

House Amendments to Senate Bill No. 2751

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

11 **SECTION 1.** Section 73-67-15, Mississippi Code of 1972, is
12 amended as follows:

13 73-67-15. (1) The board shall:

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16 of the licenses that have been revoked or suspended;

17 (b) Keep on file all appropriate records pertaining to
18 each license;

19 (c) Annually, on or before February 15, make a report
20 to the Governor and Legislature of all of its official acts during
21 the preceding year, its total receipts and disbursements, and a
22 full and complete report of relevant statistical and significantly
23 notable conditions of massage therapists in this state as
24 uniformly stipulated by the board;

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

27 acceptance or denial of licensure with any reasons for denial
28 within forty-five (45) days;

29 (e) Issue licenses to applicants who meet the
30 requirements of this chapter;

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

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

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

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

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

44 (k) Adopt an annual budget;

45 (l) Establish policies with respect to continuing
46 education;

47 (m) Adopt rules:

48 (i) Specifying standards and procedures for
49 issuance of a provisional permit;

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

53 (iii) * * * Prescribing renewal procedures,
54 requirements, dates and fees for massage therapy licenses issued
55 by the board and shall include provisions for inactive and lapsed
56 licenses; those rules shall be in accordance with Section 33-1-39;

57 (n) Make available all forms necessary for carrying out
58 all provisions of this chapter and any and all necessary business
59 of the board;

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

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

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

70 (r) * * * Maintain a current register listing the name
71 of every massage therapist licensed to practice in this state,
72 his/her last known place of business and last known place of
73 residence, and the date and number of his/her license;

74 (s) * * * Set up guidelines for the operation of
75 schools of massage therapy, and it is charged with that regulation
76 in this state. The board may prescribe reasonable rules and
77 regulations governing schools of massage therapy for the guidance
78 of persons licensed under this chapter in the operation of schools

79 of massage therapy and in the practice of massage therapy. When
80 the board has reasons to believe that any of the provisions of
81 this chapter or the rules and regulations of the board have been
82 violated, either upon receipt of a written complaint alleging
83 those violations or upon the board's own initiative, the board or
84 any of its authorized agents shall investigate same and may enter
85 upon the premises of a school of massage therapy at any time
86 during regular business hours of that school to conduct the
87 investigation. The investigation may include, but not be limited
88 to, conducting oral interviews with the complaining party, school
89 or school owner(s) and/or students of the school, and reviewing
90 records of the school pertinent to the complaint and related to an
91 area subject to the authority of the board * * *;

92 (t) Set up guidelines for the registration of
93 establishments where massage services are performed and maintain a
94 current registry of their location, owner contact information,
95 local business permit information and names of licensees who
96 perform massage at their establishments;

97 (u) Share documents, materials, or other information,
98 including confidential and privileged documents, materials, or
99 information, received or maintained by the board with other state
100 or federal agencies and with a national disciplinary database
101 recognized by the board or as required by law, provided that the
102 recipient agrees to maintain the confidentiality and privileged
103 status of the document, material, or other information;

104 (v) Report final disciplinary action taken against a
105 licensee to other state or federal regulatory agencies and to a
106 national disciplinary database recognized by the board or as
107 required by law.

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

113 **SECTION 2.** Section 73-67-17, Mississippi Code of 1972, is
114 amended as follows:

115 73-67-17. The board may adopt rules:

116 (a) Establishing reasonable standards concerning the
117 sanitary, hygienic and healthful conditions of the licensed
118 massage therapist and of premises and facilities used by massage
119 therapists;

120 (b) Relating to the methods and procedures used in the
121 practice of massage;

122 (c) Governing the examination and investigation of
123 applicants for the licenses issued under this chapter and the
124 issuance, renewal, suspension and revocation of the license;

125 (d) Setting standards for certifying continuing
126 education classes;

127 (e) Requiring that massage therapists supply the board
128 with the accurate, current address or addresses where they
129 practice massage;

130 (f) Establishing the educational, training and
131 experience requirements for licensure by reciprocity;
132 (g) Establishing requirements for issuance and
133 retention of an inactive license and/or provisional permits * * *;
134 (h) Establishing requirements for registering massage
135 therapy establishments.

136 **SECTION 3.** Section 73-67-19, Mississippi Code of 1972, is
137 amended as follows:

138 73-67-19. (1) The board shall report to the proper district
139 attorney all cases that, in the judgment of the board, warrant
140 prosecution.

