

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1643 Session of
2005

INTRODUCED BY McCALL, BEBKO-JONES, BELARDI, B. SMITH, BELFANTI,
BIANCUCCI, BLACKWELL, BOYD, CALTAGIRONE, CLYMER, CORNELL,
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DeLUCA, DENLINGER, EACHUS, FABRIZIO, FRANKEL, FREEMAN,
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PETRARCA, PETRONE, QUIGLEY, READSHAW, REICHLEY, SAINATO,
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WATSON, WILT, WOJNAROSKI, YEWCIC, YOUNGBLOOD AND HARHAI,
JUNE 6, 2005

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 6, 2005

AN ACT

1 Regulating massage therapy; establishing the State Board of
2 Professional Massage Therapists; providing for funds, for
3 licensure, for disciplinary action and for remedies; imposing
4 criminal penalties; and making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Professional
9 Massage Therapists Law.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) The practice of massage may cause public safety
13 issues if the practice is not subject to responsible
14 regulation.

1 (2) Reasonable regulation is in furtherance of public
2 health, safety and welfare interests.

3 (3) Massage therapy is therapeutic.

4 (4) Regulation is necessary to set educational standards
5 within the profession and to protect the public from
6 unqualified massage therapy practitioners and unscrupulous
7 individuals.

8 (5) Consumer protection with respect to both health and
9 economic matters will be afforded the public through the
10 regulation and associated legal remedies provided for in this
11 act.

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Account." The Professional Licensure Augmentation Account.

17 "Applicant." An individual who applies for a license.

18 "Board." The State Board of Professional Massage Therapists
19 established in section 4 (relating to board).

20 "Bureau." The Bureau of Professional and Occupational
21 Affairs.

22 "Commissioner." The Commissioner of Professional and
23 Occupational Affairs.

24 "Impaired professional." A licensee who is abusing a
25 chemical substance, including alcohol.

26 "License." A license to practice massage therapy under
27 section 6 (relating to licensure). The term does not include a
28 temporary license under section 6(e).

29 "Licensee." An individual who holds a license or a temporary
30 license.

1 "Massage therapy." The application of a system of structured
2 touch, pressure, movement and holding to the soft tissue of the
3 human body in which the primary intent is to enhance health and
4 well-being of the client. The term includes the external
5 application of water, heat, cold, lubricants or other topical
6 preparations and electro-mechanical devices which mimic or
7 enhance the actions of the hands. The term does not include the
8 diagnosis of illness or disease, medical procedures,
9 chiropractic adjustment, electrical stimulation, ultrasound or
10 prescription of medicines, for which a license to practice
11 medicine, chiropractic, physical therapy, occupational therapy,
12 podiatry or other practice of the healing arts is required.

13 "Massage therapist." An individual who is licensed under
14 this act to administer massage or massage therapy and who refers
15 clients to a medical doctor when a contraindication to massage
16 therapy is present.

17 "Person." Any individual, organization, association,
18 partnership, company, trust or corporate body.

19 "Reflexology." The physical act of using thumbs, fingers and
20 hand techniques to apply specific pressure on the reflex area in
21 the feet, hands or ears of the client.

22 "Sexual behavior." Conduct which is or is intended to be
23 sexual in nature or which may be construed by a reasonable
24 person as sexual in nature.

25 "Sexual exploitation." Sexual behavior with a current client
26 which uses trust, knowledge, emotions or influence derived from
27 the professional relationship.

28 Section 4. Board.

29 (a) Establishment.--The State Board of Professional Massage
30 Therapists is established as a board in the bureau.

1 (b) Membership.--The following shall be members of the
2 board:

3 (1) The commissioner or a designee, who shall serve as
4 the chairperson of the board.

5 (2) The Physician General or a designee.

6 (3) The Attorney General or a designee.

