall obtain the license number from each
622 massage therapist before entering into an agreement or contract to
623 advertise any form of massage therapy as stated in this chapter.
624 The license number(s) shall be part of the actual advertisement.
625 Massage establishments with six (6) or more licensed massage
626 therapists shall be exempt from this provision provided that the
627 therapy or service is performed by person(s) licensed under this
628 chapter.

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

631 73-67-31. (1) All licensed massage therapists shall:

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



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

637 (c) Recognize and respect the rights of all ethical
638 practitioners and cooperate with health professionals in a
639 professional manner;

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

643 (e) Keep accurate and up-to-date records regarding a
644 client's condition before and after massage therapy session in
645 cases of a client being treated for a specific condition. Public,
646 sports and on-site seated massage sessions are exempt from
647 documentation; sports massage sessions are exempt from post-event
648 documentation;

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

652 (g) Maintain clear and honest communications with their
653 clients, and acknowledge the confidential nature of the
654 professional relationship with a client and respect rights to
655 privacy;

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



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

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

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

663 (2) No massage therapist shall diagnose or prescribe
664 medicine, drugs or treatment.

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

667 73-67-33. (1) Lavatories or wash basins provided with an
668 adequate supply of both hot and cold running water should be
669 available. Lavatories or wash basins shall be provided with soap
670 in a dispenser and paper, individual use towels, or air dryers.

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

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

677 (4) A copy of the State of Mississippi Professional Massage
678 Therapy Code of Ethics and Professional Conduct shall be
679 prominently displayed.

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



682 73-67-35. (1) To obtain a massage therapy license, an
683 applicant must submit to the board the applicant's official and
684 certified transcript(s) from the applicant's massage therapy
685 school. The transcript must verify that the applicant has
686 completed a board-approved training program of not less than six
687 hundred (600) hours of supervised in-class massage therapy
688 instruction, and at least one hundred (100) hours of student
689 clinic, with a minimum grade requirement of "C" or better in every
690 course of instruction, in the following subjects:

691 (a) Two hundred (200) hours in massage theory and
692 practicum;

693 (b) Two hundred (200) hours in science of the human
694 body;

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

696 (d) One hundred (100) hours in supervised student
697 clinic.

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

700 (a) Ten (10) hours in legalities including Mississippi
701 massage law and ethics;

702 (b) Twenty (20) hours in history, benefits, indications
703 and contraindications;

704 (c) One hundred (100) hours in massage demonstration
705 and supervised practice, which must include, but is not limited
706 to, client evaluation, stroking, kneading, stretching, friction,



707 percussion, vibration, range of motion, hand held tools and
708 devices designated as t-bars or knobbies, and draping and turning;
709 and

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

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

715 (a) Twenty (20) hours in anatomy, including all body
716 systems;

717 (b) Twenty (20) hours in physiology, including all body
718 systems;

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

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

721 (e) Twenty (20) hours in pathology, including medical
722 terminology; and

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

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

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



731 (b) Eight (8) hours in cardiopulmonary resuscitation
732 (CPR) and first aid;
733 (c) Ten (10) hours in charting and documentation;
734 (d) Twenty-five (25) hours in hydrotherapy and infrared
735 heat;
736 (e) Twenty (20) hours in referral methods within the
737 health care system; and
738 (f) The remaining one hundred thirty (130) hours may
739 expand on any or all of the previous five (5) subject areas,
740 including the Americans with Disabilities Act, and/or be devoted
741 to any approach to massage therapy and wellness, such as trigger
742 points, management, communication, safety, oriental or Eastern
743 massage techniques and specialized populations. Schools with a
744 temporary or probationary board status license must include a
745 comprehensive review class of no less than sixteen (16) hours and
746 three (3) hours to sit for and pass the board comprehensive exam.
747 (5) "Student clinic" must include at least fifty (50)
748 practical hands-on one-hour massage therapy sessions to be
749 evaluated on documents filed and kept on record at the school for
750 a minimum of six (6) months. These evaluations are to be
751 completed by the clients of the massage therapy sessions and shall
752 include the client's name, address, reason for session,
753 indications and contraindications, date and signature. Each
754 completed session shall constitute two (2) hours of student



755 clinic. The hands-on session must be supervised by an instructor,
756 board licensed in the area being supervised.

757 (6) A massage therapy program shall not operate in the State
758 of Mississippi unless it meets the minimum standards of curriculum
759 for licensure as stated in this chapter. Massage schools and
760 massage curriculums for licensure preparation must obtain a
761 national accreditation from such agencies as the Commission on
762 Massage Therapy Accreditation or programs with the same or greater
763 requirements. Existing massage schools will have five (5) years
764 from July 1, 2001, to obtain that accreditation. New massage
765 schools will have five (5) years from the opening of the massage
766 school to show conformance with the accreditation requirements.
767 An existing accredited massage school that loses its accreditation
768 will have three (3) years from the date of loss of its
769 accreditation to show conformance with the accreditation
770 requirements.

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

773 (8) Hours credited through transfer credit shall not be
774 recognized by the board unless the following transfer standards
775 are met:

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

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



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

782 (9) Private business and vocational schools that have
783 obtained national accreditation from an accrediting agency
784 designated by the United States Department of Education may submit
785 evidence of current accreditation in lieu of other application
786 requests. Applications submitted on evidence of national
787 accreditation must be approved or denied within sixty (60) days
788 after receipt. If no action is taken within sixty (60) days, the
789 application shall be deemed approved and a massage therapy license
790 must be issued.

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

793 73-67-37. The grace period for licenses to be issued shall
794 be from March 28, 2002, until July 1, 2002. Those meeting the
795 minimum requirements as stated in this chapter, except for
796 obtaining a license, may continue the practice of massage therapy
797 or instruction thereof within the grace period. Massage
798 curriculums that begin before July 1, 2001, may continue with the
799 same curriculum until completion. Anyone not meeting the minimum
800 requirements as stated in this chapter shall not advertise massage
801 therapy or instruction thereof until they meet the minimum
802 requirements of this chapter.

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



805 73-67-39. Sections 73-67-1 through 73-67-37 shall stand
806 repealed on July 1, * * * 2021.

807 **SECTION 21.** This act shall take effect and be in force from
808 and after July 1, 2018.

