

By Ms. Menard, a petition (accompanied by bill, Senate, No. 205) of Joan M. Menard for legislation to provide for the licensing of massage therapists. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR THE LICENSING OF MASSAGE THERAPISTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 112 of the General Laws is hereby  
2 amended by adding the following 9 sections:—

3 Section 227. For the purposes of this section and sections 228  
4 to 234, inclusive, the following terms shall have the following  
5 meanings unless the context clearly requires otherwise:

6 “Board”, the board of allied health professions established  
7 under section 11A of chapter 13.

8 “Massage therapy”, the scientific art and system of assessment  
9 and systematic, manual application of a technique to the soft  
10 tissue, skin, muscles, tendons, ligaments, and fascia by means of  
11 the hand, knee, arm, elbow and forearm. The assessment proce-  
12 dures shall be to detect contraindications to massage, selection of  
13 appropriate therapeutic technique and the potential need for  
14 referral to other health care professionals. The manual technique  
15 shall involve systematic application of touch, stroking or  
16 effleurage, friction, vibration, percussion, kneading or petrissage,  
17 stretching, compression or passive and active joint movements  
18 within the normal physiological range of motion. Adjunctive  
19 external applications of water, heat and cold for the purpose of  
20 establishing and maintaining normalized muscular functioning,  
21 promoting relaxation, stimulating circulation and producing thera-  
22 peutic effects on the nervous, circulatory and respiratory systems,  
23 connective tissue and muscles shall also be included. The intended

24 effects shall be to generalize stress reduction, decrease muscle  
25 tension, symptomatically relieve pain related to soft tissue dys-  
26 function, increase circulation and benefits to other body systems  
27 through relaxation responses. Treatments shall be provided in a  
28 safe, nonsexual environment that respects the client's self-deter-  
29 mined outcome for the session.

30 Section 228. No person shall engage in the practice of massage  
31 therapy or hold himself out as a practitioner of, or being able to  
32 practice, massage therapy unless he is duly licensed by the board.

33 Section 229. Any person desiring to engage in the practice of  
34 massage therapy shall make an application upon a form furnished  
35 by the board, which application shall be signed and sworn by the  
36 applicant. Each application shall be accompanied by a \$250. An  
37 applicant shall furnish the board with satisfactory proof that he  
38 possesses a high school diploma or its equivalent and has gradu-  
39 ated from a school or institute of massage therapy with accredita-  
40 tion by the Commission on Massage Therapy Accreditation or  
41 acknowledged as equivalent by the board if accreditation is rec-  
42 ognized by the United States Department of Education and cons-  
43 sists of classroom instruction of a total of not less than 500 hours  
44 in subjects consistent with commission guidelines. Applicants  
45 shall also demonstrate proof of having satisfactorily passed the  
46 National Certification Exam for Therapeutic Massage and Body-  
47 work by the NCTMB. The board shall only accept direct notifica-  
48 tion from the NCTMB for applicants under consideration. A  
49 qualified individual shall be licensed as a massage therapist and  
50 granted a certificate signed by the chairman and secretary of the  
51 board. A license shall be valid until January 1 of the next year  
52 and shall be renewed annually by the commissioner of administra-  
53 tion under section 3B of chapter 7. The board shall conduct  
54 examinations for all applicants annually.

55 Section 230. The board may suspend or revoke a license issued  
56 by it after a public hearing upon finding the holder of such license  
57 to be guilty of unprofessional conduct, which shall include, but  
58 not be limited to: the inclusion of any fraudulent, misleading or  
59 deceptive statement in any form of advertising, obtaining or  
60 attempting to obtain a license by fraud or deception, false claims  
61 of licensure or misrepresentation of licensure, charges of and  
62 gross negligence in the practice of massage therapy, charges of

63 and intimate physical or sexual contact with a client, the use of  
64 intoxicating substances which affects his ability to practice, the  
65 charge of any other felony or crime and such other as the board  
66 shall determine.

67 Section 231. No licensed massage therapist shall include in any  
68 advertising, or publish, issue or make any misrepresentation or  
69 false, fraudulent or misleading statements through the media, cir-  
70 culation of advertising matter, radio, television, display signs or  
71 otherwise.

72 Section 232. The board may make and shall publish necessary  
73 rules and regulations for the proper discharge of its duties and  
74 enforcement of sections 227 to 234, inclusive.

75 Section 233. Whoever violates any provisions of sections 227  
76 to 234, inclusive, or any rule or regulation of the board shall be  
77 punished by a fine of not less than \$100 per violation.

78 Section 234. A person who is licensed or registered in the com-  
79 monwealth to practice medicine, nursing, osteopathy or physio-  
80 therapy shall be exempt from sections 227 to 233, inclusive.

1 SECTION 2. The board of allied health professions shall not  
2 grant a license to practice massage therapy to an individual who  
3 possesses such a license from a municipality until that person has  
4 met all the requirements of section 229 of chapter 112 of the  
5 General Laws. Massage therapists who hold licenses issued by  
6 municipalities before the effective date of this act may within  
7 1 year after the effective date of this act apply for licensure under  
8 sections 227 to 234, inclusive of said chapter 112.