7 (4) Four members appointed by the Governor, with the
8 advice and consent of the majority of the members elected to
9 the Senate. Each member under this paragraph must:

10 (i) have been actively engaged as a massage
11 therapist for not less than five years prior to
12 appointment; and

13 (ii) have a well-respected reputation in the field.

14 (c) Terms.--

15 (1) Members under subsection (b)(1) through (3) shall
16 serve ex officio.

17 (2) Members under subsection (b)(4) shall serve initial
18 terms as follows:

19 (i) One member shall be appointed for a term of two
20 years.

21 (ii) One member shall be appointed for a term of
22 three years.

23 (iii) One member shall be appointed for a term of
24 four years.

25 (iv) One member shall be appointed for a term of
26 five years.

27 (3) After the expiration of a term under paragraph (2),
28 a subsequent term shall be for five years.

29 (4) A replacement for a member appointed under
30 subsection (b)(4) shall serve the remainder of the unexpired

1 term.

2 (d) Procedure.--

3 (1) A majority of the members of the board constitutes a
4 quorum. A member must participate at a meeting of the board
5 in person or by teleconference for purposes of meeting a
6 quorum.

7 (2) Voting must be direct. Proxy voting is not
8 permitted.

9 (e) Conflict of interest.--A member of the board may not
10 have a financial interest in a professional testing
11 organization.

12 (f) Compensation.--Each member of the board under subsection
13 (b)(4), when performing functions of the board, shall receive
14 all of the following:

15 (1) A per diem fee set by regulation of the bureau.

16 (2) Reasonable travel, hotel and other necessary
17 expenses, as set by regulation of the bureau.

18 (g) Meetings.--The board shall meet at least once every two
19 months and at additional times as necessary to conduct the
20 business of the board.

21 (h) Participation.--A member of the board under subsection
22 (b)(4) who fails to attend three consecutive meetings shall
23 forfeit membership unless the chairperson, upon written request
24 from the member, finds that the member should be excused for
25 good cause.

26 (i) Powers and duties.--The board has the following powers
27 and duties to administer this act:

28 (1) To issue orders.

29 (2) To promulgate regulations. This paragraph includes
30 all of the following:

1 (i) Compensation under subsection (f).

2 (ii) Education under section 6(b)(1) (relating to
3 licensure). An increase in training or hours of
4 instruction requirements shall not become effective
5 within the first two years after the effective date of
6 this subparagraph.

7 (iii) Fees under sections 6(b)(3) and 7(b)(2)
8 (relating to license renewal and continuing education).
9 Initial fees shall be designed to recover the board's
10 administrative costs. If the funds raised by fees and
11 penalties under this act are not sufficient to meet the
12 board's administrative costs over a two-year period, the
13 board may promulgate regulations to increase those fees
14 so that the projected funds will meet the board's
15 projected costs.

16 (iv) Posting under section 9 (relating to display of
17 license).

18 (3) To promulgate statements of policy.

19 (4) To establish a system which assures that licensees
20 receive timely information from the board regarding issues
21 affecting the education, practice and regulation of massage
22 therapy. This paragraph includes the mailing of a renewal
23 application under section 7(b)(1) to each licensee at the
24 most recent address on the records of the board.

25 (5) When it is prepared to implement this act, to
26 transmit notice of that fact to the Legislative Reference
27 Bureau for publication in the Pennsylvania Bulletin.

28 Section 5. Deposit of funds.

29 Fees and penalties collected under this act shall be paid
30 into the account and used by the bureau and the board to

1 administer this act.

2 Section 6. Licensure.

3 (a) Requirement.--Except as set forth in subsection (e)(2)
4 or (3), a license or a temporary license is required in order to
5 practice massage therapy.

6 (b) Qualifications.--The following are the qualifications
7 for licensure:

8 (1) The applicant must complete massage studies with a
9 minimum of 600 hours of in-class, postsecondary education
10 instruction approved by the State Board of Private Licensed
11 Schools or by the board. This paragraph includes training in
12 the human immunodeficiency virus and related risks and health
13 care cardiopulmonary resuscitation.

