

Legislative Analysis



LICENSE MASSAGE THERAPISTS

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House Bill 5218

Sponsor: Rep. Fran Amos

Committee: Health Policy

Complete to 9-1-06

A SUMMARY OF HOUSE BILL 5218 AS INTRODUCED 9-22-05

The bill would add Part 165 (entitled "Massage Therapy") to the Public Health Code. The bill would establish license requirements, set license fees, create the Michigan Board of Massage Therapy, require continuing education courses, and provide exemptions from regulation under the bill. The practice of massage therapy would not include medical diagnosis or identification of diseases, injuries, or conditions or causes of diseases. It also would not include high velocity, low amplitude to a joint, electrical stimulation, application of ultrasound, or prescription of medicines. Specifically, the bill would do the following:

Michigan Board of Massage Therapy. The bill would create a nine-member board as specified in the bill. Members would serve four-year terms. The board would have to promulgate rules to adopt a code of professional ethics. Neither the board nor the Department of Community Health could restrict, by rule or otherwise, the right of a licensee to participate in and become a member of any nationally recognized trade or professional association.

Title protection. Only persons licensed under the bill as massage therapists could use the titles reserved for licensed practitioners. However, the bill would not prevent the use of a name, title, or initials that are registered or otherwise protected under law and used by a person certified or otherwise approved by a private organization.

Licensure. Only a person licensed under the bill could engage in the practice of massage therapy. However, a person engaging in the practice of the Feldenkrais method, polarity therapy, or the Trager approach would not have to be licensed as a massage therapist. (These terms are defined in the bill.) Further, the bill would create several exemptions from licensure as a massage therapist, including exempting a person licensed under the Public Health Code or other law if the activities of a massage therapist are also within the person's scope of practice and the person does not use a title restricted to licensed massage therapists.

To qualify for licensure, a person would need a high school diploma or a board-accepted equivalent; be of good moral character; be at least 18 years of age; successfully complete a supervised curriculum in a school licensed under Public Act 148 of 1943 that has not less than 500 clock hours of supervised training; and successfully pass an examination meeting the requirements of the bill.

Licenses would be valid for a three-year cycle, but there would be an annual license fee of \$75. In addition, the application processing fee would be \$20 and a temporary license fee would be \$75 per year.

In order to renew a license, a licensee would have to furnish evidence of completing at least six hours, or an acceptable equivalent, of continuing education for each year of the license cycle. Courses would have to be approved by the board and would have to include subjects related to the practice of massage therapy.

Grandfather clause. Until two years after the bill's effective date, the board could issue a license to a person who was at least 18 years of age, completed high school or an approved equivalent, and who was of good moral character if he or she had:

- been an active member of a national professional massage therapy association recognized by and acceptable to the board that had been established prior to 2000 if the association offered professional liability insurance and had an established code of professional ethics;
- practiced massage therapy for an average of at least 10 hours per week for 10 years or more, as established by affidavit of the applicant;
- practiced massage therapy an average of 10 hours per week for at least three years before the bill's effective date, as established by affidavit of the applicant, and had successfully completed at least 300 hours of formal training in massage therapy that was acceptable to the board, as established by evidence from the school or schools attended; or,
- passed the national certification exam promulgated by the National Certification Board for Therapeutic Massage and Bodywork and kept his or her certification status current.

Miscellaneous provisions. A licensee would have to make a written referral of a client to an appropriate health professional if the client's physical or mental condition appeared to constitute a contraindication for massage therapy.

Beginning on the bill's effective date, a local unit of government could not establish or maintain licensing requirements for a massage therapist licensed under the bill.

The bill would not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by a licensed massage therapist.

MCL 333.16131 et al.

FISCAL IMPACT:

The fiscal impact statement for a similar bill introduced in the 2003-2004 legislative session said that the proposal would create state costs to develop and administer the licensing, regulation, and complaint review, and to support a state board for the licensure of the profession of massage therapist. Annual licensing fees of \$75 and initial

processing fees of \$20 per individual are established with the intent that they will fully support the state licensing system costs for this profession. The costs and revenue are dependent upon the number of persons who seek licensure. The Michigan Chapter of the American Massage Therapy Association estimated in 2004 that 2,000 or more massage therapists practicing in Michigan would have met the licensing requirements of the bill. Average annual program revenue from 2,000 licensees would be approximately \$150,000 - \$160,000. Persons will be subject to discipline under Part 161 of the Public Health Code for massage therapist licensure violations or unlawful practice without licensure, which may include fines. As of 2004, 25 to 30 schools of massage therapy were operating in Michigan.

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