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**HOUSE COMMITTEE AMENDMENTS**

2016 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 792 by Representative Adams

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 37:3552(10)," delete the remainder of the line and delete lines 3 through 5 in their entirety and insert in lieu thereof the following:

"3555(B)(2), 3556(A)(introductory paragraph), (1)(a), and (2) through (6) and (B), and 3566(A), to enact R.S. 37:3555(C), 3556(A)(7), 3558(E), 3560, 3561(F), 3564(C), and 3567(C), and to repeal R.S. 37:3556(B)(2) and 3556.1, relative to the regulation of massage therapists and establishments; to"

AMENDMENT NO. 2

On page 1, line 10, after "advertisement;" and before "to authorize" insert "to require the pursuit of an injunction;"

AMENDMENT NO. 3

On page 1, line 12, delete "termination date;" and insert in lieu thereof "provision of law; to require rule promulgation; to provide for an effective date;"

AMENDMENT NO. 4

On page 1, line 2, after "R.S. 37:3552(10)," delete the remainder of the line and delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

"3555(B)(2), 3556(A)(introductory paragraph), (1)(a), and (2) through (6) and (B), and 3566(A) are hereby and amended and reenacted and R.S. 37:3555(C), 3556(A)(7), 3558(E), 3560, 3561(F), 3564(C), and 3567(C) are hereby enacted to"

AMENDMENT NO. 5

On page 2, after line 21, delete the remainder of the page and on page 3, delete lines 1 through 16 in their entirety and insert in lieu thereof the following:

"§3555. Powers and duties of the board; continuing education

\* \* \*

B. The board may:

\* \* \*

(2) Establish continuing education requirements for license renewal in accordance with Subsection C of this Section.

C.(1) Proposed continuing education classes shall be approved by at least one appointed board member.

(2) At least half of the required continuing education hours shall consist of board-approved, in-class supervised training."

1 AMENDMENT NO. 6

2 On page 3, line 21, after "state" and before "shall" insert "via the transfer of an existing out-  
3 of-state license"

4 AMENDMENT NO. 7

5 On page 4, delete lines 2 through 16 in their entirety and insert in lieu thereof the following:

6 ~~"(2)(a) Has passed~~ Passage of a national examination approved by  
7 the board under R.S. 37:3557, within two years from the date the application  
8 ~~is filed.~~

9 (b) All test results being presented for an initial licensure shall be  
10 directly received by the board from the issuing agency such as the Federation  
11 of State Massage Therapy Boards.

12 ~~(3)(a) Is a citizen or legal resident of the United States and has the~~  
13 ~~ability to read, write, speak, and understand English fluently. Citizenship or~~  
14 ~~legal residency in the United States.~~

15 (b) As proof of citizenship or legal residency, the applicant shall  
16 present an original government-issued form of identification, such as a  
17 drivers license or social security card. The board shall ensure the validity of  
18 the submitted identification through the contact information associated with  
19 the identification or through use of an electronic database.

20 (4)(a) The ability to read, write, speak, and understand English  
21 fluently.

22 (b) All persons with out-of-state license credentials applying for a  
23 license in this state shall pass an English proficiency test such as TOEFL or  
24 a verbal jurisprudence test to be administered in person by the board or an  
25 assigned representative thereof."

26 AMENDMENT NO. 8

27 On page 4, between lines 25 and 26, insert the following:

28 "§3558. Massage establishments; license; initial inspection  
29 \* \* \*

30 E. All newly licensed massage establishments shall receive an initial  
31 inspection by the board no later than sixty days from the date of opening.

32 \* \* \*

33 §3560. Unlicensed persons; prohibited acts

34 A. No support personnel unlicensed pursuant to the provisions of this  
35 Chapter shall purport to be a licensed massage therapist or offer stand alone  
36 massage services to the public, with or without supervision of a person who  
37 holds a professional or occupational license pursuant to the provisions of  
38 Title 37 of the Louisiana Revised Statutes of 1950.

39  
40 B. The provisions of Subsection A of this Section shall not apply to  
41 massage services provided in massage clinics during the course of massage  
42 therapy education and training approved by the board."

1 AMENDMENT NO. 9

2 On page 4, delete lines 29 and 30 in their entirety and on page 5, delete lines 1 and 2 in their  
3 entirety and insert in lieu thereof the following:

4 "F. In addition to the requirements in Subsection A of this Section,  
5 all persons who received a license via the transfer of an existing out-of-state  
6 license since January 1, 2013, shall provide satisfactory evidence of all  
7 requirements stated in R.S. 37:3556(A)(1) through (7)."

8 AMENDMENT NO. 10

9 On page 5, between lines 11 and 12, insert the following:

10 §3566. Injunction  
11 A. In addition to the actions and penalties otherwise provided for by  
12 this Chapter, the board ~~may~~ shall cause to issue in any court of competent  
13 jurisdiction an injunction without bond enjoining any person from violating  
14 or continuing to violate the provisions of this Chapter.  
15 \* \* \*

16 AMENDMENT NO. 11

17 On page 5, delete line 19 in its entirety and insert in lieu thereof the following:

18 "Section 2. R.S. 37:3556(B)(2) and 3556.1 are hereby repealed in  
19 their entirety.

20 Section 3. The Louisiana Board of Massage Therapy shall  
21 promulgate all rules necessary for the implementation of the provisions of  
22 this Act before January 1, 2017.

23 Section 4. The provisions of R.S. 37:3561(F) as enacted by this Act  
24 shall apply to the 2017 license renewal cycle and all subsequent license  
25 renewals.

26 Section 5. This Act shall become effective upon signature by the  
27 governor or, if not signed by the governor, upon expiration of the time for  
28 bills to become law without signature by the governor, as provided by Article  
29 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor  
30 and subsequently approved by the legislature, this Act shall become effective  
31 on the day following such approval."