14 (2) The applicant must file an application.

15 (3) The applicant must pay a fee as established by
16 regulation of the board.

17 (4) The applicant must pass an examination prepared and
18 administered by a qualified professional testing organization
19 approved by the bureau and approved by the board in
20 accordance with section 812.1 of the act of April 9, 1929
21 (P.L.177, No.175), known as The Administrative Code of 1929.

22 (5) The applicant must demonstrate all of the following
23 to the satisfaction of the board:

24 (i) The applicant is of good moral character.

25 (ii) The applicant has a high school diploma or its
26 equivalent.

27 (iii) The applicant is not addicted to the habitual
28 use of alcohol, narcotics or other habit-forming drugs.

29 (iv) Except as set forth in subparagraph (v), the
30 applicant has not been sentenced for a felony or for an

1 offense under the law of another jurisdiction which, if
2 committed in this Commonwealth, would constitute a
3 felony. Compliance with this subparagraph must be
4 documented by a report of criminal history record
5 information from the Pennsylvania State Police or by a
6 statement from the Pennsylvania State Police that its
7 central repository contains no information relating to
8 the applicant. The costs associated with the report or
9 statement shall be paid by the applicant.

10 (v) The applicant must not have been sentenced for a
11 felony under the act of April 14, 1972 (P.L.233, No.64),
12 known as The Controlled Substance, Drug, Device and
13 Cosmetic Act, or for an offense under the law of another
14 jurisdiction which, if committed in this Commonwealth,
15 would be a felony under The Controlled Substance, Drug,
16 Device and Cosmetic Act, unless the applicant satisfies
17 all of the following criteria:

18 (A) At least ten years have elapsed from the
19 date of sentencing.

20 (B) The applicant has made significant progress
21 in personal rehabilitation since the sentencing such
22 that licensure of the applicant would not be expected
23 to create a substantial risk of harm to the health
24 and safety of clients or the public or create a
25 substantial risk of further criminal violations.

26 (vi) The applicant must not have been sentenced for
27 an offense under section 14 (relating to criminal
28 penalties) unless five years have elapsed from the date
29 of sentencing.

30 (c) Issuance and term.--

1 (1) Subject to subsections (d), (e) and (f), the board
2 shall issue a license to an applicant who meets the
3 qualifications under subsection (b).

4 (2) Except as set forth in subsection (e)(3), the term
5 of a license is two years. Renewal is subject to section 7
6 (relating to license renewal and continuing education).

7 (d) Existing practitioners.--The board shall issue a license
8 to an applicant who, on the effective date of this subsection,
9 complies with all of the following paragraphs:

10 (1) Is an active professional practitioner of massage.

11 (2) Meets the qualifications described in subsection
12 (b)(2), (3) and (5).

13 (3) Complies with one of the following subparagraphs:

14 (i) Has:

15 (A) been in active, continuous practice for at
16 least five years immediately preceding the effective
17 date of this section; and

18 (B) completed 150 hours of instruction in
19 massage and related subjects.

20 (ii) Has passed an examination administered by a
21 certifying agency which is approved by the National
22 Commission of Certifying Agencies and is in good standing
23 with the certifying agency or with the board.

24 (iii) Has completed 500 hours of instruction in
25 massage and related subjects from a massage therapy
26 program approved by the State Board of Private Licensed
27 Schools or by the board.

28 (e) Temporary license.--

29 (1) The board may issue a temporary license to an
30 applicant who, on the effective date of this subsection, is

1 an active practitioner of massage therapy who:

2 (i) meets the qualifications described in subsection
3 (b)(2), (3) and (5); but

4 (ii) does not meet the criteria in subsection (d).

5 (2) A temporary license permits a continuation of
6 practice as a massage therapist for a period not to exceed
7 two years. During this period, the licensee must fulfill the
8 requirements of subsection (b)(1) and (4). A temporary
9 license shall not be renewable.

