

By: Representative Broomfield

To: Public Health and Welfare

HOUSE BILL NO. 993

1 AN ACT TO PROVIDE FOR LICENSING OF MASSAGE THERAPISTS; TO
2 EXEMPT CERTAIN INDIVIDUALS FROM THE PROVISIONS OF THIS ACT; TO
3 CREATE THE STATE BOARD OF MASSAGE THERAPY AND PRESCRIBE ITS DUTIES
4 AND RESPONSIBILITIES; TO AUTHORIZE THE BOARD TO PROMULGATE RULES
5 AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT; TO
6 PROVIDE FOR THE LICENSING OF MASSAGE THERAPISTS; TO PRESCRIBE THE
7 QUALIFICATIONS FOR THE LICENSE; TO PROVIDE FOR THE EXAMINATION OF
8 CERTAIN APPLICANTS; TO PROVIDE GROUNDS FOR THE REVOCATION OF THE
9 LICENSE; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR
10 RELATED PURPOSES.

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

12 SECTION 1. This act shall be known and may be cited as the
13 "Mississippi Professional Massage Therapy Act."

14 SECTION 2. The Legislature finds that in the profession and
15 practice of massage therapy there is a necessity to preserve and
16 protect individual life and health, promote the public interest
17 and welfare by establishing licensure and assuring public safety.

18 SECTION 3. (1) The provisions of this act shall not apply
19 to the following:

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

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

28 (2) Any exemption granted under this section is effective
29 only insofar as and to the extent that the bona fide practice of
30 the profession or business of the person exempted overlaps into

31 the field comprehended by this law, and exemptions under this
32 section are only for those activities that are currently
33 authorized and performed in the course of the bona fide practice
34 of the business or profession of the person exempted.

35 SECTION 4. For purposes of this act, the following terms
36 shall have the meanings stated in this section, unless otherwise
37 stated:

38 (a) "Apprenticeship" means a noncompensated program of
39 study, practice and training of no more than three (3)
40 individuals, directed, taught and trained by one or more licensed
41 massage therapist(s) in a program approved by the board.

42 (b) "Approved massage therapy school" means a facility
43 that meets the school requirements as stated in this act.

44 (c) "Board" means the State Board of Massage Therapists
45 created in Section 5 of this act.

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

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

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

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

61 (h) "Massage" means touch, stroking, kneading,
62 stretching, friction, percussion and vibration, and includes
63 holding, positioning, causing movement of the soft tissues and

64 applying touch and pressure to the body (excluding any osseous
65 tissue manipulation or adjustment). "Therapy" means action aimed
66 at achieving or increasing health and wellness. "Massage therapy"
67 means the profession in which the practitioner applies massage
68 techniques with the intent of positively affecting the health and
69 well-being of the client, and may adjunctively (i) apply allied
70 modalities, heat, cold, water and topical preparations not
71 classified as prescription drugs, (ii) use hand held tools or
72 devices, and (iii) instruct self care and stress management.
73 "Manual" means by use of hand or body.

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

76 (j) "Massage therapist" means a person who practices
77 massage therapy.

78 (k) "MPMTA" means the "Mississippi Professional Massage
79 Therapy Act."

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

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

84 (n) "Provisional license" means a temporary license
85 granted by the board for conditions of reciprocity.

86 (o) "Provisional permit" means a temporary permit
87 approved by the board when all requirements, other than licensure
88 examination, have been met and until the next licensure
89 examination occurs.

90 SECTION 5. (1) There is created the State Board of Massage
91 Therapy.

92 (2) The board shall consist of five (5) members appointed by
93 the Governor, with the advice and consent of the Senate. At least
94 three (3) members shall be appointed from a list submitted by
95 state representatives of one or more nationally recognized
96 professional massage therapy association(s), all of whom must be

97 residents of Mississippi and must have engaged in the practice of
98 massage therapy within the state for at least three (3) years, one
99 (1) member shall be a licensed health professional in a health
100 field other than massage therapy and one (1) member shall be a
101 consumer at large who is not associated with or financially
102 interested in the practice or business of massage therapy. The
103 initial members of the board shall be appointed for staggered
104 terms, as follows: One (1) member shall be appointed for a term
105 that ends on June 30, 2002; one (1) member shall be appointed for
106 a term that ends on June 30, 2003; one (1) member shall be
107 appointed for a term that ends on June 30, 2004; and two (2)
108 members shall be appointed for terms that end on June 30, 2005.
109 Appointments shall be made within ninety (90) days from the
110 effective date of this act.