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

144 (3) Any civil penalty imposed under this section shall
145 become due and payable when the person incurring the penalty
146 receives a notice in writing of the penalty. The notice shall be
147 sent by registered or certified mail. The person to whom the
148 notice is addressed shall have thirty (30) days from the date of
149 mailing of the notice in which to make written application for a
150 hearing. Any person who makes that application shall be entitled
151 to a hearing. The hearing shall be conducted as a contested case
152 hearing. When an order assessing a civil penalty under this
153 section becomes final by operation of law or on appeal, unless the
154 amount of penalty is paid within ten (10) days after the order
155 becomes final, it may be recorded with the circuit clerk in any

156 county of this state. The clerk shall then record the name of the
157 person incurring the penalty and the amount of the penalty in his
158 lien record book.

159 (4) Where the board proposes to refuse to grant or renew a
160 license or proposes to revoke or suspend a license, an opportunity
161 for a hearing shall be accorded. The board may designate any
162 competent person(s) to preside at the hearing. The board shall
163 promulgate rules for the conduct of hearings and issuance of
164 orders.

165 (5) The board may adopt rules requiring any person,
166 including, but not limited to, licensed massage therapists,
167 corporations, organizations, health care facilities and state or
168 local governmental agencies to report to the board any conviction,
169 determination or finding that a holder of a license has committed
170 an act that constitutes unprofessional conduct, or to report
171 information that indicates that the holder of a license may not be
172 able to practice his profession with reasonable skill and safety
173 to consumers as a result of a mental, emotional or physical
174 condition. If the entity fails to furnish a required report, the
175 board may petition the circuit court of the county in which the
176 entity resides or is found, and the court shall issue to the
177 entity an order to furnish the required report. A failure to obey
178 the order is a contempt of court.

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

181 (7) Upon the complaint of any citizen of this state, or upon
182 its own motion, the board may investigate any alleged violation of
183 this chapter. In the conduct of investigations, the board may
184 take evidence; take the depositions of witnesses, including the
185 person charged; compel the appearance of witnesses, including the
186 person charged, before the board in person the same as in civil
187 cases; require answers to * * * interrogatories; and compel the
188 production of books, papers, accounts, documents and testimony
189 pertaining to the matter under investigation.

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

194 (9) Any time the board intends to deny an application for
195 licensure, or suspend or revoke an existing license, the board
196 shall give the person an opportunity for a hearing before taking
197 final action.

198 **SECTION 4.** Section 73-67-21, Mississippi Code of 1972, is
199 amended as follows:

200 73-67-21. (1) It shall be the responsibility of a massage
201 therapy establishment to verify the current license of any and all
202 persons practicing massage therapy at the location of or on behalf
203 of the establishment. Failure to comply is subject to penalty
204 assessed by the board of not less than Five Hundred Dollars
205 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
206 offense.

207 (2) No person may advertise massage or practice massage for
208 compensation in this state unless he is licensed as a massage
209 therapist by the board. No person may use the title of or
210 represent himself to be a massage therapist or use any other
211 title, abbreviations, letters, figures, signs or devices that
212 indicate that the person is a massage therapist unless he is
213 licensed to practice massage therapy under the provisions of this
214 chapter. A current massage therapy license issued by the board
215 shall at all times be prominently displayed in any place where
216 massage therapy is being practiced.

217 (3) The following are requirements for licensure:

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

220 (b) An application must provide proof of high school
221 graduate equivalency.

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

225 (d) An applicant must supply proof of current
226 certification in cardiopulmonary resuscitation (CPR) and first aid
227 of at least eight (8) hours of training, including practical
228 testing, and supply documentation of familiarity with the
229 Americans with Disabilities Act.

230 (e) All required fees for licensure must be submitted
231 by the applicant.

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

235 (g) An applicant must have completed an approved * * *
236 course on communicable diseases, including HIV/AIDS information
237 and prevention.

238 (h) The applicant's official and certified
239 transcript(s) from the applicant's massage therapy school. The
240 transcript must verify that the applicant has completed a
241 board-approved training program of no less than the minimum
242 requirement for * * * massage therapy instruction and student
243 clinic, with a minimum grade requirement of "C" or better in every
244 course of instruction, as stated for school requirements.

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

249 (a) Those having more than three hundred (300)
250 documented, board-accepted * * * hours of massage therapy
251 education before January 1, 2001.

