

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. 37:3560, 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 persons 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:

21 (1) "Advertise" or "advertising" means to publish, display, or disseminate  
22 promotional information and includes but is not limited to the issuance of any card,

1 sign, or direct mail, or in any newspaper, magazine, publication, or any  
2 announcement or display via any televised, computerized, electronic, or telephone  
3 networks, magnetic signs, or media. "Advertise" shall not include the following:

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

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

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

10 ~~(2)~~ (3) "Department" means the Department of Health and Hospitals.

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

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

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

20 ~~(3)~~ (7) "Massage establishment" means any place of business in which  
21 massage therapy is practiced by a massage therapist that offers the practice of  
22 massage therapy and where the practice of massage therapy is conducted on the  
23 premises of the business. A place of business includes any office, clinic, facility, or  
24 other location where a person or persons engage in the practice of massage therapy.  
25 The residence of a therapist or an out call location which is not owned, rented, or  
26 leased by a massage therapist or massage establishment, shall not be considered a  
27 massage establishment, unless the location is advertised as the therapist's or  
28 establishment's place of business. The term "massage establishment" shall not  
29 include physician offices, physical therapy facilities, chiropractic offices, or athletic

1 training facilities, whether or not they employ, contract with, or rent to massage  
2 therapists, or institutions of secondary or higher education when massage therapy is  
3 practiced in connection with employment related to athletic teams.

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

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

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

1 disease, or any service or procedure for which a license to practice medicine,  
2 chiropractic, physical therapy, or podiatry is required by law.

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

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

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

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

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

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

19 (12) "Writing" shall be a written communication transmitted either by United  
20 States mail or by electronic means such as e-mail.

21 §3553. Application of Chapter; exceptions and exemptions

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

25 B.(1) This Chapter shall not apply to any services performed in hospitals  
26 licensed by the state.

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

28 (a) Persons who are licensed, registered, or certified in another state,  
29 territory, the District of Columbia, or a foreign country when incidentally present in

1 the state to teach a course of instruction related to massage and bodywork therapy  
2 as a continuing education course.

3 (b) Persons giving massage and bodywork to their immediate family without  
4 compensation.

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

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

15 §3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,  
16 terms, vacancies, officers, meetings, reimbursement, liability

17 A.(1) ~~There is hereby created the~~ The Louisiana Board of Massage Therapy  
18 is hereby created within the Louisiana Department of Health and Hospitals. It shall  
19 be composed of seven members appointed by the governor. ~~Five licensed massage~~  
20 ~~therapists of the members~~ shall be appointed from a list of nominees submitted to the  
21 governor by professional massage therapy and bodywork associations. From the list  
22 of association nominees, three of the persons appointed shall be licensed massage  
23 therapists. Two lay members shall be appointed from a the list of nominees,  
24 ~~submitted to the governor by professional massage therapy associations. both of~~  
25 whom shall be consumers who have never been nor are currently a licensed massage  
26 therapist in the state. Two additional licensed massage therapists shall be appointed  
27 to the board from a general list of names which are submitted for consideration by  
28 other interested sources or individuals.



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

7 \* \* \*

8 §3555. Powers and duties of the board

9 A. The board shall:

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

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

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

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

27 (4) Adopt and revise rules and regulations pursuant to the Administrative  
28 Procedure Act for the purpose of administering the provisions of this Chapter. ~~Such~~

1 rules and regulations shall include rules relating to the definition of unprofessional  
2 conduct, as that term is further defined in R.S. 37:3563(A)(3).

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

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

7 B. The board may:

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

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

12 §3556. Licensure; qualifications

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

20 (1)(a) Has satisfactorily completed a minimum five hundred hour in-class  
21 supervised course of studies pursuant to rules promulgated by the board in  
22 accordance with the Administrative Procedure Act.

23 (b) A course of study may utilize a credit hours equivalent as defined by the  
24 United States Department of Education in lieu of clock hours to measure student  
25 achievement. A course of study using credit hours shall provide coursework  
26 consistent with the rules promulgated by the board including at least five hundred  
27 hours of in-class supervised instruction.

28 (2) Has passed a national examination approved by the board under R.S.  
29 37:3557 within two years from the date the application is filed.

