

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Mizell to Engrossed Senate Bill No. 353 by Senator Mizell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 37:3552" delete "(11)"

3 AMENDMENT NO. 2

4 On page 1, line 11, after "R.S. 37:3552" delete "(11)"

5 AMENDMENT NO. 3

6 On page 1, delete lines 14 through 17 and on page 2, delete lines 1 through 23 and insert the
7 following:

8 §3552. Definitions

9 As used in this Chapter:

10 (1) "Advertise" or "advertising" means to publish, display, or disseminate
11 promotional information and includes but is not limited to the issuance of any card,
12 sign, or direct mail, or in any newspaper, magazine, publication, or any
13 announcement or display via any televised, computerized, electronic, or telephone
14 networks, magnetic signs, or media. "Advertise" shall not include the following:

15 (a) Telephone directory information including white pages, yellow pages, and
16 any Internet publication made by the phone directory company in which one is listed.

17 (b) Building signs identifying the location, unless the building sign contains
18 promotional material.

19 (2) **"Applicant" means an individual who applies to the board to request**
20 **the initial issuance or reinstatement of any form of licensure the board is**
21 **authorized to issue according to this Chapter.**

22 (3) "Board" means the Louisiana Board of Massage Therapy.

23 ~~(3)~~(4) **"Bureau" means the Louisiana Bureau of Criminal Identification**
24 **and Information of the office of state police within the Department of Public**
25 **Safety and Corrections.**

26 (5) **"Criminal history record information" means all state records of**
27 **arrest, prosecution, conviction, and national records that shall include**
28 **fingerprints of the applicant, biometrics, and other identifying information, if**
29 **so requested.**

30 (6) "Department" means the Louisiana Department of Health.

31 (7) **"FBI" means the Federal Bureau of Investigation of the United States**
32 **Department of Justice.**

33 ~~(4)~~(8) "Inactive status" means the status in which a licensed massage
34 therapist has, pursuant to the provisions of this Chapter, notified the board of intent
35 to voluntarily cease activity as a massage therapist for a period of time not to exceed
36 five years.

37 ~~(5)~~(9) "In-person, in-class, instructor-supervised" means students physically
38 attend class or clinical session at the approved school location with their instructor
39 and other classmates.

40 ~~(6)~~(10) "Lapsed license" means a board-issued license which has not been
41 renewed for a period of more than two years and the holder of the license has not
42 taken inactive status.

43 ~~(7)~~(11) "Licensee" means any person or business that has a professional or
44 establishment license issued by the board.

45 (12) **"Licensure" means any form of licensure the board is authorized to**
46 **issue in accordance with this Chapter.**

1 ~~(8)~~**(13)** "Massage establishment" means any place of business that offers the
 2 practice of massage therapy and where the practice of massage therapy is conducted
 3 on the premises of the business. A place of business includes any office, clinic,
 4 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 owned, rented, or leased by a massage therapist or massage establishment shall not
 7 be considered a massage establishment, unless the location is advertised as the
 8 therapist's or establishment's place of business. The term "massage establishment"
 9 shall not include physician offices, physical therapy facilities, chiropractic offices,
 10 or athletic training facilities, whether or not they employ, contract with, or rent to
 11 massage therapists, or institutions of secondary or higher education when massage
 12 therapy is practiced in connection with employment related to athletic teams.

13 ~~(9)~~**(14)** "Massage therapist" means a person who engages in the practice of
 14 massage therapy for compensation.

15 ~~(10)~~**(15)** "Person" means an individual, corporation, association, or other
 16 legal entity.

17 ~~(11)~~**(16)** "Practice of massage therapy" means the manipulation of soft tissue
 18 for the purpose of maintaining good health and establishing and maintaining good
 19 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 (kneading), tapotement (percussion), compression, vibration, friction (active/passive
 24 range of motion), stretching activities as they pertain to massage therapy, Shiatsu,
 25 acupressure, reflexology, trigger point massage, and Swedish massage either by
 26 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
 27 massage. Massage therapy may include the use of lubricants such as salts, powders,
 28 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,
 29 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam
 30 cabinet baths, and, with appropriate training, the use of nonprescriptive, off-the-shelf
 31 commercially available electromechanical devices for which they are trained which
 32 mimic or enhance the actions possible by the hands. It shall not include ultrasound,
 33 laser therapy, **LED therapy**, microwave, colonic therapy, injection therapy,
 34 manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous
 35 electrical nerve stimulation except microcurrent. Equivalent terms for massage
 36 therapy are massage, therapeutic massage, massage technology, body work, or any
 37 derivation of those terms. As used in this Chapter, the terms "therapy" and
 38 "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any
 39 service or procedure for which a license to practice medicine, chiropractic, physical
 40 therapy, or podiatry is required by law.

41 ~~(12)~~**(17)** "Professional Massage Therapy Association" means a statewide
 42 organization or statewide chapter of an organization which meets all of the following
 43 criteria:

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

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

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

52 ~~(13)~~**(18)** "Real-time synchronous distance learning" means students attend
 53 class session virtually at the same time as the instructor and other classmates.

