

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 925 Session of 2009

INTRODUCED BY TOMLINSON AND BOSCOLA, JUNE 5, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, JUNE 5, 2009

AN ACT

1 Amending the act of October 9, 2008 (P.L.1438, No.118), entitled
 2 "An act regulating massage therapy; establishing the State
 3 Board of Massage Therapy; providing for funds, for licensure,
 4 for disciplinary action, for remedies, for penalties and for
 5 preemption," further providing for qualification for
 6 licensure and for other professions.

7 The General Assembly of the Commonwealth of Pennsylvania
 8 hereby enacts as follows:

9 Section 1. Sections 5 and 13 of the act of October 9, 2008
 10 (P.L.1438, No.118), known as the Massage Therapy Law, are
 11 amended to read:

12 Section 5. Qualification for licensure.

13 (a) Applicants.--An applicant shall be considered to be
 14 qualified for a license if the applicant submits proof
 15 satisfactory to the board of all of the following:

16 (1) The applicant is of good moral character.

17 (2) The applicant has a high school diploma or its
 18 equivalent.

19 (3) The applicant has completed a massage program of at
 20 least 600 hours of in-class, postsecondary education

1 instruction approved by the [State Board of Private Licensed
2 Schools] board at a regionally accredited college or
3 university, Pennsylvania private licensed school or its
4 equivalent as determined by the board. The program under this
5 paragraph must include training in the human immunodeficiency
6 virus and related risks and training in cardiopulmonary
7 resuscitation.

8 (4) The applicant has passed an examination under
9 section 7.

10 (5) The applicant has paid a fee as established by the
11 board by regulation.

12 (6) The applicant has not been convicted of a felony
13 under the act of April 14, 1972 (P.L.233, No.64), known as
14 The Controlled Substance, Drug, Device and Cosmetic Act, or
15 of an offense under the laws of another jurisdiction which,
16 if committed in this Commonwealth, would be a felony under
17 The Controlled Substance, Drug, Device and Cosmetic Act,
18 unless the following apply:

19 (i) At least ten years have elapsed from the date of
20 conviction.

21 (ii) The applicant satisfactorily demonstrates to
22 the board that the applicant has made significant
23 progress in personal rehabilitation since the conviction
24 and that licensure of the applicant should not be
25 expected to create a substantial risk of harm to the
26 health and safety of the applicant's clients or the
27 public or a substantial risk of further criminal
28 violations.

29 (iii) The applicant otherwise satisfies the
30 qualifications required under this act.

1 (b) Existing practitioners.--The board shall issue a license
2 to an applicant who, on the effective date of this subsection,
3 complies with all of the following paragraphs:

4 (1) Is able to demonstrate that the applicant has
5 conducted a business and been an active participant in that
6 business which was mainly the practice of massage therapy.

7 (2) Meets the qualifications described in subsection (a)
8 (1), (2), (5) and (6).

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

10 (i) Has been in active, continuous practice for at
11 least five years immediately preceding the effective date
12 of this section.

13 (ii) Has passed a massage therapy examination that
14 is part of a certification program accredited by the
15 National Commission for Certifying Agencies.

16 (iii) Has completed 500 hours of instruction in
17 massage and related subjects from a massage therapy
18 program approved by the [State Board of Private Licensed
19 Schools] board at a regionally accredited college or
20 university, Pennsylvania private licensed school or its
21 equivalent as determined by the board.

22 (iv) Has:

23 (A) passed the National Examination for State
24 Licensure (NESL) offered through the National
25 Certification Board for Therapeutic Massage and
26 Bodywork (NCBTMB); and

27 (B) completed 100 hours of instruction in
28 massage and related subjects.

29 (v) Has:

30 (A) passed the Massage and Bodywork Licensure

1 Examination (MBLEx) offered through the Federation of
2 State Massage Therapy Boards (FSMTB); and

3 (B) completed 100 hours of instruction in
4 massage and related subjects.

5 (c) Temporary practice permit.--

6 (1) The board may issue a temporary practice permit to
7 an applicant in order to permit the applicant to practice
8 massage therapy during the six-month period after completion
9 of the applicant's education program.

10 (2) The temporary practice permit issued under paragraph

11 (1) shall be nonrenewable and shall expire on the earlier of:

12 (i) six months from the date of issuance; or

13 (ii) the date the applicant fails the licensing
14 examination.

15 (d) Transferability.--A license and a temporary practice
16 permit are not transferable.

17 Section 13. Other professions.

18 Nothing in this act shall be construed as preventing,
19 restricting or requiring licensure of any of the following
20 activities:

21 (1) The practice of a profession by an individual who is
22 licensed, certified or registered by a Commonwealth agency
23 under other law and who is performing services or advertising
24 within the authorized scope of practice.

25 (2) The practice of massage therapy by an individual
26 employed by the Federal Government while the individual is
27 engaged in the performance of duties under Federal law.

28 (3) A student enrolled in a massage therapy education
29 program who is:

30 (i) conducting massage therapy activities under the

1 supervision of:

2 (A) a licensee; or

3 (B) instructors or supervisors who meet the
4 licensing criteria of the Department of Education or
5 the board; and

6 (ii) enrolled in a [school approved by the
7 Department of Education or by the board] program approved
8 by the board at a regionally accredited college or
9 university or Pennsylvania private licensed school.

10 (4) The practice by an individual while performing
11 reflexology.

12 (5) The practice of an individual who uses touch, words
13 and directed movement to deepen awareness of existing
14 patterns of movement in the body and to suggest new
15 possibilities of movement, while engaged within the scope of
16 practice of a profession with established standards and
17 ethics.

18 (6) The practice of an individual who uses touch to
19 affect the energy systems, acupoints, Qi meridians or
20 channels of energy of the human body while engaged within the
21 scope of practice of a profession with established standards
22 and ethics. Such practices include acupressure, Asian
23 bodywork therapy, polarity therapy bodywork, quigon, reiki,
24 shiatsu and tui na.

25 Section 2. This act shall take effect in 60 days.