10 (3) Unless revoked or suspended under section 11
11 (relating to sanctions) or 12 (relating to temporary
12 suspension), a temporary license shall expire at the earlier
13 of the following:

14 (i) The expiration of the specified period.

15 (ii) The board's issuance of a license upon
16 determination that the licensee has fulfilled the
17 requirements of subsection (b)(1) and (4).

18 (f) Licensure by endorsement.--The board shall issue a
19 license to an individual who meets all of the following:

20 (1) Complies with subsection (b)(2) and (3).

21 (2) Has a valid license in massage or similar practice
22 from another state, territory, possession or country with a
23 standard of qualifications substantially equivalent to or
24 greater than that provided for in this act.

25 (3) Complies with applicable regulations.

26 (g) Deadline for initial applications.--

27 (1) In the initial regulations under this act, the board
28 shall establish an application date for the filing of initial
29 applications for licensure.

30 (2) An active practitioner as of the effective date of

1 this subsection may continue to practice massage therapy up
2 until the application date under paragraph (1).

3 (3) Beginning on the application date under paragraph
4 (1), only an applicant may practice massage therapy. Practice
5 under this paragraph is limited to the period during which
6 the application is pending before the board.

7 (h) Transferability.--A license and a temporary license are
8 not transferable.

9 Section 7. License renewal and continuing education.

10 (a) Scope.--

11 (1) This section applies to all of the following:

12 (i) A licensee.

13 (ii) An individual who was a licensee but who has
14 not been a licensee for less than five years.

15 (2) An individual who was a licensee but who has not
16 been a licensee for at least five years is subject to section
17 6 (relating to licensure).

18 (b) Procedure.--To renew a license, a licensee must do all
19 of the following:

20 (1) File a renewal application with the board. On the
21 application, the applicant must verify all of the following:

22 (i) Renewal of training in health care
23 cardiopulmonary resuscitation.

24 (ii) Successful completion of a minimum of 24 hours
25 of study in the field of massage therapy during the
26 immediately preceding two years as approved by the board.

27 (2) Pay a fee established by regulation of the board.

28 (c) Board.--

29 (1) Upon receipt of the application and fee, the board
30 shall investigate the licensee to determine all of the

1 following:

2 (i) The accuracy of the renewal application.

3 (ii) Action under section 11 (relating to sanctions)
4 completed during the prior license term or pending at the
5 time of renewal application.

6 (2) After investigation under paragraph (1), if the
7 board is satisfied that the licensee is fit to continue the
8 practice of massage therapy, the board shall renew the
9 license.

10 Section 8. Title and utilization.

11 A licensee has the right to use the title "Massage Therapist"
12 and the abbreviation "M.T."

13 Section 9. Display of license.

14 The board may, by regulation or order, require the posting of
15 licenses or temporary licenses.

16 Section 10. Unprofessional conduct.

17 The following constitute unprofessional conduct:

18 (1) Failure to demonstrate the qualifications under
19 section 6(b)(1) or (5) (relating to licensure).

20 (2) Failure to refer a client to a medical doctor when
21 the client is presenting a contraindication to massage
22 therapy.

23 (3) Gross incompetence, negligence or misconduct in
24 carrying out the practice of massage therapy.

25 (4) Submission of a false or deceptive application to
26 the board.

27 (5) Being sentenced for a felony in any jurisdiction.

28 (6) Being sanctioned by a massage therapy licensing
29 authority within another jurisdiction.

30 (7) Inability to practice massage therapy with

1 reasonable skill and safety to clients by reason of illness,
2 abuse of alcohol or other chemical substances or a mental or
3 physical condition.

4 (8) Violation of any regulation or order of the board.

5 (9) Knowingly aiding, assisting, hiring or advising
6 unlawful practice of massage therapy contrary to section
7 14(a) (relating to criminal penalties).

8 (10) Practice or attempt to practice beyond the
9 licensee's defined scope of practice.

