

Regular Session, 2012

HOUSE BILL NO. 923

BY REPRESENTATIVE PONTI

MASSAGE THERAPISTS: Provides with respect to the La. Massage Therapists and  
Massage Establishment Act

1 AN ACT

2 To amend and reenact R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556,  
3 3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C)  
4 and to repeal R.S. 35:3560, relative to massage therapy; to provide for definitions;  
5 to provide for applicability of the Louisiana Massage Therapists and Massage  
6 Establishment Act; to provide for exemptions; to provide for the Louisiana Board of  
7 Massage Therapy; to provide for membership of the board; to provide for the powers  
8 and duties of the board; to require licensure for person performing massage therapy;  
9 to provide for licensure for massage establishments; to establish licensure  
10 requirements; to provide for an examination; to provide for licensing regulations; to  
11 provide for the expiration and renewal of licenses; to provide for inactive status; to  
12 provide for disciplinary actions; to regulate advertising as a massage therapist or a  
13 massage establishment; to provide for penalties; to provide for injunctions; and to  
14 provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557,  
17 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C) are hereby  
18 amended and reenacted to read as follows:

19 §3552. Definitions

20 As used in this Chapter:

1           (1) “Advertise” or “advertising” means to publish, display, or disseminate  
2 promotional information and includes but is not limited to the issuance of any card,  
3 sign, or direct mail, or in any newspaper, magazine, publication, or any  
4 announcement or display via any televised, computerized, electronic, or telephone  
5 networks, magnetic signs, or media. “Advertise” shall not include the following:

6           (a) Telephone directory information including white pages, yellow pages,  
7 and any internet publication made by the phone directory company in which one is  
8 listed.

9           (b) Building signs identifying the location, unless the building sign contains  
10 promotional material.

11           (2) "Board" means the Louisiana Board of Massage Therapy.

12           ~~(2)~~ (3) "Department" means the Department of Health and Hospitals.

13           (4) “Inactive status” means a licensed massage therapist has, pursuant to the  
14 provisions of this Chapter, notified the board of intent to voluntarily cease activity  
15 as a massage therapist for a period of time not to exceed five years.

16           (5) “Lapsed license” means a board issued license which has not been  
17 renewed for a period of more than two years and the holder of the license has not  
18 taken inactive status.

19           (6) “Licensee” means any person or business that has a professional or  
20 establishment license issued by the board.

21           ~~(3)~~ (7) "Massage establishment" means any place of business ~~in which~~  
22 ~~massage therapy is practiced by a massage therapist~~ that offers the practice of  
23 massage therapy and where the practice of massage therapy is conducted on the  
24 premises of the business. A place of business includes any office, clinic, facility, or  
25 other location where a person or persons engage in the practice of massage therapy.  
26 The residence of a therapist or an out call location which is not owned, rented, or  
27 leased by a massage therapist or massage establishment, shall not be considered a  
28 massage establishment, unless the location is advertised as the therapist’s or  
29 establishment’s place of business.

1           ~~(4)~~ (8) "Massage therapist" means ~~an individual who practices or administers~~  
2           ~~massage therapy to a patron of either gender for compensation. The term shall~~  
3           ~~include a therapeutic massage practitioner, massage technician, masseur, masseuse,~~  
4           ~~or any derivation of those titles~~ a person who engages in the practice of massage  
5           therapy for compensation.

6           (9) "Person" means an individual, corporation, association, or other legal  
7           entity.

