
DIGEST

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HB 792 Engrossed

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 therapy 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 60 days of the date of the establishment's opening.

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.

Present law provides for continuing education for licensed massage therapists. Proposed law retains present law and requires continuing education classes to be approved by at least one appointed board member. Further requires at least half of the required continuing education hours to consist of board-approved, in-class supervised training.

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 applicants' test scores 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 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 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 professionally attired and non-sexually posed. Further requires persons representing clients to be appropriately draped and posed.

Present law authorizes the board to seek an injunction against persons who violate present law.

Proposed law changes the authorization to a requirement that the board seek an injunction.

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), 3555(B)(2), 3556(A)(intro. para.), (1)(a), and (2) through (6) and (B), and 3566(A); Adds R.S. 37:3555(C), 3556(A)(7), 3558(E), 3560, 3561(F), 3564(C), and 3567(C); Repeals R.S. 37:3556(B)(2) and 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.