

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2695

1 AN ACT TO AMEND SECTION 73-67-39, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI PROFESSIONAL
3 MASSAGE THERAPY ACT, WHICH ADDRESSES REQUIREMENTS PERTAINING TO
4 MASSAGE THERAPY SERVICE ESTABLISHMENTS; TO BRING FORWARD SECTIONS
5 73-67-1 THROUGH 73-67-37, MISSISSIPPI CODE OF 1972, WHICH
6 CONSTITUTE THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT, FOR
7 THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-67-39, Mississippi Code of 1972, is
10 amended as follows:

11 73-67-39. Sections 73-67-1 through 73-67-37 shall stand
12 repealed on July 1, * * * 2029.

13 **SECTION 2.** Section 73-67-1, Mississippi Code of 1972, is
14 brought forward as follows:

15 73-67-1. This chapter shall be known and may be cited as the
16 "Mississippi Professional Massage Therapy Act."

17 **SECTION 3.** Section 73-67-3, Mississippi Code of 1972, is
18 brought forward as follows:

19 73-67-3. The Legislature finds that in the profession and
20 practice of massage therapy there is a necessity to preserve and



21 protect individual life and health, promote the public interest
22 and welfare by providing for the licensure of massage therapists
23 and assuring public safety.

24 **SECTION 4.** Section 73-67-5, Mississippi Code of 1972, is
25 brought forward as follows:

26 73-67-5. (1) The provisions of this chapter shall not apply
27 to the following:

28 (a) Persons state licensed, state registered, state
29 certified, or otherwise state credentialed by the laws of this
30 state to include massage as part of their practice, or other
31 allied modalities that are certified by a nationally accredited
32 organization recognized by the board;

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

36 (2) Any exemption granted under this section is effective
37 only insofar as and to the extent that the bona fide practice of
38 the profession or business of the person exempted overlaps into
39 the field comprehended by this law, and exemptions under this
40 section are only for those activities that are currently
41 authorized and performed in the course of the bona fide practice
42 of the business or profession of the person exempted.

43 **SECTION 5.** Section 73-67-7, Mississippi Code of 1972, is
44 brought forward as follows:



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

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

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

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

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

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

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

(g) "Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes



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

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

85 (i) "Massage therapist" means a person who practices
86 massage therapy.

87 (j) "MPMTA" means the "Mississippi Professional Massage
88 Therapy Act."

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

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



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

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

SECTION 6. Section 73-67-9, Mississippi Code of 1972, is brought forward as follows:

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

(2) The board shall consist of five (5) members appointed by the Governor, with the advice and consent of the Senate. At least three (3) members shall be appointed from a list submitted by state representatives of one or more nationally recognized professional massage therapy association(s), all of whom must be residents of Mississippi and must have engaged in the practice of massage therapy within the state for at least three (3) years, one

(1) member shall be a licensed health professional in a health field other than massage therapy and one (1) member shall be a consumer at large who is not associated with or financially interested in the practice or business of massage therapy. No member of the board may be an owner or partner of a massage therapy school. The initial members of the board shall be appointed for staggered terms, as follows: one (1) member shall be appointed for a term that ends on June 30, 2002; one (1) member



shall be appointed for a term that ends on June 30, 2003; one (1) member shall be appointed for a term that ends on June 30, 2004; and two (2) members shall be appointed for terms that end on June 30, 2005. Appointments shall be made within ninety (90) days from July 1, 2001.

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

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

SECTION 7. Section 73-67-11, Mississippi Code of 1972, is brought forward as follows:

73-67-11. Before entering upon discharge of the duties of the office, the executive director of the board shall furnish a



bond, approved by the board, to the state in the sum of Five
Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
the faithful discharge of the duties of the office, the premium on
the bond shall be paid from funds paid into the State Treasury by
the director of the board, and the bond shall be deposited with
the Secretary of State. All fees and other monies collected or
received by the board shall be paid into and credited to a special
fund that is created in the State Treasury, which shall be known
as the "State Board of Massage Therapy Fund." Any interest earned
on the special fund shall be credited to the special fund and
shall not be paid into the State General Fund. Any unexpended
monies remaining in the special fund at the end of a fiscal year
shall not lapse into the State General Fund. Monies in the
special fund shall be expended exclusively for the purposes of
carrying out the provisions of this chapter. Disbursement of
monies in the special fund shall be made only upon warrants issued
by the State Fiscal Officer upon requisitions signed by the
treasurer of the board. The financial records of the board shall
be audited annually by the State Auditor. The board shall receive
no appropriations from any state funds for its support except from
the special fund.