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

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

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

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

8           ~~(2) A licensed massage therapist shall not perform massage therapy, whether~~  
9           ~~or not for compensation, at or for a sexually oriented business, as defined in R.S.~~  
10          ~~37:3558(D).~~

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

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

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

28                 ~~(2) Has been in the practice of massage therapy for a minimum of three~~  
29                 ~~consecutive years prior to the date of application, provided that no person shall~~

1       ~~qualify to take the examination pursuant to the provisions of this Paragraph after~~  
2       ~~March 1, 1998.~~

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

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

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

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

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

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

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

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

4           §3557. Examination

5           A. Examination of applicants to be massage therapists shall be conducted at  
6           such times and places and under such supervision as the board determines by rule;  
7           ~~however, examinations shall be conducted at least twice in each calendar year. The~~  
8           ~~board shall give public notice and shall notify each person who has made satisfactory~~  
9           ~~application for examination of the date, time, and place of examination.~~

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

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

21          §3558. Registration of massage Massage establishments

22          A. A massage establishment shall register with the board as provided in the  
23          following:

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

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

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

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

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

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

4           ~~(b) The responsibility for obtaining a massage establishment registration~~  
5           ~~certificate shall belong to one of the following entities as it applies to the physical~~  
6           ~~location: sole proprietor, lessee, owner, partnership, corporation, cooperative,~~  
7           ~~association, or other legal entity; and~~

8           ~~(c) The establishment registration certificate shall cover all outcalls made~~  
9           ~~from the physical address by massage therapists listed on the establishment~~  
10           ~~registration.~~

11           Massage establishments shall be required to be licensed as follows:

12           (1) Each person engaging in the practice of massage therapy at a massage  
13           establishment shall be the holder of a Licensed Massage Therapist Identification  
14           Card (LMT-ID Card) which shall identify the therapist as being properly licensed  
15           and shall authorize the therapist to provide off-site massage services.

16           (2) All locations where one or more persons are regularly engaged in the  
17           practice of massage therapy shall register with the board as a massage establishment.  
18           Additionally, all locations where more than one person is regularly engaged in the  
19           practice of massage therapy shall pay the establishment license fee.

20           (3) Obtaining a massage establishment license shall be the responsibility of  
21           the entity which controls the physical location where the services are provided,  
22           which entity may be a sole proprietor, lessee, owner, partnership, corporation,  
23           cooperative, association, or other legal entity.

24           ~~B.(1) A sexually oriented business, as defined in Subsection C of this~~  
25           ~~Section, shall be ineligible for registration as a massage establishment and shall not~~  
26           ~~operate as a massage establishment.~~

27           ~~(2) The physical address where a sexually oriented business is determined~~  
28           ~~to be in operation shall be ineligible to house a registered massage establishment for~~  
29           ~~a period of not less than two years following such a determination.~~







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

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

5           ~~(6)~~ (7) Failing to pass the examination for licensure comply with license or  
6           renewal requirements.

7           B. Any person who has been convicted of, entered a plea of nolo contendere  
8           to, or received deferred adjudication ~~to crimes or offenses involving~~ in connection  
9           with any criminal offense involving sexual misconduct ~~prostitution or sexual~~  
10          ~~offenses~~ shall be ineligible for licensure as a massage therapist, ~~or a massage therapy~~  
11          ~~instructor.~~

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

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

27          §3564. Regulation of advertising

28          A. A person ~~who~~ or an entity that does not hold a license as a massage  
29          therapist, physical therapist, or chiropractor, ~~or athletic trainer~~ or a certificate of



- 1        ~~fees and costs.~~ If the board is unsuccessful in obtaining injunctive relief, the court  
 2        may award attorney fees and costs to the prevailing party.  
 3        Section 2. R.S. 37:3560 is hereby repealed in its entirety.

### 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.

Present law does not apply to any services performed in hospitals licensed by the state.

Proposed law retains present law and adds an exemption for the following persons:

- (1) Persons who are licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally present in the state to teach a course of instruction related to massage and bodywork therapy as a continuing education course.
- (2) Persons giving massage and bodywork to their immediate family without compensation.
- (3) Persons incidentally present in the state to provide services as part of an emergency response team working in conjunction with relief officials during a disaster provided such persons are properly licensed in the state from which they originate.
- (4) Physician offices, physical therapy facilities, chiropractic offices, or athletic training facilities, whether or not they employ, contract with, or rent to massage therapists, or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams.

Present law establishes the La. Board of Massage Therapists to be composed of seven members appointed by the governor as follows:

- (1) Five licensed massage therapists shall be appointed from a list of nominees submitted to the governor by professional massage therapy associations.
- (2) Two lay members shall be appointed from a list of nominees, submitted to the governor by professional massage therapy associations.

Proposed law establishes the La. Board of Massage Therapists to be composed of seven members appointed by the governor as follows:

- (1) Five of the members shall be appointed from a list of nominees submitted to the governor by professional massage therapy and bodyworks associations. From the list of association nominees, three of the persons appointed shall be licensed massage therapists. Two lay members shall be appointed from the list of nominees, both of whom shall be consumers who have never been nor are currently a licensed massage therapist in the state.
- (2) Two additional licensed massage therapists shall be appointed to the board from a general list of names which are submitted for consideration by other interested sources or individuals.

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 provides that the board shall regulate the practice of massage and bodywork in La. by licensing massage therapists who meet the state's minimum standards of education.