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

120 (4) A majority of the board may elect an executive secretary
121 and other such individuals, including an attorney, as may be
122 necessary to implement the provisions of this act. The board may
123 hold additional meetings at such times and places as it deems
124 necessary. A majority of the board shall constitute a quorum and
125 a majority of the board shall be required to grant or revoke a
126 license.

127 SECTION 6. Before entering upon discharge of the duties of
128 the office, the executive secretary of the board shall furnish a
129 bond, approved by the board, to the state in the sum of Five

130 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon
131 the faithful discharge of the duties of the office, the premium on
132 the bond shall be paid from funds paid into the State Treasury by
133 the secretary of the board, and the bond shall be deposited with
134 the Secretary of State. All fees and other monies collected or
135 received by the board shall be paid into and credited to a special
136 fund that is created in the State Treasury, which shall be known
137 as the "State Board of Massage Therapy Fund." Any interest earned
138 on the special fund shall be credited to the special fund and
139 shall not be paid into the State General Fund. Any unexpended
140 monies remaining in the special fund at the end of a fiscal year
141 shall not lapse into the State General Fund. Monies in the
142 special fund shall be expended exclusively for the purposes of
143 carrying out the provisions of this act. Disbursement of monies
144 in the special fund shall be made only upon warrants issued by the
145 State Fiscal Officer upon requisitions signed by the treasurer of
146 the board. The financial records of the board shall be audited
147 annually by the State Auditor. The board shall receive no
148 appropriations from any state funds for its support except from
149 the special fund.

150 SECTION 7. Each member of the board shall receive the per
151 diem authorized under Section 25-3-69 for each day actually
152 discharging his official duties, and shall receive reimbursement
153 for mileage and necessary expense incurred, as provided in Section
154 25-3-41. The expenses of the board in carrying out the provisions
155 of this act shall be paid upon requisitions signed by the chairman
156 and/or secretary of the board and warrants signed by the State
157 Fiscal Officer from the State Board of Massage Therapy Fund. Such
158 expenses shall not exceed the amount paid into the State Treasury
159 under the provisions of this act.

160 SECTION 8. (1) The board shall:

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

164 (b) Keep on file all appropriate records pertaining to
165 each license.

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

172 (d) Evaluate the qualifications of applicants for
173 licensure under this act, and advise applicants as to the
174 acceptance or denial of licensure with any reasons for denial
175 within forty-five (45) days;

176 (e) Issue licenses to applicants who meet the
177 requirements of this act;

178 (f) Inspect, or have inspected, when required, the
179 business premises of any licensee during their operating hours, so
180 long as such inspection does not infringe on the reasonable
181 privacy of any therapists' clients;

182 (g) Establish minimum training and educational
183 standards for obtaining a license under this act, provided that
184 requirements do not decrease;

185 (h) Establish a procedure for approval of educational
186 standards required by this act;

187 (i) Investigate persons suspected of engaging in
188 practices which may violate provisions of this act;

189 (j) Revoke, suspend or deny a license in accordance
190 with the provisions of this act;

191 (k) Adopt an annual budget;

192 (l) Establish policies with respect to continuing
193 education;

194 (m) Adopt rules:

195 (i) For apprenticeships, which shall establish a
196 minimum training program that meets the same or greater
197 requirements of study and training as that established by this
198 act;

199 (ii) Specifying standards and procedures for
200 issuance of a provisional license and a provisional permit;

201 (iii) Specifying licensing procedures for
202 practitioners desiring to be licensed in this state who hold an
203 active license or credentials from another state board;

204 (iv) Establishing requirements for a temporary
205 reciprocal license;

206 (v) The board shall prescribe renewal procedures,
207 requirements, dates and fees for massage therapy licenses issued
208 by the board and shall include provisions for inactive and lapsed
209 licenses;

