

By: Senator(s) Harkins

To: Public Health and
Welfare

SENATE BILL NO. 2751

1 AN ACT TO AMEND SECTION 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 ESTABLISHMENTS; TO REQUIRE THE
 5 BOARD SHARE DOCUMENTS WITH STATE AGENCIES; TO PROVIDE FOR THE HOUR
 6 REQUIREMENTS FOR MASSAGE PRACTICE; TO REPEAL SECTION 73-67-39,
 7 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATE OF REPEAL
 8 FOR SECTIONS 73-67-1 THROUGH 73-67-37, WHICH IS THE MISSISSIPPI
 9 PROFESSIONAL MASSAGE THERAPY ACT; AND FOR RELATED PURPOSES.

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

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 16 of the licenses that have been revoked or suspended;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) The board shall prescribe renewal

54 procedures, requirements, dates and fees for massage therapy

55 licenses issued by the board and shall include provisions for

56 inactive and lapsed licenses; those rules shall be in accordance

57 with Section 33-1-39;

58 (n) Make available all forms necessary for carrying out

59 all provisions of this chapter and any and all necessary business

60 of the board;

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

62 (p) Establish a set of reasonable and customary fines

63 and penalties for violations of this chapter, and fees, including

64 refund policies, which shall be standardized and not exceeded

65 unless amended with at least thirty (30) days' notice to those who

66 are licensed;

67 (q) Establish, amend or repeal any rules or regulations

68 necessary to carry out the purposes of this chapter and the duties

69 and responsibilities of the board. Affected practitioners shall

70 be sent relevant changes no less than once per licensure renewal;



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

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

94 (t) The board shall set up guidelines for the
95 registration of establishments where massage services are



96 performed and maintain a current registry of their location, owner
97 contact information, local business permit information and names
98 of licensees who perform massage at their establishments;

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

107 (v) The board shall report final disciplinary action
108 taken against a licensee to other state or federal regulatory
109 agencies and to a national disciplinary database recognized by the
110 board or as required by law.

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

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

118 73-67-17. The board may adopt rules:

119 (a) Establishing reasonable standards concerning the
120 sanitary, hygienic and healthful conditions of the licensed



121 massage therapist and of premises and facilities used by massage
122 therapists;

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

125 (c) Governing the examination and investigation of
126 applicants for the licenses issued under this chapter and the
127 issuance, renewal, suspension and revocation of the license;

128 (d) Setting standards for certifying continuing
129 education classes;

130 (e) Requiring that massage therapists supply the board
131 with the accurate, current address or addresses where they
132 practice massage;

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

135 (g) Establishing requirements for issuance and
136 retention of an inactive license and/or provisional permits * * *;

137 (h) Establishing requirements for registering massage
138 therapy establishments.

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

141 73-67-19. (1) The board shall report to the proper district
142 attorney all cases that, in the judgment of the board, warrant
143 prosecution.



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

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

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



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

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

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



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

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

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

203 73-67-21. (1) It shall be the responsibility of a massage
204 therapy establishment to verify the current license of any and all
205 persons practicing massage therapy at the location of or on behalf
206 of the establishment. Failure to comply is subject to penalty
207 assessed by the board of not less than Five Hundred Dollars
208 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
209 offense.

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



218 shall at all times be prominently displayed in any place where
219 massage therapy is being practiced.

220 (3) The following are requirements for licensure:

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

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

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

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

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

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

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

241 (h) The applicant's official and certified
242 transcript(s) from the applicant's massage therapy school. The



243 transcript must verify that the applicant has completed a
244 board-approved training program of no less than the minimum
245 requirement for * * * massage therapy instruction and student
246 clinic, with a minimum grade requirement of "C" or better in every
247 course of instruction, as stated for school requirements.

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

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

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

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

261 (d) All grandfathering exemption allowances as stated
262 in this subsection (4) shall end on July 1, 2002, for nonstudents,
263 and on June 1, 2003, for students who were enrolled in a part-time
264 massage school curriculum on July 1, 2001. Individuals may apply
265 for a license until the grandfathering exemption ends, but may not
266 practice massage beyond the allowed grace period as provided for
267 in Section 73-67-37 unless a valid massage therapy license or



268 provisional permit is obtained. Except as provided in subsection
269 (5) of this section, all other pre-act practitioners and anyone
270 not practicing massage therapy before January 1, 2001, must take
271 and pass the licensure examination and follow the requirements in
272 this chapter to practice massage therapy for compensation in
273 Mississippi.

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

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

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

291 (7) An applicant must have successfully been cleared for
292 licensure through an investigation that shall consist of a



293 determination as to good moral character and verification that the
294 prospective licensee is not guilty of or in violation of any
295 statutory ground for denial of licensure as set forth in Section
296 73-67-27.

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

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



317 released or otherwise disclosed by the board to any other person
318 or agency.

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

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

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

332 73-67-35. (1) To obtain a massage therapy license, an
333 applicant must submit to the board the applicant's official and
334 certified transcript(s) from the applicant's massage therapy
335 school. The transcript must verify that the applicant has
336 completed a board-approved training program of not less than * * *
337 five hundred fifty (550) hours of * * * massage therapy
338 instruction, and at least * * * fifty (50) hours of student
339 clinic, with a minimum grade requirement of "C" or better in every
340 course of instruction, in the following subjects:



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

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

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

347 (d) * * * Fifty (50) hours in supervised student
348 clinic.

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

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

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

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

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

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



- 366 (a) Twenty (20) hours in anatomy, including all body
367 systems;
- 368 (b) Twenty (20) hours in physiology, including all body
369 systems;
- 370 (c) Twenty (20) hours in myology/kinesiology;
- 371 (d) Twenty (20) hours in neurology;
- 372 (e) Twenty (20) hours in pathology, including medical
373 terminology; and
- 374 (f) The remaining * * * eighty (80) hours may expand on
375 any or all of the previous six (6) subject areas and/or be related
376 to the science of the human body.

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

- 380 (a) Seven (7) hours in Eastern, European and Western
381 theory/methods;
- 382 (b) Eight (8) hours in cardiopulmonary resuscitation
383 (CPR) and first aid;
- 384 (c) Ten (10) hours in charting and documentation;
- 385 (d) Twenty-five (25) hours in hydrotherapy and infrared
386 heat;
- 387 (e) Twenty (20) hours in referral methods within the
388 health care system; and
- 389 (f) The remaining one hundred thirty (130) hours may
390 expand on any or all of the previous five (5) subject areas,



391 including the Americans with Disabilities Act, and/or be devoted
392 to any approach to massage therapy and wellness, such as trigger
393 points, management, communication, safety, oriental or Eastern
394 massage techniques and specialized populations. Schools with a
395 temporary or probationary board status license must include a
396 comprehensive review class of no less than sixteen (16) hours and
397 three (3) hours to sit for and pass the board comprehensive exam.

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

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



416 schools will have five (5) years from the opening of the massage
417 school to show conformance with the accreditation requirements.
418 An existing accredited massage school that loses its accreditation
419 will have three (3) years from the date of loss of its
420 accreditation to show conformance with the accreditation
421 requirements.

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

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

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

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

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

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



440 application shall be deemed approved and a massage therapy license
441 must be issued.

442 **SECTION 6.** Section 73-67-39, Mississippi Code of 1972, which
443 provides for the date of repeal for Sections 73-67-1 through
444 73-67-37, is repealed.

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