SECTION 8. Section 73-67-13, Mississippi Code of 1972, is
brought forward as follows:

73-67-13. Each member of the board shall receive the per
diem authorized under Section 25-3-69 for each day actually



discharging his official duties, and shall receive reimbursement for mileage and necessary expense incurred, as provided in Section 25-3-41. The expenses of the board in carrying out the provisions of this chapter shall be paid upon requisitions signed by the chairman and/or secretary of the board and warrants signed by the State Fiscal Officer from the State Board of Massage Therapy Fund. Such expenses shall not exceed the amount paid into the State Treasury under the provisions of this chapter.

SECTION 9. Section 73-67-15, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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



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

196 (e) Issue licenses to applicants who meet the
197 requirements of this chapter;

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

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

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

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

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

211 (k) Adopt an annual budget;

212 (l) Establish policies with respect to continuing
213 education;

214 (m) Adopt rules:

215 (i) Specifying standards and procedures for
216 issuance of a provisional permit;



217 (ii) Specifying licensure procedures for
218 practitioners desiring to be licensed in this state who hold an
219 active license or credentials from another state board;
220 (iii) Prescribing renewal procedures,
221 requirements, dates and fees for massage therapy licenses issued
222 by the board and shall include provisions for inactive and lapsed
223 licenses; those rules shall be in accordance with Section 33-1-39;
224 (n) Make available all forms necessary for carrying out
225 all provisions of this chapter and any and all necessary business
226 of the board;
227 (o) Establish written duties of the executive director;
228 (p) Establish a set of reasonable and customary fines
229 and penalties for violations of this chapter, and fees, including
230 refund policies, which shall be standardized and not exceeded
231 unless amended with at least thirty (30) days' notice to those who
232 are licensed;
233 (q) Establish, amend or repeal any rules or regulations
234 necessary to carry out the purposes of this chapter and the duties
235 and responsibilities of the board. Affected practitioners shall
236 be sent relevant changes no less than once per licensure renewal;
237 (r) Maintain a current register listing the name of
238 every massage therapist licensed to practice in this state,
239 his/her last known place of business and last known place of
240 residence, and the date and number of his/her license;



(s) Set up guidelines for the operation of schools of
message therapy, and it is charged with that regulation in this
state. The board may prescribe reasonable rules and regulations
governing schools of message therapy for the guidance of persons
licensed under this chapter in the operation of schools of message
therapy and in the practice of message therapy. When the board
has reasons to believe that any of the provisions of this chapter
or the rules and regulations of the board have been violated,
either upon receipt of a written complaint alleging those
violations or upon the board's own initiative, the board or any of
its authorized agents shall investigate same and may enter upon
the premises of a school of message therapy at any time during
regular business hours of that school to conduct the
investigation. The investigation may include, but not be limited
to, conducting oral interviews with the complaining party, school
or school owner(s) and/or students of the school, and reviewing
records of the school pertinent to the complaint and related to an
area subject to the authority of the board;

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

(u) Share documents, materials, or other information,
including confidential and privileged documents, materials, or



information, received or maintained by the board with other state or federal agencies and with a national disciplinary database recognized by the board or as required by law, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

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

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

SECTION 10. Section 73-67-17, Mississippi Code of 1972, is brought forward as follows:

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

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

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



- (c) Governing the examination and investigation of applicants for the licenses issued under this chapter and the issuance, renewal, suspension and revocation of the license;
- (d) Setting standards for certifying continuing education classes;
- (e) Requiring that massage therapists supply the board with the accurate, current address or addresses where they practice massage;
- (f) Establishing the educational, training and experience requirements for licensure by reciprocity;
- (g) Establishing requirements for issuance and retention of an inactive license and/or provisional permits;
- (h) Establishing requirements for registering massage therapy establishments.

SECTION 11. Section 73-67-19, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) Any civil penalty imposed under this section shall become due and payable when the person incurring the penalty receives a notice in writing of the penalty. The notice shall be



314 sent by registered or certified mail. The person to whom the
315 notice is addressed shall have thirty (30) days from the date of
316 mailing of the notice in which to make written application for a
317 hearing. Any person who makes that application shall be entitled
318 to a hearing. The hearing shall be conducted as a contested case
319 hearing. When an order assessing a civil penalty under this
320 section becomes final by operation of law or on appeal, unless the
321 amount of penalty is paid within ten (10) days after the order
322 becomes final, it may be recorded with the circuit clerk in any
323 county of this state. The clerk shall then record the name of the
324 person incurring the penalty and the amount of the penalty in his
325 lien record book.