8           ~~(5)~~ (10) "Massage Practice of massage therapy" means the manipulation of  
9           soft tissue for the purpose of maintaining good health and establishing and  
10          maintaining good physical condition. The practice of massage therapy shall include  
11          advertising or offering to engage in the practice of massage therapy, and holding  
12          oneself out or designating oneself to the public as a massage therapist or massage  
13          establishment. The term practice of massage therapy shall include, but is not limited  
14          to effleurage (stroking), petrissage (kneading), tapotement (percussion),  
15          compression, vibration, friction, (active/passive range of motion), stretching, Shiatsu,  
16          ~~and~~ acupressure, reflexology, and Swedish massage either by hand, forearm, elbow,  
17          foot, or with mechanical appliances for the purpose of body massage. Massage  
18          therapy may include, but is not limited to the use of lubricants such as salts, powders,  
19          liquids, creams; (with the exception of prescriptive or medicinal creams), heat lamps,  
20          hot and cold stones, whirlpool, hot and cold pack packs, salt glow, body warps, or  
21          steam cabinet baths. It shall not include electrotherapy, laser therapy, microwave,  
22          colonic therapy, or injection therapy, or manipulation of the joints. Equivalent terms  
23          for massage therapy are massage, therapeutic massage, massage technology, ~~Shiatsu,~~  
24          body work, or any derivation of those terms. As used in this Chapter, the terms  
25          "therapy" and "therapeutic" shall not include diagnosis, the treatment of illness or  
26          disease, or any service or procedure for which a license to practice medicine,  
27          chiropractic, physical therapy, or podiatry is required by law.

1           ~~(6) "Massage therapy instructor" means an individual who is licensed as a~~  
2           ~~massage therapist, who possesses credentials satisfactory to the board and who meets~~  
3           ~~criteria established by the board pursuant to rule.~~

4           ~~(7) "Person" means an individual, corporation, association, or other legal~~  
5           ~~entity.~~

6           (11) "Professional Massage Therapy Association" means a statewide  
7           organization or statewide chapter of an organization which meets all of the following  
8           criteria:

9           (a) Either directly, or through the parent organization, qualifies as a tax  
10           exempt nonprofit organization under 26 U.S.C. §501(c)(6).

11           (b) Within Louisiana, offers a voting membership to licensed massage  
12           therapists who practice or reside in Louisiana and who maintain their voting  
13           membership in good standing.

14           (c) Within Louisiana, is administered by a governing body composed of  
15           officers democratically elected by the organization's voting membership with  
16           Louisiana.

17           (12) "Writing" shall be a written communication transmitted either by United  
18           States Mail or by electronic means such as email.

19           §3553. Application of Chapter; exceptions and exemptions

20           A. This Chapter shall apply to any person ~~practicing as a massage therapist~~  
21           ~~or massage establishment engaging in the practice of massage therapy~~ within the  
22           state of Louisiana.

23           B.(1) This Chapter shall not apply to any of the following:

24           (a) Persons who are licensed by the state to practice any of the following:  
25           medicine or surgery, osteopathic medicine and surgery, podiatry, nursing,  
26           occupational therapy, physical therapy, chiropractic medicine.

27           (b) Persons who are practicing as a physician's assistant, as an athletic  
28           trainer, or as a cosmetologist licensed in accordance with R.S. 37:561 et seq.

1           (c) Persons acting under the prescription or supervision of a person licensed  
2           to practice medicine or surgery in the state.

3           (d) Persons who provides services performed in hospitals licensed by the  
4           state.

5           (2) This Chapter shall also not apply to any of the following:

6           (a) Persons who are licensed, registered, or certified in another state,  
7           territory, the District of Columbia, or a foreign country when incidentally present in  
8           the state to teach a course of instruction related to massage and bodywork therapy  
9           as a continuing education course.

10          (b) Persons giving massage and bodywork to their immediate family without  
11          compensation.

12          (c) Persons incidentally present in the state to provide services as part of an  
13          emergency response team working in conjunction with relief officials during a  
14          disaster provided such persons are properly licensed in the state from which they  
15          originate.

16          C. Nothing in this Chapter shall be construed as preventing or restricting the  
17          practice ~~or activities~~ of any person licensed in this state under any other law from  
18          engaging in the profession or occupation for which he is licensed. ~~However, no~~  
19          ~~person shall in any way hold himself out or designate himself as a massage therapist~~  
20          ~~unless duly licensed by the board in accordance with this Chapter.~~

21          §3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,  
22          terms, vacancies, officers, meetings, reimbursement, liability

23          A.(1) ~~There is hereby created the~~ The Louisiana Board of Massage Therapy  
24          is created within the Louisiana Department of Health and Hospitals. It shall be  
25          composed of seven members appointed by the governor. ~~Five licensed massage~~  
26          ~~therapists of the members~~ shall be appointed from a list of nominees submitted to the  
27          governor by professional massage therapy and bodyworks associations. Two lay  
28          members shall be appointed from a the list of nominees, ~~submitted to the governor~~  
29          ~~by professional massage therapy associations.~~ both of whom shall be consumers who



1 E. ~~The~~ Each year, the board shall ~~annually~~ elect a chairman, vice chairman,  
2 secretary, and treasurer from its membership and shall maintain records of the  
3 attendance of its members at board meetings.