54 ~~(14)~~**(19)** "Writing" means a written communication transmitted either by
 55 United States mail or by electronic means such as email."

56 AMENDMENT NO. 4

57 On page 2, delete lines 28 and 29 and on page 3, delete lines 1 through 16 and insert:

1 "~~(14)(a) Submit the names of new applicants for licensure to the Louisiana~~
 2 ~~Bureau of Criminal Identification and Information, located within the Department~~
 3 ~~of Public Safety and Corrections, for criminal history background checks. Upon the~~
 4 ~~board's submission of an applicant's fingerprints and such other identifying~~
 5 ~~information as may be required, the Louisiana Bureau of Criminal Identification and~~
 6 ~~Information shall survey its criminal history record and identification files and shall~~
 7 ~~make available to the board all conviction information contained in the Louisiana~~
 8 ~~Bureau of Criminal Identification and Information's criminal history record and~~
 9 ~~identification files which pertain to the applicant for licensure. In addition, the~~
 10 ~~fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification~~
 11 ~~and Information to the Federal Bureau of Investigation for a national criminal history~~
 12 ~~record check. **In order to determine an applicant's suitability for licensure, be**~~
 13 ~~**entitled to the criminal history record and identification files of the bureau of**~~
 14 ~~**any person who is licensed or is applying to be licensed with the board.**~~
 15 ~~**Fingerprints and other identifying information of the applicant shall be**~~
 16 ~~**submitted to the bureau for qualification and registry, and the bureau shall,**~~
 17 ~~**upon request of the board and after receipt of that fingerprint card and other**~~
 18 ~~**identifying information from the applicant, make available to the board all**~~
 19 ~~**arrests and convictions information contained in the bureau's criminal history**~~
 20 ~~**record and identification files that pertain to the applicant for licensure. In**~~
 21 ~~**addition, the fingerprints shall be forwarded by the bureau to the FBI for a**~~
 22 ~~**national criminal history record check.**~~"

23 AMENDMENT NO. 5

24 On page 3, delete lines 24 through 29 and on page 4, delete lines 1 through 17 and insert:

25 "(1)(a) Has satisfactorily completed **any of the following:**
 26 **(i) A course meeting the requirements of law in effect at the time of**
 27 **enrollment, if enrolled prior to July 1, 2024.**
 28 **(ii) a A minimum five ~~six~~ hundred ~~twenty-five~~ hour synchronous instructor-**
 29 **supervised course of studies pursuant to rules ~~promulgated~~ **adopted** by the board in**
 30 **accordance with the Administrative Procedure Act, R.S. 49:950 et seq. **The course****
 31 **of study shall consist of and be taught in-person unless otherwise provided in**
 32 **this Item:**
 33 **(aa) A minimum of four hundred hours dedicated to the study of**
 34 **massage therapy techniques and clinical practicum-related modalities.**
 35 **(bb) A minimum of one hundred seventy-five hours dedicated to**
 36 **anatomy and physiology that may be taught in real-time synchronous distance**
 37 **learning.**
 38 **(cc) A minimum of ten hours dedicated to Louisiana law, rules, and**
 39 **ethics that may be taught in real-time synchronous distance learning.**
 40 **(dd) Any remaining hours required may include but not be limited to**
 41 **marketing, first aid, and subjects related to providing massage therapy.**
 42 **(iii) A minimum five hundred hour instructor-supervised course of**
 43 **studies at a non-Title IV school pursuant to rules adopted by the board in**
 44 **accordance with the Administrative Procedure Act, R.S. 49:950 et seq. **The****
 45 **course of study shall consist of and be taught in-person unless otherwise**
 46 **provided in this Item.**
 47 **(†) The five hundred hour course of studies requirement shall consist of the**
 48 **following:**
 49 **(aa) in-person, in-class, instructor-supervised-hours **A minimum of three****
 50 **hundred ~~twenty-five~~ hours** dedicated to the study of massage therapy techniques
 51 and clinical practicum-related modalities.
 52 **(bb) A minimum of one hundred twenty-five hours dedicated to**
 53 **anatomy and physiology that may be taught in real-time synchronous distance**
 54 **learning.**
 55 **(cc) Forty hours of discretionary related course work that may include**
 56 **but not be limited to business practices and professional ethics, health and**
 57 **hygiene, and cardiopulmonary resuscitation and first aid.**

1 **(dd) A minimum of ten hours dedicated to Louisiana law, rules, and**
2 **ethics that may be taught in real-time synchronous distance learning.**

3 ~~(ii) Any remaining hours required beyond the minimum five hundred hours~~
4 ~~of massage therapy techniques and clinical practicum may be a combination of real-~~
5 ~~time synchronous distance learning and in-person, in-class, instructor-supervised~~
6 ~~hours for each individual massage therapy program in this state in accordance with~~
7 ~~the policies prescribed by the Board of Regents.~~

8 ~~(iii) The guidelines provided for in this Subparagraph apply to all hours of~~
9 ~~instruction above the five-hundred-hour minimum."~~