326 (4) Where the board proposes to refuse to grant or renew a
327 license or proposes to revoke or suspend a license, an opportunity
328 for a hearing shall be accorded. The board may designate any
329 competent person(s) to preside at the hearing. The board shall
330 promulgate rules for the conduct of hearings and issuance of
331 orders.

332 (5) The board may adopt rules requiring any person,
333 including, but not limited to, licensed massage therapists,
334 corporations, organizations, health care facilities and state or
335 local governmental agencies to report to the board any conviction,
336 determination or finding that a holder of a license has committed
337 an act that constitutes unprofessional conduct, or to report
338 information that indicates that the holder of a license may not be



339 able to practice his profession with reasonable skill and safety
340 to consumers as a result of a mental, emotional or physical
341 condition. If the entity fails to furnish a required report, the
342 board may petition the circuit court of the county in which the
343 entity resides or is found, and the court shall issue to the
344 entity an order to furnish the required report. A failure to obey
345 the order is a contempt of court.

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

348 (7) Upon the complaint of any citizen of this state, or upon
349 its own motion, the board may investigate any alleged violation of
350 this chapter. In the conduct of investigations, the board may
351 take evidence; take the depositions of witnesses, including the
352 person charged; compel the appearance of witnesses, including the
353 person charged, before the board in person the same as in civil
354 cases; require answers to interrogatories; and compel the
355 production of books, papers, accounts, documents and testimony
356 pertaining to the matter under investigation.

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

361 (9) Any time the board intends to deny an application for
362 licensure, or suspend or revoke an existing license, the board



shall give the person an opportunity for a hearing before taking final action.

SECTION 12. Section 73-67-21, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) The following are requirements for licensure:

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



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

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

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

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

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

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

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



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

416 (a) Those having more than three hundred (300)
417 documented, board-accepted hours of massage therapy education
418 before January 1, 2001.

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

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

425 (d) All grandfathering exemption allowances as stated
426 in this subsection (4) shall end on July 1, 2002, for nonstudents,
427 and on June 1, 2003, for students who were enrolled in a part-time
428 massage school curriculum on July 1, 2001. Individuals may apply
429 for a license until the grandfathering exemption ends, but may not
430 practice massage beyond the allowed grace period as provided for
431 in Section 73-67-37 unless a valid massage therapy license or
432 provisional permit is obtained. Except as provided in subsection
433 (5) of this section, all other pre-act practitioners and anyone
434 not practicing massage therapy before January 1, 2001, must take
435 and pass the licensure examination and follow the requirements in



this chapter to practice massage therapy for compensation in Mississippi.

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

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

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

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



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

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

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



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

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

SECTION 13. Section 73-67-23, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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



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

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

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

SECTION 14. Section 73-67-25, Mississippi Code of 1972, is brought forward as follows:

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

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



applicant has successfully passed the Mississippi State Law Examination.

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

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

The issuance of a license or provisional permit by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

SECTION 15. Section 73-67-27, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

(e) Has been convicted of a crime, or has charges or disciplinary action pending that directly relates to the practice



of massage therapy or to the ability to practice massage therapy.
Any plea of nolo contendere shall be considered a conviction for
the purposes of this section;

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

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

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

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

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

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

(3) (a) Any person(s) found guilty of prostitution using as
any advertisement, claim or insignia of being an actual licensed
massage therapist or to be practicing massage therapy by using the



word "massage" or any other description indicating the same, whether or not the person(s) have one or more license for the person(s) or establishment(s), shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars (\$5,000.00), or imprisonment of up to six (6) months, or both, per offense, per person.

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

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

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

SECTION 16. Section 73-67-29, Mississippi Code of 1972, is brought forward as follows:



609 73-67-29. (1) Any licensed massage therapist advertising by
610 the use of radio, newspaper, television, electronic media, flyers,
611 business cards, phone book or any other means shall include
612 legibly, or clearly audible, the massage therapy license number
613 issued to the therapist(s) on and/or with that advertising.
614 Massage establishments with six (6) or more licensed massage
615 therapists shall be exempt from this provision provided that the
616 therapy or service is performed by person(s) licensed under this
617 chapter.

618 (2) Any and all advertising of the licensed massage
619 therapist shall be of a professional and ethical nature and shall
620 not be attached to or identified with any pornographic or other
621 establishment that may be construed as unprofessional and/or
622 unethical in the practice of professional massage therapy.