210 (n) Make available all forms necessary for carrying out
211 all provisions of this act and any and all necessary business of
212 the board;

213 (o) Establish written duties of the executive
214 secretary;

215 (p) Establish a set of reasonable and customary fines
216 and penalties for violations of this act, and fees, including
217 refund policies, which shall be standardized and not exceeded
218 unless amended with at least thirty (30) days' notice to those who
219 are licensed;

220 (q) Establish, amend or repeal any rules or regulations
221 necessary to carry out the purposes of this act and the duties and
222 responsibilities of the board. Affected practitioners shall be
223 sent relevant changes no less than once per license renewal;

224 (r) The board shall maintain a current register listing
225 the name of every massage therapist licensed to practice in this

226 state, his/her last known place of business and last known place
227 of residence, and the date and number of his/her license.

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

233 SECTION 9. The board may adopt rules:

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

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

239 (c) Governing the examination and investigation of
240 applicants for the licenses issued under this act and the
241 issuance, renewal, suspension and revocation of such licenses;

242 (d) Setting standards for certifying continuing
243 education classes;

244 (e) Requiring that massage therapists supply the board
245 with the accurate, current address or addresses where they
246 practice massage;

247 (f) Establishing the educational, training and
248 experience requirements for licensing by reciprocity;

249 (g) Establishing requirements for issuance and
250 retention of an inactive license and/or provisional permits;

251 (h) Setting minimum educational requirements for the
252 certification and/or advertising of specialized techniques with
253 the advice and consent of the National Certification Board for
254 Therapeutic Massage and Bodywork, the National AMTA - Mississippi
255 Chapter State Board, or other Mississippi state board representing
256 a national organization in massage and bodywork.

257 SECTION 10. (1) The board may report to the proper district
258 attorney all cases that, in the judgment of the board, warrant
259 prosecution.

260 (2) No municipal or county governmental body, agency or
261 department shall enact or enforce restrictions or requirements
262 regarding massage therapists that are not equally enacted or
263 enforced regarding all licensed health care practitioners. This
264 act supersedes any regulation adopted by a political subdivision
265 of this state relating to the licensing or regulation of any
266 massage therapist and/or massage establishment.

267 (3) Any civil penalty imposed under this section shall
268 become due and payable when the person incurring the penalty
269 receives a notice in writing of the penalty. The notice shall be
270 sent by registered or certified mail. The person to whom the
271 notice is addressed shall have thirty (30) days from the date of
272 mailing of the notice in which to make written application for a
273 hearing. Any person who makes such application shall be entitled
274 to a hearing. The hearing shall be conducted as a contested case
275 hearing. When an order assessing a civil penalty under this
276 section becomes final by operation of law or on appeal, unless the
277 amount of penalty is paid within ten (10) days after the order
278 becomes final, it may be recorded with the circuit clerk in any
279 county of this state. The clerk shall thereupon record the name
280 of the person incurring the penalty and the amount of the penalty
281 in his lien record book.

282 (4) Where the board proposes to refuse to grant or renew a
283 license or proposes to revoke or suspend a license, an opportunity
284 for a hearing shall be accorded. The board may designate any
285 competent person(s) to preside at such hearing. The board shall
286 promulgate rules for the conduct of hearings and issuance of
287 orders.

288 (5) The board may adopt rules requiring any person,
289 including, but not limited to, licensees, corporations,

290 organizations, health care facilities and state or local
291 governmental agencies, to report to the board any conviction,
292 determination or finding that a license holder has committed an
293 act that constitutes unprofessional conduct, or to report
294 information that indicates that the license holder may not be able
295 to practice his profession with reasonable skill and safety to
296 consumers as a result of a mental, emotional or physical
297 condition. If such entity fails to furnish a required report, the
298 board may petition the circuit court of the county in which the
299 entity resides or is found, and the court shall issue to the
300 entity an order to furnish the required report. A failure to obey
301 the order is a contempt of court.

