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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 353 Original

2024 Regular Session

Mizell

Present law defines "practice of massage therapy".

Proposed law retains present law and adds "LED therapy" to the definition of the practice of massage therapy.

Present law provides that the board may submit the names of new applicants for licensure to the La. Bureau of Criminal Identification and Information, with the Dept. of Public Safety and Corrections for criminal history background checks to survey its criminal history record and identification files and the La. Bureau of Criminal Identification and Information shall survey its criminal history record and identification files and make available to the board all conviction information pertaining to the applicant.

Proposed law retains present law and provides that the board, after obtaining state and national criminal history record information from the La. Bureau of Criminal Identification and Information, makes a determination of the applicant's suitability and eligibility for licensure.

Present law requires a person engaging in the practice of massage therapy to be licensed by the board as a massage therapist and further requires an applicant for a massage therapist license in the state to pay an application fee and submit evidence satisfactory to the board of meeting certain requirements, including but not limited to:

- (1) Has satisfactorily completed a minimum 500 hour in-class supervised course of studies, that may use a credit hour equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement and consistent with the rules promulgated by the board; and
- (2) Has passed a national examination approved by the board within two years from the date the application is filed.

Proposed law retains present law, except provides that an applicant for a massage therapist shall submit evidence of satisfactory completion of a course meeting the requirements of law in effect at the time of enrollment, if enrolled prior to July 1, 2024, or completing a minimum of 625 hour in-person, in-class, instructor-supervised course studies.

Proposed law provides that a minimum 400 hours shall be dedicated to the study of massage therapy techniques and clinical practicum-related modalities.

Proposed law provides that a minimum of 175 hours shall be dedicated to anatomy and physiology,

which may be taught in real-time synchronous distance learning.

Proposed law provides that a minimum of 10 hours shall be dedicated to La. law, rules, and ethics which may be taught in real-time synchronous distance learning.

Present law provides that any remaining hours required beyond the minimum 500 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 for each individual massage therapy program in this state in accordance with the policies prescribed by the Board of Regents.

Proposed law removes present law and provides that any remaining hours beyond the designated hours in proposed law may include but not be limited to marketing, first aid and subjects related to providing massage therapy.

Proposed law removes the two year requirement that an applicant has to pass a national examination.

Proposed law provides that the school shall designate each course taught pursuant to present law.

Present law provides that licensure requirements in present law shall not apply to persons who are active or retired military personnel and relocates to this state or spouses who possesses a license from another state with substantially equivalent licensing requirements pursuant to present law.

Proposed law retains present law exempting licensure requirement to persons who are active or retired military personnel and relocates to this state who possesses a license from another state.

Present law provides that the board shall issue a license to each person who meets qualifications and submit payment to obtain such license and delivered by USPS or other delivery option. Further provides that the board may deliver a license by electronic transmission if the license contains the licensee's current photo and an electronic watermark or QR barcode.

Proposed law retains present law but removes the option to deliver the license electronically. Further provides that the licensee shall attach a current 2" x 2" photo of the licensee to the license upon receipt.

Present law provides that a course of study may utilize a credit hours equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement and requires that the course study using credit hours to provide coursework consistent with the rules promulgated by the board including at least 500 hours of in-class supervised instruction. Proposed law repeals present law.

Present law requires each person engaging in the practice of massage therapy at a massage establishment to be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card) which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

Proposed law retains present law and makes a technical change.

Present law requires in a renewal cycle that a renewing applicant shall submit to a state and federal background check. Further provides that in order to renew, an applicant shall not have pled guilty to or been convicted of any sex-related crimes, crime of violence, or crime related to the practice of massage therapy.

Proposed law retains present law as it relates to renewal procedures and provides that the board may require any renewing applicant licensed prior to April 1, 2022, to submit to a state and federal background check.

Proposed law retains present law as it relates to criminal convictions.

Present law provides that if a person does not apply for inactive status and does not renew his license for a period of more than 24 consecutive months, the licensee shall be considered lapsed and in order to obtain a license the person shall submit a new application.

Proposed law retains present law and further provides that in addition to submitting a new application the former licensee shall complete 24 hours of continuing education.

Present law regulates the advertising of massage therapy and provides that building signs with promotional material shall also include the professional or establishment number.

Proposed law deletes present law and provides that building signs, advertisements, website and promotional materials, including phone numbers, shall match what is on record with the board and as displayed on the establishment license.

Present law requires advertisement 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.

Proposed law retains present law and further provides that no licensed therapist or establishment shall advertise in any publication or any website marketing services appealing to the prurient interest.

Effective August 1, 2024.

(Amends R.S. 37:3552(11), 3555(A)(14)(a), 3556(A)(1), (2), (B)(3), (C) and (D), 3559(A), 3561(A)(2)(b) and (E), and 3564(A) and (C); repeals R.S. 37:3556.1))