

SENATE BILL No. 500

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-21.8.

Synopsis: Massage therapists. Provides that an individual must be licensed by the state board of massage therapy to engage in the practice of massage therapy. (Under current law, massage therapists are certified by the board but certification is not required for the practice of massage therapy.) Prohibits local units of government from establishing or maintaining licensing requirements for massage therapy. Makes conforming changes.

Effective: July 1, 2011.

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January 13, 2011, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 500



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-21.8-2-2, AS ADDED BY P.L.200-2007,
- 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 2. (a) The board consists of five (5) members
- 4 appointed by the governor as follows:
- 5 (1) Three (3) massage therapists, each of whom:
- 6 (A) is ~~certified~~ **licensed** under this article; and
- 7 (B) has been actively practicing massage therapy for at least
- 8 three (3) of the five (5) years immediately preceding the
- 9 individual's appointment.
- 10 (2) Two (2) members of the general public. A board member
- 11 appointed under this subdivision must not:
- 12 (A) be ~~certified~~ **licensed** under this article;
- 13 (B) be the spouse of an individual who is ~~certified~~ **licensed** or
- 14 intends to be ~~certified~~ **licensed** under this article; or
- 15 (C) have a direct or an indirect financial interest in the
- 16 profession regulated under this article.
- 17 (b) A massage therapist member of the board is not required to be



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a member of a professional massage therapy association. However:

- (1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and
- (2) one (1) massage therapist member must not be a member of a professional massage therapy association.

SECTION 2. IC 25-21.8-2-9, AS ADDED BY P.L.200-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The board shall adopt rules under IC 4-22-2 **that:**

- (1) ~~regarding~~ **establish** standards for the competent practice of massage therapy; **and**
- (2) **are necessary for the administration and enforcement of this article.**

SECTION 3. IC 25-21.8-4-2, AS AMENDED BY P.L.177-2009, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. An individual who applies for ~~certification~~ **licensure** as a massage therapist must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:
 - (A) is at least eighteen (18) years of age;
 - (B) has a high school diploma or the equivalent of a high school diploma;
 - (C) has successfully completed a massage therapy school or program that:
 - (i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;
 - (ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and
 - (iii) is accredited by the Indiana commission on proprietary education established by IC 21-17-2-1 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and
 - (D) has taken and passed ~~a certification~~ **an** examination approved by the board.
- (2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for ~~certification~~ **licensure** if the applicant:

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- 1 (A) has been convicted of:
- 2 (i) prostitution;
- 3 (ii) rape; or
- 4 (iii) sexual misconduct; or
- 5 (B) is a registered sex offender.
- 6 (3) Provide proof that the applicant has professional liability
- 7 insurance in force that lists the state as an additional insured.
- 8 (4) Verify the information submitted on the application form.
- 9 (5) Pay fees established by the board.

10 SECTION 4. IC 25-21.8-4-3, AS ADDED BY P.L.200-2007,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2011]: Sec. 3. **(a) ~~It is unlawful for an~~ individual who is**
 13 **not certified licensed under this article may not: to:**

- 14 **(1) engage in the practice of message therapy;**
- 15 **(+) (2) profess to be a certified licensed message therapist; or**
- 16 **(-) (3) use:**
 - 17 (A) the title "~~Certified Massage Therapist~~" "**Licensed**
 - 18 **Massage Therapist**", or "Massage Therapist", "**Licensed**
 - 19 **Massage Practitioner**", "**Massage Practitioner**",
 - 20 "**Masseur**", or "**Myotherapist**"; or
 - 21 (B) the abbreviation "~~CMT~~" "**LMT**", or "**MT**", or "**LMP**"; or
 - 22 **(C) other words, initials, letters, abbreviations, or insignia**
 - 23 **indicating or implying that to imply the person individual is**
 - 24 **a certified licensed message therapist.**

25 **(b) This article may not be construed to limit the use of touch,**
 26 **words, and directed movement performed by a person holding a**
 27 **valid license or certificate under this title when the person is acting**
 28 **within the scope of the person's license or certificate.**

29 SECTION 5. IC 25-21.8-4-4, AS ADDED BY P.L.177-2009,
 30 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 4. A message therapist who is ~~certified licensed~~
 32 under this article shall provide proof of ~~certification~~ **licensure** when
 33 practicing message therapy.