4 F. Each member of the board shall serve with compensation, not to exceed  
5 fifty dollars per day, ~~and~~ consisting of at least three hours of board business,  
6 including travel time. Board members shall be reimbursed for travel and related  
7 expenses incurred, not to exceed those expenses authorized for reimbursement by the  
8 Department of Health and Hospitals, for each day that the member engages in board  
9 business.

10 \* \* \*

11 §3555. Powers and duties of the board

12 A. The board shall:

13 (1) ~~Prescribe application forms for examination, licensure, and registration~~  
14 ~~and assess and collect fees pursuant to R.S. 37:3562.~~ Regulate the practice of  
15 massage and bodywork in Louisiana by licensing massage therapists who meet the  
16 state's minimum standards of education. Among its functions, the board  
17 promulgates rules and regulations, issues and renews professional and establishment  
18 licenses, collects and assesses fees pursuant to RS 37:3562, inspects, investigates,  
19 and disciplines licensees, including both individuals and establishments, who violate  
20 the law, and imposes fines and penalties.

21 (2) Perform inspections and investigate persons who may be engaging in  
22 practices which violate provisions of this Chapter and impose fines and penalties.

23 (3) Maintain a complete record going back for a period of at least five years  
24 of all licensed massage therapists and annually prepare a roster of the names and  
25 addresses of all such licensees. A copy of this roster shall be made available to any  
26 person requesting it, upon payment of a fee set by the board in an amount sufficient  
27 to cover the costs of its publication and distribution.

28 (3) ~~Investigate persons who may be engaging in practices which violate~~  
29 ~~provisions of this Chapter and impose fines and penalties.~~

1 (4) Adopt and revise rules and regulations pursuant to the Administrative  
2 Procedure Act for the purpose of administering the provisions of this Chapter. ~~Such~~  
3 ~~rules and regulations shall include rules relating to the definition of unprofessional~~  
4 ~~conduct, as that term is further defined in R.S. 37:3563(A)(3).~~

5 (5) Issue declaratory rulings interpreting the scope of practice of massage  
6 therapy, as that term is further defined in ~~R.S. 37:3552(5)~~ R.S. 37:3552(10).

7 ~~(6) Have all other powers necessary and proper for the performance of its~~  
8 ~~duties.~~

9 B. The board may:

10 (1) Accept or deny entrance of any applicant applying for licensure ~~or~~  
11 ~~registration.~~

12 (2) Establish continuing education requirements for license renewal ~~and~~  
13 ~~criteria for certifying massage therapy instructors.~~

14 §3556. Licensure; qualifications

15 A.~~(1)~~ No person shall ~~act as or perform the duties of a massage therapist~~  
16 ~~unless he possesses~~ engage in the practice of massage therapy without a current  
17 license issued pursuant to this Chapter or is unless exempt under the provisions of  
18 this Chapter. To receive a massage therapist license in the state of Louisiana, an  
19 applicant shall pay the application fee pursuant to R.S. 37:3562(B) and shall submit  
20 evidence satisfactory to the board of meeting the following requirements:

21 (1) Has satisfactorily completed an approved massage therapy studies  
22 program as established in the board rules.

23 (2) Has passed a national examination approved by the board under R.S.  
24 37:3557 within two years from the date the application is filed.

25 (3) Is a citizen or legal resident of the United States and has the ability to  
26 read, write, speak, and understand English fluently.

27 (4) Has not, within the five years preceding the date of the application, been  
28 convicted of a nonviolent felony.