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

304 (7) Upon the complaint of any citizen of this state, or upon
305 its own motion, the board may investigate any alleged violation of
306 this act. In the conduct of investigations, the board may take
307 evidence; take the depositions of witnesses, including the person
308 charged; compel the appearance of witnesses, including the person
309 charged, before the board in person the same as in civil cases;
310 require answers to interrogations; and compel the production of
311 books, papers, accounts, documents and testimony pertaining to the
312 matter under investigation.

313 (8) The board shall make available, upon request, written
314 appeals procedures for anyone whose license has been denied,
315 suspended, or revoked, and/or for anyone accused of violating any
316 provisions of this act.

317 (9) Any time the board intends to deny an application for
318 licensure, or suspend or revoke an existing license, the board
319 shall give the person an opportunity for a hearing before taking
320 final action.

321 SECTION 11. (1) No person may advertise massage or practice
322 massage for compensation in this state unless he is licensed as a

323 massage therapist by the board. No person may use the title of or
324 represent himself to be a massage therapist or use any other
325 title, abbreviations, letters, figures, signs or devices that
326 indicate that such person is a massage therapist unless he is
327 licensed to practice massage therapy under the provisions of this
328 act. Nothing in this act shall prevent advertisement by a massage
329 establishment provided that such therapy or service is performed
330 by person(s) licensed by this act.

331 (2) The following are requirements for licensure:

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

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

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

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

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

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

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

352 (h) The applicant's official and certified
353 transcript(s) from the applicant's massage therapy school. Such
354 transcript must verify that the applicant has completed a
355 board-approved training program of no less than the minimum

356 requirement for supervised in-class massage therapy instruction
357 and student clinic, with a minimum grade requirement of "C" or
358 better in every course of instruction, as stated for school
359 requirements; or if the applicant is submitting criteria from an
360 apprenticeship program, all required documentation, forms and
361 other board-stipulated requirements must be met.

362 (3) The following pre-act practitioners are exempt from
363 having to take any examination for licensure, but must fulfill all
364 other requirements as stated in this act, except for the
365 requirements in subsection (2)(h) of this section:

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

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

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

375 (d) All grandfathering exemption allowances as stated
376 in this section shall end on January 1, 2002, for nonstudents, and
377 on June 1, 2003, for students who were enrolled in a part-time
378 massage school curriculum on July 1, 2001. Individuals may apply
379 for a license until the grandfathering exemption ends, but may not
380 practice massage beyond the allowed grace period as provided for
381 in Section 20 of this act unless a valid massage therapy license
382 or provisional permit is obtained. All other pre-act
383 practitioners and anyone not practicing massage therapy before
384 January 1, 2001, must take and pass the licensure examination and
385 follow the requirements in this act to practice massage therapy
386 for compensation in Mississippi.

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

390 SECTION 12. (1) The purpose of requiring examination is to
391 determine that each applicant for licensure possesses the minimum
392 skills and knowledge to practice competently.

393 (2) The board shall accept as evidence of competency, in
394 addition to all other requirements as stated in this act, the
395 successful completion of the "National Certification Examination
396 for Therapeutic Massage and Bodywork" (NCETMB) and/or any other
397 nationally or internationally accredited examination approved by
398 the board.

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

402 (4) An applicant for licensure who has been previously
403 licensed may be required to take the NCETMB and achieve a passing
404 score before relicensure under any one (1) of the following
405 circumstances:

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

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

412 SECTION 13. (1) An applicant may be licensed by
413 demonstrating proof that the applicant holds a valid, current
414 license in another state with similar educational requirements to
415 those required by this act, and that all other licensure
416 requirements under this act are met. This is subject to
417 investigation by the board and excludes grandfathering by other
418 states.

419 (2) If an individual who is licensed in another state that
420 has licensing standards substantially equivalent to the standards
421 under this act applies for a license, the board may issue a
422 temporary reciprocal permit authorizing the applicant to practice
423 massage therapy pending completion of documentation that the
424 applicant meets the requirements for a license under this act.
425 The temporary permit may reflect statutory limitations on the
426 scope of practice.

427 (3) A massage therapy license issued by the board shall at
428 all times be posted in a conspicuous place in any massage therapy
429 business establishment of the licensee, doing business during
430 business hours.