10 (11) Sexual exploitation. Consent of the client is not a
11 defense under this paragraph.

12 (12) Making misleading, deceptive, untrue or fraudulent
13 representations in the practice of massage therapy.

14 (13) Conduct outside of but resulting from the
15 professional relationship which the board, by regulation,
16 declares to be unprofessional.

17 Section 11. Sanctions.

18 (a) Discretionary.--

19 (1) If the board finds that a licensee has engaged in
20 conduct prohibited by section 10 (relating to unprofessional
21 conduct), the board may administer the following sanctions:

22 (i) Suspend enforcement of its finding and place a
23 licensee on probation with the right to vacate the
24 probationary order for noncompliance.

25 (ii) Require a licensee to submit to the care,
26 counseling or treatment of a physician or a psychologist
27 designated by the board.

28 (iii) Administer a public reprimand.

29 (iv) Impose an administrative penalty of up to
30 \$1,000.

1 (v) Suspend the license.

2 (vi) Revoke the license.

3 (2) The board may vacate a sanction if it determines
4 that vacation is just and reasonable.

5 (b) Mandatory.--

6 (1) The board shall suspend a license if any of the
7 following apply:

8 (i) The licensee is committed to an institution
9 because of mental incompetence from any cause.

10 (ii) The licensee is sentenced for a felony under
11 the act of April 14, 1972 (P.L.233, No.64), known as The
12 Controlled Substance, Drug, Device and Cosmetic Act, or
13 for an offense under the laws of another jurisdiction
14 which, if committed in this Commonwealth, would be a
15 felony under The Controlled Substance, Drug, Device and
16 Cosmetic Act.

17 (2) Automatic suspension under this subsection shall not
18 be stayed pending any appeal of a conviction.

19 (c) Administrative agency law.--This section is subject to 2
20 Pa.C.S. Ch. 5 Subch A. (relating to practice and procedure of
21 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
22 review of Commonwealth agency action).

23 (d) Return of license.--The board shall require a licensee
24 whose license has been suspended or revoked to return the
25 license in such manner as the board directs.

26 Section 12. Temporary suspension.

27 (a) Authority.--The board may temporarily suspend a license
28 under circumstances as determined by the board to be of an
29 immediate and clear danger to the public health or safety.

30 (b) Procedure.--

1 (1) Upon a determination under subsection (a), the board
2 shall issue the licensee an order temporarily suspending the
3 license. The order must:

4 (i) be sent to the licensee's last known address;
5 and

6 (ii) include a written statement of all allegations
7 against the licensee.

8 (2) Upon of issuance of the order, the board must
9 commence an action under section 11 (relating to sanctions).

10 (3) A hearing under section 11(c) must be conducted
11 within 45 days of issuance of the order. If the board does
12 not comply with the time limit under this paragraph, the
13 order shall be void.

14 (c) Duration.--A temporary suspension shall remain in effect
15 until the earliest of the following:

16 (1) The board vacates the suspension.

17 (2) The order is vacated because of noncompliance with
18 subsection (b)(3).

19 (3) The expiration of 180 days.

20 Section 13. Remedies.

21 (a) Civil penalty.--Failure to provide a report under
22 section 15(e) (relating to impaired professional) within a
23 reasonable time from receipt of knowledge of impairment shall
24 subject the person to a civil penalty payable to the board not
25 to exceed \$1,000. The board may pursue this penalty in a court
26 of competent jurisdiction.

27 (b) Injunction.--The board may seek injunctive relief in a
28 court of competent jurisdiction to enjoin a person from
29 committing any violation of this act. Relief under this section
30 is in addition to and not in lieu of all remedies and penalties

1 under sections 11 (relating to sanctions), 12 (relating to
2 temporary suspension) and 14 (relating to criminal penalties)
3 and other remedies in this act.