1           (5) Has never been convicted of or pled nolo contendere to a violent felony  
2           or a criminal offense involving sexual misconduct.

3           (6) Has submitted to and cleared a background check.

4           ~~(2) A licensed massage therapist shall not perform massage therapy, whether~~  
5           ~~or not for compensation, at or for a sexually oriented business, as defined in R.S.~~  
6           ~~37:3558(D).~~

7           ~~(3) A licensed massage therapist shall not be directly employed by a person~~  
8           ~~licensed to practice medicine or osteopathy pursuant to R.S. 37:1261 et seq.~~

9           B. A person desiring to be licensed as a massage therapist shall apply to the  
10          board to take the examination provided for in R.S. 37:3557. To be eligible to take  
11          the examination, an applicant shall pay the examination fee, except as otherwise  
12          provided in R.S. 37:3562(B), and shall submit evidence satisfactory to the board that  
13          he has met one of the following requirements:

14                 ~~(1) Has satisfactorily completed massage therapy studies in a minimum five~~  
15                 ~~hundred-hour supervised course of instruction. The course of instruction may be~~  
16                 ~~provided by a proprietary massage therapy school licensed by the state Department~~  
17                 ~~of Education. The minimum five hundred hours shall consist of three hundred~~  
18                 ~~twenty-five hours dedicated to the study of basic massage therapy techniques and~~  
19                 ~~clinical practicum-related modalities, one hundred twenty-five hours dedicated to the~~  
20                 ~~study of anatomy and physiology, and an additional fifty hours of discretionary~~  
21                 ~~related course work, including but not limited to hydrotherapy, business practices~~  
22                 ~~and professional ethics, health and hygiene, and cardiopulmonary resuscitation~~  
23                 ~~(CPR) and first aid.~~

24                 ~~(2) Has been in the practice of massage therapy for a minimum of three~~  
25                 ~~consecutive years prior to the date of application, provided that no person shall~~  
26                 ~~qualify to take the examination pursuant to the provisions of this Paragraph after~~  
27                 ~~March 1, 1998.~~

28                 ~~(3) Holds a valid license as a physical therapist pursuant to R.S. 37:2401 et~~  
29                 ~~seq.~~

1           ~~(4) Has been licensed or registered as a massage therapist in another state,~~  
2           ~~territory, commonwealth, or the District of Columbia which has and maintains~~  
3           ~~standards and requirements of practice and licensure or registration which~~  
4           ~~substantially conform to the requirements in force in this state, as determined by the~~  
5           ~~board.~~

6           The requirements set forth in R.S. 37:3556(A)(1) and R.S. 37:3556(A)(2)  
7           shall not apply to either of the following:

8           (1) Persons who have continuously held a license to engage in the practice  
9           of massage therapy issued by the board since March 1, 1998.

10          (2) Persons who hold a valid, current, and unexpired license or registration  
11          to engage in the practice of massage therapy in another state, territory,  
12          commonwealth, or the District of Columbia which has and maintains standards and  
13          requirements of practice and licensure or registration which substantially conform  
14          to the requirements in force in this state, as determined by the board.

15          C. After review of the evidence submitted, the board shall notify each  
16          applicant that his application and such evidence is ~~either satisfactory and accepted~~  
17          or ~~unsatisfactory and~~ rejected. If an application is rejected, such notice shall state  
18          the reasons for the rejection.

19          D. The board shall issue a license to each person who meets the  
20          qualifications provided for in R.S. 37:3556 upon payment of the professional license  
21          fee provided pursuant to R.S. 37:3562. The license, in the form of a Licensed  
22          Massage Therapist Identification Card (LMT-ID Card), grants all professional rights,  
23          honors, and privileges to the licensed massage therapist.

24          E. Each license granted shall have a validity period of one calendar year and  
25          shall have an expiration date as determined by administrative rules promulgated by  
26          the board.

