

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

1 establishment license issued by the board.

2 ~~(7)~~**(8)** "Massage establishment" means any place of business that offers the
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,
5 facility, or other location where a person or persons engage in the practice of
6 massage therapy. The residence of a therapist or an out call location which is not
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
20 physical condition. The practice of massage therapy shall include advertising or
21 offering to engage in the practice of massage therapy and holding oneself out or
22 designating oneself to the public as a massage therapist or massage establishment.
23 The practice of massage therapy shall include effleurage (stroking), petrissage
24 (kneading), tapotement (percussion), compression, vibration, friction (active/passive
25 range of motion), stretching activities as they pertain to massage therapy, Shiatsu,
26 acupressure, reflexology, trigger point massage, and Swedish massage either by
27 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
28 massage. Massage therapy may include the use of lubricants such as salts, powders,
29 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,

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
 4 which mimic or enhance the actions possible by the hands. It shall not include
 5 ultrasound, laser therapy, microwave, colonic therapy, injection therapy,
 6 manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous
 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
 14 organization or statewide chapter of an organization which meets all of the following
 15 criteria:

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

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

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

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

instructor-supervised learning. Proposed law 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.