34 SECTION 6. IC 25-21.8-4-5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2011]: Sec. 5. **(a) If an individual is certified as a message**
 37 **therapist on June 30, 2011, under this article:**

- 38 **(1) the individual is considered to be licensed as a message**
- 39 **therapist on July 1, 2011; and**
- 40 **(2) the state board of message therapy established by**
- 41 **IC 25-21.8-2-1 shall issue a license to the individual under this**
- 42 **article.**

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1 (b) Notwithstanding subsection (a), the state board of massage
2 therapy and the Indiana professional licensing agency are not
3 required to issue:

- 4 (1) a wall license to an individual described in subsection (a);
- 5 or
- 6 (2) a new pocket license to an individual described in
7 subsection (a);

8 until the license renewal period beginning December 1, 2012.

9 (c) This section expires January 1, 2013.

10 SECTION 7. IC 25-21.8-5-1, AS ADDED BY P.L.200-2007,
11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2011]: Sec. 1. (a) The board may grant ~~certification licensure~~
13 by endorsement to an individual who:

- 14 (1) is licensed, certified, or registered in another state having
15 credentialing standards that are at least as strict as the
16 credentialing standards specified under this article;
- 17 (2) is in good standing with the standards of the other state or
18 country;
- 19 (3) pays an application fee established by the board; and
- 20 (4) provides a history of the individual's criminal convictions, if
21 any, including any criminal convictions relating to the practice of
22 the profession.

23 (b) The board shall deny an application for ~~certification licensure~~
24 if the applicant:

- 25 (1) has been convicted of:
26 (A) prostitution;
27 (B) rape; or
28 (C) sexual misconduct; or
- 29 (2) is a registered sex offender.

30 (c) An applicant for a ~~certification licensure~~ by endorsement shall
31 cause each state that previously credentialed the applicant to provide
32 the board with the applicant's current status in the state.

33 (d) The board may grant a license to a massage therapist who
34 is licensed or certified and in good standing in another state if the
35 standards for massage therapy education in that other state are
36 substantially equivalent to the standards established under this
37 article.

38 SECTION 8. IC 25-21.8-6-1, AS ADDED BY P.L.200-2007,
39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 1. A ~~certification license~~ issued by the board is
41 valid for four (4) years. A ~~certification license~~ expires at midnight on
42 the date established by the licensing agency under IC 25-1-6-4 and

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1 every four (4) years thereafter, unless renewed before that date.
 2 SECTION 9. IC 25-21.8-6-2, AS ADDED BY P.L.200-2007,
 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2011]: Sec. 2. An individual who applies to renew
 5 ~~certification~~ **licensure** as a massage therapist must:
 6 (1) apply for renewal in the manner required by the board; and
 7 (2) pay a renewal fee established by the board.
 8 SECTION 10. IC 25-21.8-6-4 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: **Sec. 4. The board shall establish a**
 11 **requirement of continuing education as a condition of the renewal**
 12 **of a license under this article. Not more than forty-eight (48) hours**
 13 **of continuing education may be required within a renewal cycle as**
 14 **a condition of license renewal.**
 15 SECTION 11. IC 25-21.8-7-3, AS ADDED BY P.L.200-2007,
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 3. If an individual ~~certified~~ **licensed** under this
 18 article is convicted of a crime, the individual is responsible for
 19 notifying the board not later than thirty (30) days after the conviction.
 20 SECTION 12. IC 25-21.8-8 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2011]:
 23 **Chapter 8. Local Preemption**
 24 **Sec. 1. Beginning January 1, 2012, a local unit of government**
 25 **may not establish or maintain professional licensing requirements**
 26 **for massage therapists.**

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