## SLS 22RS-394

## ENGROSSED

2022 Regular Session

SENATE BILL NO. 286

BY SENATOR LUNEAU

OCCUPATIONAL THERAPISTS. Provides for licensure and qualifications of massage therapists. (8/1/22)

1	AN ACT
2	To amend and reenact R.S. $37:3552(5)$ through (12) and $3556(A)(1)(a)$ and to enact R.S.
3	37:3552(13) and (14), relative to massage therapists; to provide relative to licensure
4	and qualifications of massage therapists; to provide for the methods of instruction;
5	to provide for definitions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 37:3552(5) through (12) and R.S. 37:3556(A)(1)(a) are hereby
8	amended and reenacted and R.S. $37:3552(13)$ and $(14)$ are hereby enacted to read as follows:
9	§3552. Definitions
10	* * *
11	(5) "In-person, in-class, instructor-supervised" means students
12	physically attend class or clinical session at the approved school location with
13	their instructor and other classmates.
14	(5)(6) "Lapsed license" means a board-issued license which has not been
15	renewed for a period of more than two years and the holder of the license has not
16	taken inactive status.
17	(6)(7) "Licensee" means any person or business that has a professional or

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establishment license issued by the board.

(7)(8) "Massage establishment" means any place of business that offers the 2 3 practice of massage therapy and where the practice of massage therapy is conducted 4 on the premises of the business. A place of business includes any office, clinic, facility, or other location where a person or persons engage in the practice of 5 massage therapy. The residence of a therapist or an out call location which is not 6 7 owned, rented, or leased by a massage therapist or massage establishment shall not 8 be considered a massage establishment, unless the location is advertised as the 9 therapist's or establishment's place of business. The term "massage establishment" 10 shall not include physician offices, physical therapy facilities, chiropractic offices, 11 or athletic training facilities, whether or not they employ, contract with, or rent to 12 massage therapists, or institutions of secondary or higher education when massage 13 therapy is practiced in connection with employment related to athletic teams.

14 (8)(9) "Massage therapist" means a person who engages in the practice of
 15 massage therapy for compensation.

16 (9)(10) "Person" means an individual, corporation, association, or other legal
17 entity.

18 (10)(11) "Practice of massage therapy" means the manipulation of soft tissue 19 for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or 20 offering to engage in the practice of massage therapy and holding oneself out or 21 designating oneself to the public as a massage therapist or massage establishment. 22 The practice of massage therapy shall include effleurage (stroking), petrissage 23 24 (kneading), tapotement (percussion), compression, vibration, friction (active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, 25 acupressure, reflexology, trigger point massage, and Swedish massage either by 26 27 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, 28 29 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,

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1 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam 2 cabinet baths, and, with appropriate training, the use of non-prescriptive, off-the-3 shelf commercially available electromechanical devices for which they are trained which mimic or enhance the actions possible by the hands. It shall not include 4 ultrasound, laser therapy, microwave, colonic therapy, injection therapy, 5 manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous 6 7 electrical nerve stimulation except microcurrent. Equivalent terms for massage 8 therapy are massage, therapeutic massage, massage technology, body work, or any 9 derivation of those terms. As used in this Chapter, the terms "therapy" and 10 "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any 11 service or procedure for which a license to practice medicine, chiropractic, physical 12 therapy, or podiatry is required by law. 13 (11)(12) "Professional Massage Therapy Association" means a statewide organization or statewide chapter of an organization which meets all of the following 14 criteria: 15 16 (a) Either directly, or through the parent organization, qualifies as a tax exempt nonprofit organization under 26 U.S.C. 501(c)(6). 17 (b) Within Louisiana, offers a voting membership to licensed massage 18 19 therapists who practice or reside in Louisiana and who maintain their voting 20 membership in good standing. (c) Within Louisiana, is administered by a governing body composed of 21 officers democratically elected by the organization's voting membership within 22 Louisiana. 23

24 (13) "Real-time synchronous distance learning" means students attend
25 class session virtually at the same time as the instructor and other classmates.
26 (12)(14) "Writing" shall be a written communication transmitted either by
27 United States mail or by electronic means such as e-mail email.
28 \* \* \* \*

29 §3556. Licensure; qualifications

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1	A. No person shall engage in the practice of massage therapy without a
2	current license issued pursuant to this Chapter unless such person is exempt under
3	the provisions of this Chapter. To receive a massage therapist license in the state of
4	Louisiana, an applicant shall pay the application fee pursuant to R.S. 37:3562 and
5	shall submit evidence satisfactory to the board of meeting the following
6	requirements:
7	(1)(a) Has satisfactorily completed a minimum five hundred hour in-class
8	supervised synchronous instructor-supervised course of studies pursuant to rules
9	promulgated by the board in accordance with the Administrative Procedure Act.
10	(i) The five hundred hour course of studies requirement shall consist of
11	in-person, in-class, instructor-supervised hours dedicated to the study of
12	massage therapy techniques and clinical practicum-related modalities.
13	(ii) Any remaining hours required beyond the minimum five hundred
14	hours of massage therapy techniques and clinical practicum may be a
15	combination of real-time synchronous distance learning and in-person, in-class,
16	instructor-supervised hours as approved for each individual massage therapy
17	program in the state of Louisiana through the Board of Regents.
18	(iii) The guidelines provided for in this Subparagraph shall apply to all
19	hours of instruction above the five hundred hours minimum.
20	* * *

The original instrument was prepared by Yoursheka George. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

SB 286 Engrossed

DIGEST 2022 Regular Session

Luneau

<u>Present law</u> provides rules regarding licensure, qualifications, and exemptions for persons engaged in the practice of massage therapy.

<u>Present law</u> requires applicants for a massage therapist license to pay the application fee and submit evidence satisfactory to the La. Board of Massage Therapy that the applicant has satisfactorily completed a minimum 500 hour in-class supervised course of studies pursuant to rules promulgated by the board in accordance with the Administrative Procedure Act.

<u>Proposed law</u> retains <u>present law</u> but requires that the minimum 500 hundred hours of massage therapy techniques and clinical practicum be earned through in-person, in-class,

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instructor-supervised learning. <u>Proposed law</u> further provides that hours above the required minimum 500 hours may be a combination of in-person, in-class, instructor-supervised learning and real-time synchronous distance learning.

Effective August 1, 2022.

(Amends R.S. 37:3552(5)-(12) and 3556(1)(a); adds R.S. 37:3552(13) and (14))

Summary of Amendments Adopted by Senate

## Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

- 1. Specifies that the core curriculum hours must be earned through in-person, in-class, instructor-supervised learning.
- 2. Specifies that excess hours may be earned through real-time synchronous distance learning.
- 3. Adds definitions.