

RÉSUMÉ DIGEST

ACT 779 (SB 353)

2024 Regular Session

Mizell

Prior law defines "practice of massage therapy".

New law retains prior law and adds "LED therapy" to the definition of the practice of massage therapy.

New law defines the terms "applicant", "asynchronous distance learning", "bureau", "criminal history record information", "FBI", and "licensure".

Prior law required the board to submit the names of new applicants for licensure to the La. Bureau of Criminal Identification and Information (bureau) for criminal history background checks. Requires the bureau to survey its criminal history record and identification files and make available to the board all conviction information pertaining to the applicant.

New law amends prior law to provide that the board be entitled to the criminal history record and identification files of the bureau of any person who is licensed or is applying to be licensed with the board in order to determine the applicant's suitability for licensure. Provides that fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and registry, and the bureau shall, upon request of the board and after receipt of the fingerprint card and other identifying information from the applicant, make available to the board all arrest and conviction information contained in the bureau's criminal history record and identification files that pertain to the applicant for licensure.

Prior law required a person engaging in the practice of massage therapy to be licensed by the board as a massage therapist and further required 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 a minimum 500-hour in-class supervised course of studies and passage of a national examination approved by the board within two years from the date the application is filed.

New law retains certain provisions of prior law and removes the minimum 500-hour course of study.

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

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

New law provides that a maximum of 175 hours shall be dedicated to anatomy and physiology, which may be taught in real-time synchronous distance learning.

New 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.

New law provides that schools have until December 31, 2026, to comply with the provisions of new law

New law provides that an individual satisfies the licensure requirement if the individual has done all of the following:

- (1) Enrolled and is participating in a massage training program at an approved school prior to December 31, 2026.
- (2) Applied for a La. massage therapy license upon completion or graduation from the program.

Prior law provided 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 or asynchronous 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.

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

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

New law provides that the school shall designate each course taught pursuant to in-person, in-class, instructor-supervised and real-time synchronous distance learning.

Prior law provided that the board shall issue a license to each person who meets qualifications and submits payment to obtain such license and delivered by USPS or other delivery option. Further provided 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.

New law retains prior 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.

Prior law provided that a course of study may utilize a credit hour 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.

Prior law required in a renewal cycle that a renewing applicant shall submit to a state and federal background check. Further provided 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.

New law retains prior 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.

New law retains prior law as it relates to criminal convictions.

Prior law provided 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.

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

Prior law regulated the advertising of massage therapy and provided that building signs with promotional material shall also include the professional or establishment number.

New law 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.

Prior law required advertisements 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.

New law retains prior 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.

New law (R.S. 37:3556(A)) will become effective when proposed amendment to 34 CFR 668.14(b)(26) becomes effective.

Effective June 21, 2024.

(Amends R.S. 37:3552, 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))