27          §3557. Examination

28          A. Examination of applicants to be massage therapists shall be conducted at  
29          such times and places and under such supervision as the board determines by rule.;

1       ~~however, examinations shall be conducted at least twice in each calendar year. The~~  
2       ~~board shall give public notice and shall notify each person who has made satisfactory~~  
3       ~~application for examination of the date, time, and place of examination.~~

4               B. ~~The board shall determine by rule the scope, form, and content of the~~  
5       ~~examination, which shall consist of both a written examination to test knowledge of~~  
6       ~~anatomy and physiology and a practical demonstration or oral interview to verify~~  
7       ~~skills necessary for the practice of massage therapy.~~

8               C. ~~An applicant shall successfully pass the examination in order to be~~  
9       ~~eligible for licensure as a massage therapist. The board shall notify each applicant~~  
10       ~~of the results of the examination in writing. Any applicant who fails to pass the~~  
11       ~~examination and is, therefore, refused licensure may take the examination again upon~~  
12       ~~application and payment of an additional examination fee. No applicant shall be~~  
13       ~~allowed to take the examination more than twice within a two-year period.~~

14       §3558. ~~Registration of massage~~ Massage establishments

15               A. ~~A massage establishment shall register with the board as provided in the~~  
16       ~~following:~~

17               (1) ~~For physical addresses where only one massage therapist is practicing:~~

18               (a) ~~The professional massage license shall act as a registration certificate for~~  
19       ~~the establishment;~~

20               (b) ~~Separate professional licenses will be issued for each physical address~~  
21       ~~listed on the license application form or renewal application form; and~~

22               (c) ~~The professional license will cover all outcalls made from that physical~~  
23       ~~address by the licensee.~~

24               (2) ~~For physical addresses where more than one massage therapist is~~  
25       ~~practicing:~~

26               (a) ~~A separate massage establishment registration certificate is required;~~

27               (b) ~~The responsibility for obtaining a massage establishment registration~~  
28       ~~certificate shall belong to one of the following entities as it applies to the physical~~



1 oriented business shall be ineligible for registration as a massage establishment and  
2 shall not operate as a massage establishment.

3 §3559. ~~Applications; issuance of licenses and certificates of registration; referrals~~

4 License regulations

5 A. ~~Applications for licensure, registration, or renewal shall be on forms~~  
6 ~~provided by the board and shall be accompanied by the fees specified in R.S.~~  
7 ~~37:3562. Each licensed massage therapist who works at a massage establishment~~  
8 ~~shall display his LMT-ID Card in plain view in an appropriate public manner. A~~  
9 ~~licensed massage therapist who is working outside of a massage establishment shall~~  
10 ~~have in his possession his LMT-ID Card and shall present it for review upon request~~  
11 ~~of a client or board representative.~~

12 B. ~~The board shall issue a license to each person qualified as a massage~~  
13 ~~therapist and a registration certificate to each qualified massage establishment. To~~  
14 ~~be qualified for a license as a massage therapist, an applicant shall have successfully~~  
15 ~~passed the examination provided for in R.S. 37:3557. Such a license or certificate~~  
16 ~~grants all professional rights, honors, and privileges relating to the practice of~~  
17 ~~massage therapy. Name or location changes to any license shall be submitted to the~~  
18 ~~board within thirty days of the change with appropriate fees.~~

19 C. ~~Each licensed massage therapist shall display his license in an appropriate~~  
20 ~~public manner as specified by the board. In addition, each massage establishment~~  
21 ~~shall post in plain sight its certificate of registration and the license of each massage~~  
22 ~~therapist who practices in the massage establishment. Any license shall be for the~~  
23 ~~sole use and benefit of the licensee or location for which it was issued and, as such,~~  
24 ~~is nontransferable.~~

25 D. ~~A license or registration certificate is~~ All licenses ~~are the property of the~~  
26 ~~board and shall be surrendered upon demand of the board.~~

27 E. ~~Any license or massage establishment registration certificate shall be for~~  
28 ~~the sole use and benefit of the licensee or location for whom it was issued and as~~  
29 ~~such is nontransferable.~~

1           ~~F. Changes to any license or registration certificate must be submitted to the~~  
2           ~~board within thirty days on board-approved forms with the appropriate fees, if~~  
3           ~~applicable, as per rule.~~