4 Section 14. Criminal penalties.

5 (a) Unlawful practice.--Except as set forth in section
6 6(g)(2) or (3) (relating to licensure), an individual may not
7 practice massage therapy unless the individual has a license or
8 a temporary license.

9 (b) Fraud.--A person may not sell, fraudulently obtain or
10 fraudulently furnish a license or a temporary license.

11 (c) Unlawful use of title.--Except as set forth in section
12 16(1) (relating to other professions):

13 (1) An individual who is not a licensee may not use the
14 title "Massage Therapist" or the abbreviation "M.T." It is a
15 violation of this section to hold oneself out to others in
16 any manner, including advertising, as a massage therapist and
17 adopt or use any title or description, including massage
18 therapist, massage practitioner, masseur, masseuse,
19 myotherapist, or any derivative of those terms and their
20 related abbreviations, which implies directly or indirectly
21 that therapeutic massage services are being provided.

22 (2) A business entity may not utilize in connection with
23 a business name or activity the words, "massage," "massage
24 therapist," "massage practitioner," "masseur," "masseuse" or
25 "myotherapist," or any derivative of those terms and their
26 related abbreviations, which imply directly or indirectly
27 that massage therapy services are being provided.

28 (d) Failure to return license.--An individual may not fail
29 to return a license under section 11(d) (relating to sanctions).

30 (e) Grading.--

(1) A person that violates subsection (a), (b) or (c) commits a misdemeanor of the second degree.

(2) A person that violates subsection (d) commits a misdemeanor of the third degree.

Section 15. Impaired professional.

(a) Consultant.--The board, with the approval of the commissioner, shall appoint and fix the compensation of a professional consultant who is a licensee or such other professional as the board may determine, with education and experience in the identification, treatment and rehabilitation of persons with physical or mental impairments. The consultant shall be accountable to the board and shall act as a liaison between the board and treatment programs, such as alcohol and drug treatment programs licensed by the Department of Health, psychological counseling and impaired professional support groups, which are approved by the board and which provide services to licensees under this act.

(b) Treatment program.--

(1) The board shall approve program providers to treat impaired professionals.

(2) An impaired professional who enrolls in an approved treatment program must enter into an agreement with the board under which the impaired professional's license shall be suspended or revoked, but enforcement of that suspension or revocation may be stayed for the length of time the impaired professional remains in the program and makes satisfactory progress, complies with the terms of the agreement and adheres to any limitations on this practice imposed by the board to protect the public. Failure to enter into such an agreement shall disqualify the professional from the impaired

1 professional program and shall activate an immediate
2 investigation and disciplinary proceeding by the board.

3 (3) An approved program provider shall, upon request,
4 disclose to the professional consultant information in its
5 possession regarding an impaired professional in treatment
6 which the program provider is not prohibited from disclosing
7 by state law. This paragraph shall apply in the case of an
8 impaired professional who:

9 (i) enters an agreement in accordance with this
10 subsection;

11 (ii) is the subject of a board investigation or
12 disciplinary proceeding; or

13 (iii) voluntarily enters a treatment program other
14 than under the provisions of this section but fails to
15 complete the program successfully or to adhere to an
16 aftercare plan developed by the program provider.

17 (c) Effect of participation.--

18 (1) Except as set forth in paragraph (2), the board may
19 defer and ultimately vacate action under section 11 (relating
20 to sanctions) for an impaired professional as long as the
21 impaired professional is progressing satisfactorily in an
22 approved treatment program. If, in the opinion of the
23 professional consultant after consultation with the program
24 provider, an impaired professional who is enrolled in an
25 approved treatment program has not progressed satisfactorily,
26 the professional consultant shall disclose to the board all
27 information in the professional consultant's possession
28 regarding the impaired professional, and the board shall
29 institute proceedings to determine if the stay of the
30 enforcement of the suspension or revocation of the impaired

1 professional's license shall be vacated.