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

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

258 (d) All grandfathering exemption allowances as stated
259 in this subsection (4) shall end on July 1, 2002, for nonstudents,
260 and on June 1, 2003, for students who were enrolled in a part-time
261 massage school curriculum on July 1, 2001. Individuals may apply
262 for a license until the grandfathering exemption ends, but may not
263 practice massage beyond the allowed grace period as provided for
264 in Section 73-67-37 unless a valid massage therapy license or
265 provisional permit is obtained. Except as provided in subsection
266 (5) of this section, all other pre-act practitioners and anyone
267 not practicing massage therapy before January 1, 2001, must take
268 and pass the licensure examination and follow the requirements in
269 this chapter to practice massage therapy for compensation in
270 Mississippi.

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

274 (5) Any person who has practiced massage therapy for a
275 period of more than twenty-five (25) years before March 14, 2005,
276 who is employed as a massage therapist by a YMCA or YWCA
277 authorized and existing as a nonprofit corporation under the laws
278 of this state on March 14, 2005, is exempt from having to take any
279 examination for licensure, but must fulfill all other requirements
280 as stated in this chapter, except for the requirements in
281 subsection (3) (b), (d), (g) and (h) of this section. Persons
282 exempt under this subsection may apply for a massage therapy

283 license until January 1, 2006, but may not practice massage
284 therapy after January 1, 2006, unless a valid license is obtained.

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

288 (7) An applicant must have successfully been cleared for
289 licensure through an investigation that shall consist of a
290 determination as to good moral character and verification that the
291 prospective licensee is not guilty of or in violation of any
292 statutory ground for denial of licensure as set forth in Section
293 73-67-27.

294 (a) To assist the board in conducting its licensure
295 investigation, all applicants shall undergo a fingerprint-based
296 criminal history records check of the Mississippi central criminal
297 database and the Federal Bureau of Investigation criminal history
298 database. Each applicant shall submit a full set of the
299 applicant's fingerprints in a form and manner prescribed by the
300 board, which shall be forwarded to the Mississippi Department of
301 Public Safety (department) and the Federal Bureau of Investigation
302 Identification Division for this purpose.

303 (b) Any and all state or national criminal history
304 records information obtained by the board that is not already a
305 matter of public record shall be deemed nonpublic and confidential
306 information restricted to the exclusive use of the board, its
307 members, officers, investigators, agents and attorneys in
308 evaluating the applicant's eligibility or disqualification for

309 licensure, and shall be exempt from the Mississippi Public Records
310 Act of 1983. Except when introduced into evidence in a hearing
311 before the board to determine licensure, no such information or
312 records related thereto shall, except with the written consent of
313 the applicant or by order of a court of competent jurisdiction, be
314 released or otherwise disclosed by the board to any other person
315 or agency.

316 (c) The board shall provide to the department the
317 fingerprints of the applicant, any additional information that may
318 be required by the department, and a form signed by the applicant
319 consenting to the check of the criminal records and to the use of
320 the fingerprints and other identifying information required by the
321 state or national repositories.

322 (d) The board shall charge and collect from the
323 applicant, in addition to all other applicable fees and costs,
324 such amount as may be incurred by the board in requesting and
325 obtaining state and national criminal history records information
326 on the applicant.

327 **SECTION 5.** Section 73-67-35, Mississippi Code of 1972, is
328 amended as follows:

329 73-67-35. (1) To obtain a massage therapy license, an
330 applicant must submit to the board the applicant's official and
331 certified transcript(s) from the applicant's massage therapy
332 school. The transcript must verify that the applicant has
333 completed a board-approved training program of not less than * * *
334 five hundred fifty (550) hours of * * * massage therapy

335 instruction, and at least * * * fifty (50) hours of student
336 clinic, with a minimum grade requirement of "C" or better in every
337 course of instruction, in the following subjects:

338 (a) Two hundred (200) hours in massage theory and
339 practicum;

340 (b) Two hundred (200) hours in science of the human
341 body;

342 (c) * * * One hundred fifty (150) hours in allied
343 modalities; and

344 (d) * * * Fifty (50) hours in supervised student
345 clinic.