Proposed law further provides that, among its functions, the board promulgates rules and regulations, issues and renews professional and establishment licenses, collects and assesses fees, inspects, investigates, and disciplines licensees, including both individuals and establishments, who violate the law, and imposes fines and penalties.

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 requires an applicant for a massage therapist license in the state of La. to the application fee and submit evidence satisfactory to the board of meeting the following requirements:

- (1) Has satisfactorily completed a minimum 500 hour in-class supervised course of studies.
- (2) Has passed a national examination approved by the board within two years from the date the application is filed.
- (3) Is a citizen or legal resident of the U.S. and has the ability to read, write, speak, and understand English fluently.
- (4) Has not, within the five years preceding the date of the application, been convicted of a nonviolent felony.
- (5) Has never been convicted of or pled nolo contendere to a violent felony or a criminal offense involving sexual misconduct.
- (6) Has submitted to and cleared a background check.

Proposed law provides that a course of study may utilize a credit hours equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement.

Proposed law requires a course of study using credit hours to provide coursework consistent with the rules promulgated by the board including at least 500 hours of in-class supervised instruction.

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 each person engaging in the practice of massage therapy at a massage establishment to be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card) which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

Proposed law further requires all locations where one or more persons are regularly engaged in the practice of massage to register with the board as a massage establishment and, if more than one person is engaged in the practice of massage at a location, to pay the establishment license fee.

Proposed law provides that obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.

Present law provides for applications for licensure by the board.

Proposed law exempts the following persons from the requirement to complete an approved course of study and to pass a national examination the following:

- (1) Persons who have continuously held a license to engage in the practice of massage therapy issued by the board since March 1, 1998.
- (2) Persons who hold a valid, current, and unexpired license or registration to engage in the practice of massage therapy in another state, territory, commonwealth, or the District of Columbia which has and maintains standards and requirements of practice and licensure or registration which substantially conform to the requirements in force in this state, as determined by the board.

Proposed law provides that each license granted shall have a validity period of one calendar year and shall have an expiration date as determined by administrative rules promulgated by the board.

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 requires each licensed massage therapist who works at a massage establishment to display his LMT-ID Card in plain view in an appropriate public manner.

Proposed law further requires a licensed massage therapist who is working outside of a massage establishment to have in his possession his LMT-ID Card and to present it for review upon request of a client or board representative.

Proposed law provides that a licensee who chooses to adopt inactive status and cease activities as a massage therapist may submit an affidavit, along with the specified fee to apply for inactive status as required by rule of the board. If the licensee does not request to be placed on inactive status, his license shall expire if not timely renewed.

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 of not less than \$100 nor more than \$1,000 or imprisonment for not more than six months, or both.

Proposed law provides that a person convicted of a violation of the provisions of proposed law shall additionally be ineligible for licensure as a massage therapist a massage establishment for a period of up to five years from the date of conviction.

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.

Present law allows an applicant who possesses the qualifications specified in present law to take the board examination to be granted a provisional license to engage in the practice of massage therapy until the date of the next examination and thereafter until the results of the examination are known.

Proposed law repeals present law.

Present law provides that an individual who has been issued a provisional license shall only practice massage therapy under the supervision of a licensed massage therapist.

Proposed law repeals present law.

Proposed law provides that the provisional license may, at the discretion of the board, be renewed once.

Proposed law repeals present law.

(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. 37:3560)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Made technical corrections.
2. Deleted proposed exemptions to the massage therapist licensure law for certain medical professions and restored the existing exemption for services performed in hospitals licensed by the state.

3. Specified that three of the persons appointed from the list of association nominees shall be licensed massage therapists.
4. Specified that an applicant for licensure as a massage therapist shall complete a minimum 500 hour in-class supervised course of study.
5. Specified that only locations where more than one person are regularly engaged in the practice of massage therapy shall pay the establishment licensure fee.
6. Deleted language regarding provisional licenses.
7. Specified that a person convicted of a violation of proposed law shall be ineligible for licensure as a massage therapist or massage establishment for a period up to five years from the date of conviction.

House Floor Amendments to the engrossed bill.

1. Made technical corrections.
2. Provided that the term "massage establishments" does not include physician offices, physical therapy facilities, chiropractic offices, or athletic training facilities, whether or not they employ, contract with, or rent to massage therapists, or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams.
3. Clarified that the term "practice of massage therapy" includes stretching activities as they pertain to massage therapy.
4. Restored existing language that was previously deleted in the definition of definition of "practice of massage therapy".
5. Provided that nothing in proposed law shall prevent or restrict the practice of any person certified in this state from engaging in the profession or occupation for which he is certified.
6. Provided that a course of study may utilize a credit hours equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement.
7. Required a course of study using credit hours to provide coursework consistent with the rules promulgated by the board including at least 500 hours of in-class supervised instruction.
8. Allowed a person holding a certificate to practice athletic training to use the words "massage" or "body work" or any derivative thereof in advertising.