431 (4) A license issued pursuant to this act is not
432 transferable or assignable.

433 SECTION 14. (1) The board may refuse to issue or renew or
434 may deny, suspend or revoke any license held or applied for under
435 this act upon finding that the licensee or applicant:

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

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

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

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

443 (e) Has been convicted of a crime, or has charges or
444 disciplinary action pending that directly relates to the practice
445 of massage therapy or to the ability to practice massage therapy.
446 Any plea of nolo contendere shall be considered a conviction for
447 the purposes of this section;

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

450 (g) Is guilty of false, misleading or deceptive
451 advertising, or is guilty of aiding or assisting in the

452 advertising of any unlicensed or unpermitted person in the
453 practice of massage therapy;

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

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

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

465 (3) (a) Any person(s) found guilty of prostitution using as
466 any advertisement, claim or insignia of being an actual licensed
467 massage therapist or to be practicing massage therapy by using the
468 word "massage" or any other description indicating the same,
469 whether or not such person(s) have one or more such licenses for
470 person(s) or establishment(s), shall be guilty of a misdemeanor,
471 and upon conviction, shall be punished by a fine of not less than
472 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
473 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
474 both, per offense, per person.

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

481 (c) Any person who violates any provision of this act,
482 other than violation(s) of paragraph (a) of this subsection, is
483 guilty of a misdemeanor, and upon conviction, shall be punished by
484 a fine not exceeding Five Hundred Dollars (\$500.00), or

485 imprisonment for up to one (1) month in jail, or both, per
486 offense.

487 SECTION 15. (1) Any massage therapist advertising by the
488 use of radio, newspaper, television, electronic media, flyers,
489 business cards, phone book or any other means shall include
490 legibly, or clearly audible, the massage therapy state license
491 number issued to the therapist(s) on and/or with such advertising.

492 (2) Any and all advertising of the licensed massage
493 therapist shall be of a professional and ethical nature and shall
494 not be attached to or identified with any pornographic or other
495 establishment that may be construed as unprofessional and/or
496 unethical in the practice of professional massage therapy.

497 (3) No practice of, or advertisement by any means of, any
498 type of therapy involving soft tissue movement by the use of any
499 body part, instrument(s) or device(s), or any term that may be
500 interpreted to involve massage, shiatsu, acupressure, oriental,
501 Eastern or Asian massage techniques, spa, rub, or therapeutic
502 touch, shall be allowed unless such therapy is performed by
503 person(s) licensed or exempt as stated in this act.

504 (4) Providing information concerning continuing education of
505 massage therapy shall not constitute advertising as that term is
506 used in this section. National massage publications and
507 out-of-state instruction/education/information materials are
508 exempt.

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

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

517 SECTION 16. (1) All licensed massage therapists shall:

- 518 (a) Perform only those services for which they are
519 qualified and which represent their training and education;
- 520 (b) Acknowledge their professional limitations and
521 refer the client to an appropriate health professional when
522 necessary, in cases where massage may be or is contraindicated;
- 523 (c) Recognize and respect the rights of all ethical
524 practitioners and cooperate with health professionals in a
525 professional manner;
- 526 (d) Obtain and keep an overview or profile of the
527 client's state of being and health history and discuss any problem
528 areas that may contraindicate massage;
- 529 (e) Keep accurate and up-to-date records regarding a
530 client's condition before and after massage therapy session in
531 cases of a client being treated for a specific condition. Public,
532 sports and on-site seated massage sessions are exempt from
533 documentation; sports massage sessions are exempt from post event
534 documentation;
- 535 (f) Provide sensitive attention and response to
536 client's comfort levels for pressure and touch, and shall not
537 cause bruising with any regularity;
- 538 (g) Maintain clear and honest communications with their
539 clients, and acknowledge the confidential nature of the
540 professional relationship with a client and respect rights to
541 privacy;
- 542 (h) Abide by all laws that pertain to their work as a
543 massage therapist;
- 544 (i) In no way instigate or tolerate any kind of sexual
545 advance while acting in the capacity of a massage therapist;
- 546 (j) Provide and use draping to cover all genitalia;
- 547 (k) Clean/disinfect his hands immediately before each
548 massage session and/or use medical gloves.
- 549 (2) No massage therapist shall diagnose or prescribe
550 medicine, drugs or treatment.

