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## DIGEST

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HB 792 Reengrossed

2016 Regular Session

Adams

**Abstract:** Provides for the licensure and regulation of massage therapists and massage therapy establishments.

Present law defines the practice of massage therapy as the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition and provides for certain types of massage therapy such as acupuncture and reflexology.

Proposed law retains present law and adds trigger point massage as a type of massage therapy.

Proposed law requires the La. Board of Massage Therapy (board) to provide an initial inspection of all newly licensed massage establishments within 90 days of the date of application. Further requires the board to endeavor to provide the initial inspection within 60 days.

Proposed law prohibits unlicensed support personnel from purporting to be a licensed massage therapist or offering stand alone massage services to the public unless the massage services are provided in massage clinics during the course of massage therapy education and training approved by the Board of Regents.

Present law provides for the licensing requirements for applicants seeking licensure by the board. Proposed law retains present law.

Present law requires an applicant to pass a board-approved national examination. Proposed law retains present law and further requires the board to receive test scores for an applicant with out-of-state credentials directly from the issuing agency of the exam.

Present law requires an applicant to be a U.S. citizen or legal resident. Proposed law retains present law and further requires proof of citizenship or legal residency for an applicant with out-of-state credentials by the applicant providing an original government-issued form of identification. Further requires the board to verify the validity of the identification.

Present law requires an applicant to have fluency in the English language. Proposed law retains present law and further requires applicants to pass an English proficiency test if the person is transferring an out-of-state license.

Beginning with the 2017 renewal cycle for licenses, proposed law requires persons who received a license by transferring an out-of-state license since Jan. 1, 2013, to show proof of all of the proposed

law licensing requirements.

Present law regulates the advertising of massage therapy. Proposed law retains present law and requires advertisements containing pictorial representations of massage therapy, including video representations, to have depictions of massage therapists who are attired and posed in a manner as to avoid appealing to the prurient interest. Further requires persons representing clients to be appropriately draped and posed.

Proposed law authorizes state, municipal, or city enforcement representatives or officials to enforce provisions of present law and proposed law made applicable to massage therapists and establishments. Prohibits such representatives or officials from imposing any additional rules or ordinances regarding zoning, educational requirements, or fees for licensure.

Proposed law repeals a present law provision that exempted an out-of-state applicant from taking a certain board-approved 500-hour course and national examination.

Proposed law repeals an expired provision regarding credit hours of courses of study.

Proposed law requires the board to promulgate all rules necessary for the implementation of proposed law before Jan. 1, 2017.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:3552(10), 3556(A)(intro. para.), (1)(a), and (2)-(6), and (B)-(E); Adds R.S. 37:3555(C), 3556(F), 3558(E), 3560, 3561(F), 3564(C), and 3567(C); Repeals R.S. 37:3556.1)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes and corrections.
2. Require at least half of the required continuing education hours to consist of board-approved, in-class supervised training.
3. Clarify that proposed law applies to applicants seeking licensure via the transfer of an existing out-of-state license.
4. Delete the requirement that the national exam be passed within two years from date of application.
5. Require an applicant to present an original form of identification instead of a copy.
6. Provide examples of an approved English language proficiency test.

7. Increase the time limit for the initial inspection of an establishment from 45 days to 60 days.
8. Authorize the practice of massage therapy by nonlicensed persons if the massage services are provided in massage clinics during the course of massage therapy education and training approved by the board.
9. Require the board to seek an injunction against violators.
10. Limit the applicable time period which requires a person licensed during that time to show proof of qualification prior to renewal.
11. Require the board to timely promulgate administrative rules.
12. Make proposed law effective upon signature of the governor.

The House Floor Amendments to the engrossed bill:

1. Change trigger point therapy to trigger point massage.
2. Delete proposed law relative to continuing education.
3. Restore present law relative to the initial licensure and renewal of applicants with in-state credentials.
4. Change the time limit for the initial inspection of an establishment from 60 days from the date of opening to 90 days from the date of application.
5. Change the advertising prohibition that models not be posed in a seductive manner to a prohibition that the models be posed in a manner as to avoid appealing to the prurient interest.
6. Remove the requirement that the board seek an injunction against violators.
7. Make technical changes.