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

AN ACT
To amend and reenact R.S. 37:3552(5) through (12) and 3556(A)(1)(a) and to enact R.S. 37:3552(13) and (14), relative to massage therapists; to provide relative to licensure and qualifications of massage therapists; to provide for the methods of instruction; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:3552(5) through (12) and R.S. 37:3556(A)(1)(a) are hereby amended and reenacted and R.S. 37:3552(13) and (14) are hereby enacted to read as follows:
§3552. Definitions

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(5) "In-person, in-class, instructor-supervised" means students physically attend class or clinical session at the approved school location with their instructor and other classmates.

(6) "Lapsed license" means a board-issued license which has not been renewed for a period of more than two years and the holder of the license has not taken inactive status.

(7) "Licensee" means any person or business that has a professional or
establishment license issued by the board.

(7)(8) "Massage establishment" means any place of business that offers the practice of massage therapy and where the practice of massage therapy is conducted 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 massage therapy. The residence of a therapist or an out call location which is not owned, rented, or leased by a massage therapist or massage establishment shall not be considered a massage establishment, unless the location is advertised as the therapist's or establishment's place of business. The term "massage establishment" shall not include physician offices, physical therapy facilities, chiropractic offices, or athletic training facilities, whether or not they employ, contract with, or rent to massage therapists, or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams.

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

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

(10)(11) "Practice of massage therapy" means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or offering to engage in the practice of massage therapy and holding oneself out or designating oneself to the public as a massage therapist or massage establishment. The practice of massage therapy shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction (active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, acupressure, reflexology, trigger point massage, and Swedish massage either by 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, liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,
hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam

cabinet baths, and, with appropriate training, the use of non-prescriptive, off-the-
shelf commercially available electromechanical devices for which they are trained
which mimic or enhance the actions possible by the hands. It shall not include
ultrasound, laser therapy, microwave, colonic therapy, injection therapy,
manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous
electrical nerve stimulation except microcurrent. Equivalent terms for massage
therapy are massage, therapeutic massage, massage technology, body work, or any
derivation of those terms. As used in this Chapter, the terms "therapy" and
"therapeutic" shall not include diagnosis, the treatment of illness or disease, or any
service or procedure for which a license to practice medicine, chiropractic, physical
therapy, or podiatry is required by law.

(11) "Professional Massage Therapy Association" means a statewide
organization or statewide chapter of an organization which meets all of the following
criteria:

(a) Either directly, or through the parent organization, qualifies as a tax

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

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

(13) "Real-time synchronous distance learning" means students attend
class session virtually at the same time as the instructor and other classmates.

(12)(14) "Writing" shall be a written communication transmitted either by
United States mail or by electronic means such as email.

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§3556. Licensure; qualifications

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
A. No person shall engage in the practice of massage therapy without a current license issued pursuant to this Chapter unless such person is exempt under the provisions of this Chapter. To receive a massage therapist license in the state of Louisiana, an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit evidence satisfactory to the board of meeting the following requirements:

1. (a) Has satisfactorily completed a minimum five hundred hour in-class supervised synchronous instructor-supervised course of studies pursuant to rules promulgated by the board in accordance with the Administrative Procedure Act.

   (i) The five hundred hour course of studies requirement shall consist of in-person, in-class, instructor-supervised hours dedicated to the study of massage therapy techniques and clinical practicum-related modalities.

   (ii) Any remaining hours required beyond the minimum five hundred hours of massage therapy techniques and clinical practicum may be a combination of real-time synchronous distance learning and in-person, in-class, instructor-supervised hours as approved for each individual massage therapy program in the state of Louisiana through the Board of Regents.

   (iii) The guidelines provided for in this Subparagraph shall apply to all hours of instruction above the five hundred hours minimum.

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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.

DIGEST
SB 286 Engrossed 2022 Regular Session Luneau

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

Present law 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.

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

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<th>Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill</th>
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<tr>
<td>1. Specifies that the core curriculum hours must be earned through in-person, in-class, instructor-supervised learning.</td>
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<td>2. Specifies that excess hours may be earned through real-time synchronous distance learning.</td>
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<td>3. Adds definitions.</td>
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