4           §3561. License ~~or registration renewal; reinstatement; continuing education~~  
5           requirements

6           A. Each license ~~or registration certificate, except a provisional license,~~ shall  
7           be renewed annually, on or before ~~the anniversary~~ its expiration date; by ~~forwarding~~  
8           ~~to the board~~ submitting a renewal application form, ~~accompanied by the payment of~~  
9           the renewal fee specified in R.S. ~~37:3562.~~ Each licensee, upon making an  
10          ~~application for renewal of a license, shall submit~~ R.S. 37:3562, and providing  
11          evidence ~~of satisfactory completion of~~ that the licensee has completed continuing  
12          education requirements, as established by rule of the board.

13          B. Any license ~~or registration certificate~~ not renewed on or before its  
14          ~~anniversary~~ expiration date shall expire and all rights and privileges under the license  
15          shall cease.

16          C. ~~However, a~~ A person whose license has ~~lapsed~~ expired and who has  
17          ceased activities as a massage therapist for ~~not more than five years~~ less than twenty-  
18          four consecutive months may have his license reinstated upon payment of the  
19          renewal fee and the late fee specified in R.S. 37:3562, upon submission of a renewal  
20          application form, and providing evidence satisfactory to the board that he has  
21          fulfilled continuing education requirements and passed the examination provided for  
22          in R.S. 37:3557.

23          D. A licensee who chooses to adopt inactive status and cease activities as a  
24          massage therapist may submit an affidavit, along with the specified fee in R.S.  
25          37:3562 to apply for inactive status as required by rule of the board. If the licensee  
26          does not request to be placed on inactive status, his license shall expire if not timely  
27          renewed.

28          E. If a person does not apply for inactive status and does not renew his  
29          license for a period of more than twenty-four consecutive months the license shall

1 be considered to have lapsed and in order to obtain a license, the person shall submit  
2 a new application which complies with all of the current requirements of this Chapter  
3 and the rules of the board as appropriate and shall pay the licensure application fee,  
4 the original professional license fee, and any other fees applicable to a new  
5 application.

6 \* \* \*

7 §3563. ~~Causes for suspension, revocation, or failure to renew or issue a license~~

8 Grounds for discipline

9 A. The board may suspend, revoke, or refuse to issue or renew a license ~~or~~  
10 ~~registration certificate~~, after notice and opportunity for hearing pursuant to the  
11 Administrative Procedure Act, upon proof of any of the following:

12 (1) Obtaining a license ~~or registration certificate~~ by means of fraud,  
13 misrepresentation, or concealment of material facts, including making false  
14 statements on an application or other document required by the board.

15 (2) Selling, bartering, or offering to sell or barter a license ~~or registration~~  
16 ~~certificate~~.

17 (3) Engaging in unprofessional conduct that has endangered or which is  
18 likely to endanger the health, welfare, or safety of the public, as further defined by  
19 rules of the board.

20 (4) Conviction of a felony, ~~or any crime arising out of or connected with the~~  
21 ~~practice of massage therapy~~, unless such conviction was reversed on appeal.

22 (5) Conviction of any crime arising out of or connected with the practice of  
23 massage therapy, unless such conviction was reversed on appeal.

24 (6) Violating or aiding and abetting in the violation of any provisions of this  
25 Chapter or the rules and regulations promulgated hereunder.

26 (6) Failing to ~~pass the examination for licensure~~ comply with license or  
27 renewal requirements.

28 B. Any person who has been convicted of, entered a plea of nolo contendere  
29 to, or received deferred adjudication ~~to crimes or offenses involving~~ in connection

1 with any criminal offense involving sexual misconduct or prostitution or sexual  
 2 offenses shall be ineligible for licensure as a massage therapist, or a massage therapy  
 3 instructor.

4 C. The board shall revoke the license of any person who is convicted of,  
 5 enters a plea of nolo contendere to, or receives deferred adjudication ~~to a crime or~~  
 6 offense involving in connection with any criminal offense involving sexual  
 7 misconduct or prostitution or other sexual offenses.

