

Senate Bill 2360

AN ACT TO PROVIDE FOR THE REGISTRATION OF MASSAGE THERAPISTS; TO EXEMPT CERTAIN INDIVIDUALS FROM THE PROVISIONS OF THIS ACT; TO CREATE THE STATE BOARD OF MASSAGE THERAPY AND PRESCRIBE ITS DUTIES AND RESPONSIBILITIES; TO AUTHORIZE THE BOARD TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT AND TO PROVIDE FOR THE REGISTRATION OF MASSAGE THERAPISTS; TO PRESCRIBE THE QUALIFICATIONS FOR THE CERTIFICATE OF REGISTRATION; TO PROVIDE FOR THE EXAMINATION OF CERTAIN APPLICANTS; TO PROVIDE GROUNDS FOR THE REVOCATION OF THE CERTIFICATE OF REGISTRATION; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 73-6-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 522, 2001 REGULAR SESSION, TO PRESCRIBE AN ANNUAL FEE FOR CHIROPRACTIC RADIOLOGICAL TECHNOLOGISTS AND LATE FEES FOR CHIROPRACTIC ASSISTANTS; AND FOR RELATED PURPOSES.

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

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

SECTION 2. The Legislature finds that in the profession and practice of massage therapy there is a necessity to preserve and protect individual life and health, promote the public interest and welfare by providing for the registration of massage therapists and assuring public safety.

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

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

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

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

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

- (a) "Apprenticeship" means a noncompensated program of study, practice and training of no more than three (3) individuals, directed, taught and trained by one or more registered massage therapist(s) in a program approved by the board.
- (b) "Approved massage therapy school" means a facility that meets the school requirements as stated in this act.
- (c) "Board" means the state board for registering massage therapists as created in this act.
- (d) "Board-accepted hours" means hours of education accepted by the board to meet requirements of exemption and/or continuing education for pre-act practitioners and is different from "board-approved programs" and/or "board-approved school hours."
- (e) "Classroom hour" means no less than fifty (50) minutes of any one (1) clock hour during which the student participates in a learning activity under the supervision of a member of the faculty of the school.
- (f) "Examination" means the State Board of Massage Therapy approved examination for registration.
- (g) "Certificate of registration" means a State Board of Massage Therapy approved form of credential indicating that the certificate holder has met the requirements of this act for the practice of massage therapy.
- (h) "Massage" means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). "Therapy" means action aimed at achieving or increasing health and wellness. "Massage therapy" means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobblies, and (iii) instruct self care and stress management. "Manual" means by use of hand or body.
- (i) "Massage establishment" means a place of business where massage is being conducted.
- (j) "Massage therapist" means a person who practices massage therapy.
- (k) "MPMTA" means the "Mississippi Professional Massage Therapy Act."
- (l) "Pre-act practitioner" means an individual who has practiced professional massage therapy before January 1, 2001.
- (m) "Professional" means requiring minimum standards of conduct, ethics and education.
- (n) "Provisional registration" means a temporary certificate of registration granted by the board for conditions of reciprocity.
- (o) "Provisional permit" means a temporary certificate of registration approved by the board when all requirements, other than registration examination, have been met and until the next registration examination occurs.

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

(2) The board shall consist of five (5) members appointed by the Governor, with the advice and consent of the Senate. At least three (3) members shall be appointed from a list

submitted by State representatives of one or more nationally recognized professional massage therapy association(s), all of whom must be residents of Mississippi and must have engaged in the practice of massage therapy within the state for at least three (3) years, one (1) member shall be a licensed health professional in a health field other than massage therapy and one (1) member shall be a consumer at large who is not associated with or financially interested in the practice or business of massage therapy. The initial members of the board shall be appointed for staggered terms, as follows: one (1) member shall be appointed for a term that ends on June 30, 2002; one (1) member shall be appointed for a term that ends on June 30, 2003; one (1) member shall be appointed for a term that ends on June 30, 2004; and two (2) members shall be appointed for terms that end on June 30, 2005. Appointments shall be made within ninety (90) days from the effective date of this act.

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

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

SECTION 6. Before entering upon discharge of the duties of the office, the executive secretary of the board shall furnish a bond, approved by the board, to the state in the sum of Five Thousand Dollars (\$5,000.00). The bond shall be conditioned upon the faithful discharge of the duties of the office, the premium on the bond shall be paid from funds paid into the State Treasury by the secretary of the board, and the bond shall be deposited with the Secretary of State. All fees and other monies collected or received by the board shall be paid into and credited to a special fund that is created in the State Treasury, which shall be known as the "State Board of Massage Therapy Fund." Any interest earned on the special fund shall be credited to the special fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. Monies in the special fund shall be expended exclusively for the purposes of carrying out the provisions of this Act. Disbursement of monies in the special fund shall be made only upon warrants issued by the State Fiscal Officer upon requisitions signed by the treasurer of the board. The financial records of the board shall be audited annually by the State Auditor. The board shall receive no appropriations from any state funds for its support except from the special fund.