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

348 (a) Ten (10) hours in legalities including Mississippi
349 massage law and ethics;

350 (b) Twenty (20) hours in history, benefits, indications
351 and contraindications;

352 (c) One hundred (100) hours in massage demonstration
353 and supervised practice, which must include, but is not limited
354 to, client evaluation, stroking, kneading, stretching, friction,
355 percussion, vibration, range of motion, approved hand held tools
356 and devices designated as t-bars or knobblies, and draping and
357 turning; and

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

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

363 (a) Twenty (20) hours in anatomy, including all body
364 systems;

365 (b) Twenty (20) hours in physiology, including all body
366 systems;

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

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

369 (e) Twenty (20) hours in pathology, including medical
370 terminology; and

371 (f) The remaining * * * eighty (80) hours may expand on
372 any or all of the previous six (6) subject areas and/or be related
373 to the science of the human body.

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

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

379 (b) Eight (8) hours in cardiopulmonary resuscitation
380 (CPR) and first aid;

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

382 (d) Twenty-five (25) hours in hydrotherapy and infrared
383 heat;

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

386 (f) The remaining one hundred thirty (130) hours may
387 expand on any or all of the previous five (5) subject areas,
388 including the Americans with Disabilities Act, and/or be devoted
389 to any approach to massage therapy and wellness, such as trigger
390 points, management, communication, safety, oriental or Eastern
391 massage techniques and specialized populations. Schools with a
392 temporary or probationary board status license must include a
393 comprehensive review class of no less than sixteen (16) hours and
394 three (3) hours to sit for and pass the board comprehensive exam.

395 (5) "Student clinic" must include at least fifty (50)
396 practical hands-on one-hour massage therapy sessions to be
397 evaluated on documents filed and kept on record at the school for
398 a minimum of six (6) months. These evaluations are to be
399 completed by the clients of the massage therapy sessions and shall
400 include the client's name, address, reason for session,
401 indications and contraindications, date and signature. Each
402 completed session shall constitute * * * one (1) hour of student
403 clinic. The hands-on session must be supervised by an instructor,
404 board licensed in the area being supervised.

405 (6) A massage therapy program shall not operate in the State
406 of Mississippi unless it meets the minimum standards of curriculum
407 for licensure as stated in this chapter. Massage schools and
408 massage curriculums for licensure preparation must obtain a
409 national accreditation from such agencies as the Commission on
410 Massage Therapy Accreditation or programs with the same or greater
411 requirements. Existing massage schools will have five (5) years

412 from July 1, 2001, to obtain that accreditation. New massage
413 schools will have five (5) years from the opening of the massage
414 school to show conformance with the accreditation requirements.
415 An existing accredited massage school that loses its accreditation
416 will have three (3) years from the date of loss of its
417 accreditation to show conformance with the accreditation
418 requirements.

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

421 (8) Hours credited through transfer credit shall not be
422 recognized by the board unless the following transfer standards
423 are met:

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

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

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

430 (9) Private business and vocational schools that have
431 obtained national accreditation from an accrediting agency
432 designated by the United States Department of Education may submit
433 evidence of current accreditation in lieu of other application
434 requests. Applications submitted on evidence of national
435 accreditation must be approved or denied within sixty (60) days
436 after receipt. If no action is taken within sixty (60) days, the

437 application shall be deemed approved and a massage therapy license
438 must be issued.

439 **SECTION 6.** Section 73-67-39, Mississippi Code of 1972, is
440 amended as follows:

441 73-67-39. Sections 73-67-1 through 73-67-37 shall stand
442 repealed on July 1, * * * 2025.

443 **SECTION 7.** This act shall take effect and be in force from
444 and after July 1, 2021.

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

1 AN ACT TO AMEND SECTIONS 73-67-15, 73-67-17, 73-67-19,
2 73-67-21 AND 73-67-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
3 THE STATE BOARD OF MASSAGE THERAPY SHALL ESTABLISH REQUIREMENTS
4 FOR THE REGISTRATION OF MASSAGE SERVICES ESTABLISHMENTS; TO
5 REQUIRE THE BOARD TO SHARE DOCUMENTS WITH STATE AND FEDERAL
6 AGENCIES; TO PROVIDE THE HOURS OF TRAINING REQUIREMENTS FOR
7 MASSAGE THERAPY PRACTICE; TO AMEND SECTION 73-67-39, MISSISSIPPI
8 CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON SECTIONS
9 73-67-1 THROUGH 73-67-37; AND FOR RELATED PURPOSES.

HR26\SB2751A.J

Andrew Ketchings
Clerk of the House of Representatives