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

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



633 out-of-state instruction/education/information materials are
634 exempt.

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

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

643 (7) Advertisers shall obtain the license number from each
644 massage therapist before entering into an agreement or contract to
645 advertise any form of massage therapy as stated in this chapter.
646 The license number(s) shall be part of the actual advertisement.
647 Massage establishments with six (6) or more licensed massage
648 therapists shall be exempt from this provision provided that the
649 therapy or service is performed by person(s) licensed under this
650 chapter.

651 **SECTION 17.** Section 73-67-31, Mississippi Code of 1972, is
652 brought forward as follows:

653 73-67-31. (1) All licensed massage therapists shall:

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



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

659 (c) Recognize and respect the rights of all ethical
660 practitioners and cooperate with health professionals in a
661 professional manner;

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

665 (e) Keep accurate and up-to-date records regarding a
666 client's condition before and after massage therapy session in
667 cases of a client being treated for a specific condition. Public,
668 sports and on-site seated massage sessions are exempt from
669 documentation; sports massage sessions are exempt from post-event
670 documentation;

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

674 (g) Maintain clear and honest communications with their
675 clients, and acknowledge the confidential nature of the
676 professional relationship with a client and respect rights to
677 privacy;

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



680 (i) In no way instigate or tolerate any kind of sexual
681 advance while acting in the capacity of a massage therapist;
682 (j) Provide and use draping to cover all genitalia;
683 (k) Clean/disinfect his hands immediately before each
684 massage session and/or use medical gloves.

685 (2) No massage therapist shall diagnose or prescribe
686 medicine, drugs or treatment.

687 **SECTION 18.** Section 73-67-33, Mississippi Code of 1972, is
688 brought forward as follows:

689 73-67-33. (1) Lavatories or wash basins provided with an
690 adequate supply of both hot and cold running water should be
691 available. Lavatories or wash basins shall be provided with soap
692 in a dispenser and paper, individual use towels, or air dryers.

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

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

699 (4) A copy of the State of Mississippi Professional Massage
700 Therapy Code of Ethics and Professional Conduct shall be
701 prominently displayed.

702 **SECTION 19.** Section 73-67-35, Mississippi Code of 1972, is
703 brought forward as follows:



73-67-35. (1) To obtain a massage therapy license, an applicant must submit to the board the applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of not less than five hundred fifty (550) hours of massage therapy instruction, and at least fifty (50) hours of student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

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

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

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

(d) Fifty (50) hours in supervised student clinic.

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

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

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

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



729 percussion, vibration, range of motion, approved hand-held tools
730 and devices designated as t-bars or knobbies, and draping and
731 turning; and

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

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

737 (a) Twenty (20) hours in anatomy, including all body
738 systems;

739 (b) Twenty (20) hours in physiology, including all body
740 systems;

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

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

743 (e) Twenty (20) hours in pathology, including medical
744 terminology; and

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

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

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



753 (b) Eight (8) hours in cardiopulmonary resuscitation
754 (CPR) and first aid;
755 (c) Ten (10) hours in charting and documentation;
756 (d) Twenty-five (25) hours in hydrotherapy and infrared
757 heat;
758 (e) Twenty (20) hours in referral methods within the
759 health care system; and
760 (f) The remaining one hundred thirty (130) hours may
761 expand on any or all of the previous five (5) subject areas,
762 including the Americans with Disabilities Act, and/or be devoted
763 to any approach to massage therapy and wellness, such as trigger
764 points, management, communication, safety, oriental or Eastern
765 massage techniques and specialized populations. Schools with a
766 temporary or probationary board status license must include a
767 comprehensive review class of no less than sixteen (16) hours and
768 three (3) hours to sit for and pass the board comprehensive exam.
769 (5) "Student clinic" must include at least fifty (50)
770 practical hands-on one-hour massage therapy sessions to be
771 evaluated on documents filed and kept on record at the school for
772 a minimum of six (6) months. These evaluations are to be
773 completed by the clients of the massage therapy sessions and shall
774 include the client's name, address, reason for session,
775 indications and contraindications, date and signature. Each
776 completed session shall constitute one (1) hour of student clinic.



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

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

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

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

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

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



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

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

SECTION 20. Section 73-67-37, Mississippi Code of 1972, is brought forward as follows:

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

SECTION 21. This act shall take effect and be in force from and after June 30, 2025.