551 SECTION 17. (1) Lavatories or wash basins provided with an
552 adequate supply of both hot and cold running water should be
553 available. Lavatories or wash basins shall be provided with soap
554 in a dispenser and paper, individual use towels, or air dryers.

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

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

561 (4) Have available during business hours a copy of the State
562 of Mississippi Professional Massage Therapy Code of Ethics and
563 Professional Conduct.

564 SECTION 18. (1) To obtain a massage therapy license, an
565 applicant must submit to the board the applicant's official and
566 certified transcript(s) from the applicant's massage therapy
567 school. The transcript must verify that the applicant has
568 completed a board-approved training program of not less than six
569 hundred (600) hours of supervised in-class massage therapy
570 instruction, and at least one hundred (100) hours of student
571 clinic, with a minimum grade requirement of "C" or better in every
572 course of instruction, in the following subjects:

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

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

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

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

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

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

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

585 (c) One hundred (100) hours in massage demonstration
586 and supervised practice, which must include, but is not limited
587 to, client evaluation, stroking, kneading, stretching, friction,
588 percussion, vibration, range of motion, hand held tools and
589 devices, and draping and turning; and

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

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

595 (a) Twenty (20) hours in anatomy, including all body
596 systems;

597 (b) Twenty (20) hours in physiology, including all body
598 systems;

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

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

601 (e) Twenty (20) hours in pathology, including medical
602 terminology; and

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

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

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

611 (b) Eight (8) hours in cardiopulmonary resuscitation
612 (CPR) and first aid;

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

614 (d) Twenty-five (25) hours in hydrotherapy and infrared
615 heat;

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

618 (f) The remaining one hundred thirty (130) hours may
619 expand on any or all of the previous five (5) subject areas,
620 including The Americans with Disabilities Act, and/or be devoted
621 to any approach to massage therapy and wellness, such as trigger
622 points, management, communication, safety, oriental or Eastern
623 massage techniques and specialized populations.

624 (5) "Student clinic" must include at least thirty (30)
625 practical hands-on one-hour massage therapy sessions, outside of
626 class, to be evaluated on documents filed and kept on record at
627 the school for a minimum of six (6) months. These evaluations are
628 to be completed by the clients of the massage therapy sessions and
629 shall include the client's name, address, reason for session,
630 indications and contraindications, date and signature. Each
631 completed session shall constitute two (2) hours of student
632 clinic. The hands-on session may be supervised or nonsupervised.
633 The remaining forty (40) hours shall be acquired in an actual
634 clinical massage therapy establishment, student clinic or
635 location(s) approved by the school. These remaining forty (40)
636 hours shall be supervised, either directly or indirectly, and
637 shall also be documented.

638 (6) A massage therapy program shall not operate in the State
639 of Mississippi unless it meets the minimum standards of curriculum
640 for licensure as stated in this act. Massage schools and massage
641 curriculums for licensure preparation must obtain a national
642 accreditation from such agencies as the Commission on Massage
643 Therapy Accreditation or programs with the same or greater
644 requirements. Existing massage schools will have five (5) years
645 from July 1, 2001, to obtain that accreditation. New massage
646 schools will have five (5) years from the opening of the massage
647 school to show conformance with the accreditation requirements.

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

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

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

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

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

659 SECTION 19. The grace period for licenses to be issued shall
660 be one hundred eighty (180) days after the official appointment
661 date of the initial board. Those meeting the minimum requirements
662 as stated in this act, except for obtaining a license, may
663 continue the practice of massage therapy or instruction thereof
664 within these one hundred eighty (180) days. Massage curriculums
665 that begin before July 1, 2001, may continue with the same
666 curriculum until completion. Anyone not meeting the minimum
667 requirements as stated in this act shall not advertise massage
668 therapy or instruction thereof until they meet the minimum
669 requirements of this act.

670 SECTION 20. This act shall take effect and be in force from
671 and after July 1, 2001.