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

SECTION 8. (1) The board shall:

- (a) Adopt an official seal and keep a record of its proceedings, persons registered as massage therapists, and a record of the certificates of registration that have been revoked or suspended;
- (b) Keep on file all appropriate records pertaining to each certificate of registration.
- (c) Annually, on or before February 15, make a report to the Governor and Legislature of all of its official acts during the preceding year, its total receipts and disbursements, and a full and complete report of relevant statistical and significantly notable conditions of massage therapists in this state as uniformly stipulated by the board;
- (d) Evaluate the qualifications of applicants for registration under this act, and advise applicants as to the acceptance or denial of registration with any reasons for denial within forty-five (45) days;
- (e) Issue certificates of registration to applicants who meet the requirements of this act;
- (f) Inspect, or have inspected, when required, the business premises of any registered massage therapist during their operating hours, so long as such inspection does not infringe on the reasonable privacy of any therapists' clients;
- (g) Establish minimum training and educational standards for obtaining a certificate of registration under this act, provided that requirements do not decrease;
- (h) Establish a procedure for approval of educational standards required by this act;
- (i) Investigate persons suspected of engaging in practices which may violate provisions of this act;
- (j) Revoke, suspend or deny a certificate of registration in accordance with the provisions of this act;
- (k) Adopt an annual budget;
- (l) Establish policies with respect to continuing education;
- (m) Adopt rules:
 - (i) For apprenticeships, which shall establish a minimum training program that meets the same or greater requirements of study and training as that established by this act;
 - (ii) Specifying standards and procedures for issuance of a provisional certificate of registration and a provisional permit;
 - (iii) Specifying registration procedures for practitioners desiring to be registered in this state who hold an active license or credentials from another state board;
 - (iv) Establishing requirements for a temporary reciprocal certificate of registration;
 - (v) The board shall prescribe renewal procedures, requirements, dates and fees for massage therapy certificates of registration issued by the board and shall include provisions for inactive and lapsed certificates.
- (n) Make available all forms necessary for carrying out all provisions of this act and any and all necessary business of the board;
- (o) Establish written duties of the executive secretary;

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

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

(r) The board shall maintain a current register listing the name of every massage therapist registered to practice in this state, his/her last known place of business and last known place of residence, and the date and number of his/her certificate of registration.

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

SECTION 9. The board may adopt rules:

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

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

(c) Governing the examination and investigation of applicants for the certificates of registration issued under this act and the issuance, renewal, suspension and revocation of such certificate of registration;

(d) Setting standards for certifying continuing education classes;

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

(f) Establishing the educational, training and experience requirements for registration by reciprocity;

(g) Establishing requirements for issuance and retention of an inactive certificate of registration and/or provisional permits.

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

(2) This act does not supersede any regulation adopted by a political subdivision of this state relating to the licensing or regulation of any massage therapist and/or massage establishment.

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

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

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

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

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

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

(9) Any time the board intends to deny an application for registration, or suspend or revoke an existing certificate of registration, the board shall give the person an opportunity for a hearing before taking final action.

SECTION 11. (1) No person may advertise massage or practice massage for compensation in this state unless he is registered as a massage therapist by the board. No person may use the title of or represent himself to be a massage therapist or use any other title, abbreviations, letters, figures, signs or devices that indicate that such person is a massage therapist unless he is registered to practice massage therapy under the provisions of this act. Massage establishments shall be exempt from the advertising provisions found in Section 15 of this act provided that such therapy or service is performed by person(s) registered under this act.

(2) The following are requirements for registration:

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

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

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

(d) An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical

testing, and supply documentation of familiarity with The Americans With Disabilities Act.

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

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

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

(h) The applicant's official and certified transcript(s) from the applicant's massage therapy school. Such transcript must verify that the applicant has completed a board-approved training program of no less than the minimum requirement for supervised in-class massage therapy instruction and student clinic, with a minimum grade requirement of "C" or better in every course of instruction, as stated for school requirements; or if the applicant is submitting criteria from an apprenticeship program, all required documentation, forms and other board-stipulated requirements must be met.

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

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

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

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

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

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

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

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

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

(4) An applicant for registration who has been previously registered may be required to take the NCETMB and achieve a passing score before reregistration under any one of the following circumstances:

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

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

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

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

(3) A massage therapy certificate of registration issued by the board shall at all times be posted in a conspicuous place in any massage therapy business establishment of the registered massage therapist, doing business during business hours.