2 (2) This subsection shall not apply to an impaired
3 professional:

4 (i) who has been sentenced for a felony under the
5 act of April 14, 1972 (P.L.233, No.64), known as The
6 Controlled Substance, Drug, Device and Cosmetic Act, or
7 for a felony relating to a controlled substance in
8 another jurisdiction; or

9 (ii) has engaged in sexual exploitation.

10 (d) Immunity.--The following shall not be subject to civil
11 liability or criminal prosecution for the disclosure or its
12 consequences:

13 (1) An approved program provider that makes a disclosure
14 under subsection (b)(3) or (c)(1).

15 (2) A person that reports under subsection (e) in good
16 faith and without malice.

17 (e) Impairment reports.--

18 (1) Except as set forth in paragraph (2), this
19 subsection applies to hospital or health care facilities and
20 to any peer or colleague of a licensee.

21 (2) This subsection does not apply to a person that acts
22 in a treatment capacity to an impaired massage therapist in
23 an approved treatment program.

24 (3) A person subject to this subsection shall report to
25 the board that a licensee is an impaired professional if the
26 person has substantial evidence that a licensee:

27 (i) has an active addictive disease for which the
28 licensee is not receiving treatment;

29 (ii) is diverting a controlled substance; or

30 (iii) is mentally or physically incompetent to carry

1 out the duties of a licensee.

2 Section 16. Other professions.

3 Nothing in this act shall be construed as preventing,
4 restricting or requiring licensure of any of the following
5 activities:

6 (1) The practice of a profession by an individual who is
7 licensed, certified or registered by a Commonwealth agency
8 under other laws and who is performing services within the
9 authorized scope of practice.

10 (2) The practice of massage therapy by an individual
11 employed by the Federal Government while the person is
12 engaged in the performance of such duties under Federal law.

13 (3) The practice of massage therapy by an individual
14 licensed, registered or certified in another jurisdiction
15 when incidentally called into this Commonwealth to teach a
16 course related to massage therapy and bodywork therapy or to
17 consult with a licensee.

18 (4) A student who is:

19 (i) conducting massage therapy activities under the
20 supervision of a person licensed under this act; and

21 (ii) enrolled in a school approved by the State
22 Board of Private Licensed Schools or by the board.

23 (5) Except as set forth in section 14(c) (relating to
24 criminal penalties) the practice by an individual while
25 performing reflexology.

26 (6) Except as set forth in section 14(c), the practice
27 of an individual who uses touch, words and directed movement
28 to deepen awareness of existing patterns of movement in the
29 body as well as to suggest new possibilities of movement
30 while engaged within the scope of practice of a profession

1 with established standards and ethics.

2 (7) Except as set forth in section 14(c), the practice
3 of an individual who uses touch to affect the energy systems,
4 accupoints or Qi meridians (channels of energy) of the human
5 body while engaged within the scope of practice of a
6 profession with established standards and ethics.

7 (8) An individual providing service as part of an
8 emergency response team working in conjunction with disaster
9 relief officials.

10 (9) The practice of massage therapy at public events.
11 Section 49. Appropriation and repayment.

12 (a) Appropriation.--The sum of \$95,000, or as much thereof
13 as may be necessary is hereby appropriated from the Professional
14 Licensure Augmentation Account for the fiscal year July 1, 2005,
15 to June 30, 2006, for the operation of the State Board of
16 Professional Massage Therapists to carry out the provisions of
17 this act. This appropriation shall be a continuing appropriation
18 until June 30, 2009, at which time any unexpended funds shall
19 lapse into the account.

20 (b) Repayment.--The appropriation shall be repaid by the
21 board to the account within three years of the beginning of
22 issuance of licenses by the board.

23 Section 50. Effective date.

24 This act shall take effect as follows:

25 (1) The following provisions shall take effect in 60
26 days:

27 (i) Section 3.

28 (ii) Section 4.

29 (iii) Section 49.

30 (2) This section shall take effect immediately.

1 (3) The remainder of this act shall take effect upon
2 publication of the notice under section 4(i)(5).