8 ~~E.~~ D. Any person who has been convicted of, entered a plea of nolo  
 9 contendere to, or received deferred adjudication ~~to crimes or offenses involving in~~  
 10 connection with any criminal offense involving sexual misconduct or prostitution or  
 11 sexual offenses shall be ineligible for registration licensure as an owner or operator  
 12 of a massage establishment. The board shall revoke the registration license of any  
 13 person if the board determines that the establishment is a sexually oriented business,  
 14 as defined in R.S. 37:3558(D), R.S. 37:3558(C), or that a crime or offense involving  
 15 prostitution or other sexual offenses and resulting in a conviction, to which a plea of  
 16 nolo contendere was entered, or deferred adjudication was received has occurred on  
 17 the premises of the establishment since the date of the most recent license renewal,  
 18 of the registration certificate.

19 §3564. Regulation of advertising

20 A. A person ~~who~~ or an entity that does not hold a license as a massage  
 21 therapist, ~~physical therapist, chiropractor, or athletic trainer or a certificate of~~  
 22 registration or a license as a massage establishment, or any other profession listed  
 23 in R.S. 37:3558(C), shall not use the words "massage", "shiatsu", or "body work",  
 24 or any derivative or variation of the word "massage", including specific bodywork  
 25 or massage modalities, on any sign or other form of advertising. Any advertisement  
 26 by a massage therapist or a massage establishment shall contain the license or  
 27 registration number of such therapist or establishment. Building signs with  
 28 promotional material shall also include the professional or establishment number.



## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Ponti

HB No. 923

**Abstract:** Makes changes to the La. Massage Therapists and Massage Establishment Act.

Present law provides for definitions.

Proposed law amends the definitions of "massage establishment", "massage therapist", and "massage therapy" and adds definitions for "advertise", "inactive status", "lapsed license", "licensee", "person", "professional massage therapy association", and "writing".

Present law provides for the applicability of the La. Massage Therapists and Massage Establishment Act.

Proposed law retains present law and adds a list of persons who are exempt.

Present law establishes the La. Board of Massage Therapists.

Proposed law retains present law.

Present law provides for the qualifications, terms, vacancies, officers, reimbursement, and liability of the members of the board.

Proposed law retains present law and allows bodyworks associations and other interested sources or individuals to submit a list of nominees for membership on the board. Proposed law also makes technical changes and repeals outdated provisions.

Present law provides for compensation for the members of the board.

Proposed law retains present law and requires at least three hours of board business be attended to receive the per diem.

Present law provides for the powers and duties of the board.

Proposed law specifies the duties of the board in regulating the practice of massage and bodywork in Louisiana.

Present law requires a person engaging in the practice of massage therapy to be licensed by the board as a massage therapist.

Proposed law retains present law and sets forth criteria that must be met by an applicant for licensure.

Present law provides for the examination of applicants to be massage therapists.

Proposed law provides that the timing and location of examinations for applicants, along with the scope, form, and content of the examination, shall be determined by administrative rules adopted by the board.

Present law provides for massage establishments.

Proposed law requires massage establishments to be licensed by the board.

Present law provides for applications for licensure by the board.

Proposed law sets forth the requirements for the display of licenses, name or location changes on licenses, the use of licenses, and the surrender of licenses.

Present law provides for the renewal and reinstatement of licenses and the continuing education requirements that must be met prior to renewal of a license.

Proposed law provides for the expiration and renewal of licenses, the renewal and reinstatement of expired licenses, and allows a licensee to adopt inactive status.

Present law sets forth the causes for the suspension of, revocation of, or refusal to renew or issue a license.

Proposed law sets forth the grounds for and methods of discipline of a licensee by the board.

Present law provides for penalties.

Proposed law provides that violations of proposed law are misdemeanors punishable by a fine or jail time.

Present law provides for injunctions.

Proposed law authorizes the board to bring an action for an injunction, together with reasonable attorney fees and court costs. Proposed law further provides that, if the board is unsuccessful in obtaining injunctive relief, the court may award attorney fees and costs to the prevailing party.

(Amends R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C); Repeals R.S. 35:3560)