(4) A certificate of registration issued pursuant to this act is not transferable or assignable.

SECTION 14. (1) The board may refuse to issue or renew or may deny, suspend or revoke any certificate of registration held or applied for under this act upon finding that the holder of a certificate of registration or applicant:

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

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

(c) Allowed the use of his certificate of registration by another;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 16. (1) All registered massage therapists shall:

- (a) Perform only those services for which they are qualified and which represent their training and education;
- (b) Acknowledge their professional limitations and refer the client to an appropriate health professional when necessary, in cases where massage may be or is contraindicated;
- (c) Recognize and respect the rights of all ethical practitioners and cooperate with health professionals in a professional manner;
- (d) Obtain and keep an overview or profile of the client's state of being and health history and discuss any problem areas that may contraindicate massage;
- (e) Keep accurate and up-to-date records regarding a client's condition before and after massage therapy session in cases of a client being treated for a specific condition. Public, sports and on-site seated massage sessions are exempt from documentation; sports massage sessions are exempt from post event documentation;
- (f) Provide sensitive attention and response to client's comfort levels for pressure and touch, and shall not cause bruising with any regularity;
- (g) Maintain clear and honest communications with their clients, and acknowledge the confidential nature of the professional relationship with a client and respect rights to privacy;
- (h) Abide by all laws that pertain to their work as a massage therapist;
- (i) In no way instigate or tolerate any kind of sexual advance while acting in the capacity of a massage therapist;
- (j) Provide and use draping to cover all genitalia;
- (k) Clean/disinfect his hands immediately before each massage session and/or use medical gloves.

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

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

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

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

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

SECTION 18. (1) To obtain a massage therapy certificate of registration, an applicant must submit to the board the applicant's official and certified transcript(s) from the applicant's massage therapy school. The transcript must verify that the applicant has completed a board-approved training program of not less than six hundred (600) hours of supervised in-class massage therapy instruction, and at least one hundred (100) hours of

student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Twenty (20) hours in neurology;

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

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

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

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

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

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

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

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

(f) The remaining one hundred thirty (130) hours may expand on any or all of the previous five (5) subject areas, including The Americans with Disabilities Act, and/or be devoted to any approach to massage therapy and wellness, such as trigger points, management,

communication, safety, oriental or Eastern massage techniques and specialized populations.

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

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

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

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

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

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

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

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

SECTION 20. Sections 1 through 19 of this act shall stand repealed on July 1, 2004.

SECTION 21. Section 73-6-5, Mississippi Code of 1972, as reenacted and amended by House Bill No. 522, 2001 Regular Session, is amended as follows:

73-6-5. (1) The State Board of Chiropractic Examiners shall select by election from its membership a chairman and vice chairman who shall hold their respective offices for a period of one (1) year. A majority of the members of the board may select an executive secretary; and may hire such other employees, including an attorney, needed to implement the provisions of this chapter. The board shall hold regular meetings for examination

beginning on the second week of January and July of each year; and may hold additional meetings at such times and places as it deems necessary, but not to exceed twelve (12) times during its initial calendar year and not more than four (4) times during any subsequent calendar year. The July meeting shall be held in the City of Jackson. A majority of the board shall constitute a quorum, and the concurrence of a majority of the members of the board shall be required to grant or revoke a license. The board shall make such rules and regulations as is necessary to carry out the provisions of this chapter, and a copy of these rules and regulations as well as all changes thereto shall, upon passage, be sent to all practitioners licensed hereunder.

(2) The State Board of Chiropractic Examiners shall be authorized to certify to the State Department of Health those chiropractic assistants who are exempt from registration under Section 41-58-3(7)(d) as having completed continuing education requirements and charge a fee of not more than Fifty Dollars (\$50.00) annually to each individual whom the board certifies, as required under Section 41-58-5(4)(f). The board shall be authorized to establish educational qualifications and continuing education requirements for chiropractic assistants that participate in direct patient care. The board shall charge a fee not to exceed Fifty Dollars (\$50.00) annually for this certification and annual renewal. Likewise, a late fee of One Hundred Dollars (\$100.00) shall be charged on all chiropractic assistance and chiropractic radiological technologist not renewing on or before July 1 of each year. Chiropractic radiological technologists are not exempt from these continuing education requirements.

SECTION 22. This act shall take effect and be in force from and after July 1, 2001; provided, however, that Section 21 shall take effect and be in force from and after July 2, 2001.

Passed State Senate
March 27, 2001

Passed House of Representatives
March 27, 2001

APPROVED BY THE GOVERNOR

GOVERNOR