

SUBSTITUTE FOR
HOUSE BILL NO. 5651

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16334 and part
179A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16334. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE AS A MASSAGE THERAPIST UNDER PART 179A ARE AS FOLLOWS:

3 (A) APPLICATION PROCESSING FEE..... \$ 20.00
4 (B) LICENSE FEE, PER YEAR..... 75.00

5 PART 179A. MASSAGE THERAPY

6 SEC. 17951. (1) AS USED IN THIS PART:

7 (A) "FELDENKRAIS METHOD" MEANS A SYSTEM OF SOMATIC EDUCATION

1 IN WHICH TOUCH AND WORDS ARE USED TO ELIMINATE FAULTY HABITS,
2 LEARN NEW PATTERNS OF SELF-ORGANIZATION AND ACTION, AND IMPROVE A
3 PERSON'S OWN FUNCTIONAL MOVEMENT PATTERNS. FELDENKRAIS METHOD IS
4 BASED ON PRINCIPLES OF PHYSICS, BIOMECHANICS, AND AN
5 UNDERSTANDING OF, OR LEARNING ABOUT, HUMAN DEVELOPMENT.

6 (B) "MASSAGE THERAPIST" MEANS AN INDIVIDUAL ENGAGED IN THE
7 PRACTICE OF MASSAGE THERAPY.

8 (C) "POLARITY THERAPY" MEANS DIVERSE APPLICATIONS AFFECTING
9 THE HUMAN ENERGY SYSTEM AND INCLUDES ENERGETIC APPROACHES TO
10 SOMATIC CONTACT, VERBAL FACILITATION, NUTRITION, EXERCISE, AND
11 HEALTH EDUCATION. POLARITY THERAPY DOES NOT MAKE MEDICAL CLAIMS,
12 DIAGNOSE PHYSICAL AILMENTS, OR ALLOW PRESCRIPTION OF MEDICATIONS.

13 (D) "PRACTICE OF MASSAGE THERAPY" MEANS THE APPLICATION OF A
14 SYSTEM OF STRUCTURED TOUCH, PRESSURE, MOVEMENT, AND HOLDING TO
15 THE SOFT TISSUE OF THE HUMAN BODY IN WHICH THE PRIMARY INTENT IS
16 TO ENHANCE OR RESTORE THE HEALTH AND WELL-BEING OF THE CLIENT.
17 PRACTICE OF MASSAGE THERAPY INCLUDES COMPLEMENTARY METHODS,
18 INCLUDING THE EXTERNAL APPLICATION OF WATER, HEAT, COLD,
19 LUBRICATION, SALT SCRUBS, BODY WRAPS, OR OTHER TOPICAL
20 PREPARATIONS; AND ELECTROMECHANICAL DEVICES THAT MIMIC OR ENHANCE
21 THE ACTIONS POSSIBLE BY THE HANDS. PRACTICE OF MASSAGE THERAPY
22 DOES NOT INCLUDE MEDICAL DIAGNOSIS; PRACTICE OF PHYSICAL THERAPY;
23 HIGH-VELOCITY, LOW-AMPLITUDE THRUST TO A JOINT; ELECTRICAL
24 STIMULATION; APPLICATION OF ULTRASOUND; OR PRESCRIPTION OF
25 MEDICINES.

26 (E) "SCHOOL" MEANS ANY OF THE FOLLOWING ACCREDITED OR
27 LICENSED INSTITUTIONS OF HIGHER EDUCATION THAT MEET THE MINIMUM

1 STANDARDS AND CURRICULUM, IN COMPLIANCE WITH SECTION 16148:

2 (i) A PUBLIC OR PRIVATE COMMUNITY COLLEGE, COLLEGE, OR
3 UNIVERSITY.

4 (ii) A PUBLIC OR PRIVATE TRADE, VOCATIONAL, OR OCCUPATIONAL
5 SCHOOL.

6 (F) "TRAGER APPROACH" MEANS A FORM OF MOVEMENT EDUCATION
7 THAT USES SUBTLE DIRECTED MOVEMENTS AND THE SKILLED TOUCH OF A
8 PRACTITIONER. THE TRAGER APPROACH COMBINES PHYSICAL MOVEMENT WITH
9 SENSORY AWARENESS AND INTERNAL IMAGERY DESIGNED TO INCREASE THE
10 CLIENT'S SELF-AWARENESS AND GENERATE PHYSIOLOGICAL CHANGES IN THE
11 BODY TISSUES SO AS TO ALLOW THE CLIENT TO EXPERIENCE A NEW WAY OF
12 MOVING HIS OR HER BODY.

13 (2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1
14 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
15 APPLICABLE TO ALL ARTICLES IN THIS ACT AND PART 161 CONTAINS
16 DEFINITIONS APPLICABLE TO THIS PART.

17 SEC. 17953. BEGINNING JANUARY 1, 2009, AN INDIVIDUAL SHALL
18 NOT USE THE TITLES "LICENSED MASSAGE THERAPIST", "MASSAGE
19 THERAPIST", "MASSEUR", "MASSAGIST", "CERTIFIED MASSAGE
20 THERAPIST", "CLINICAL MASSAGE THERAPIST", "MEDICAL MASSAGE
21 THERAPIST", "MANUAL MASSAGE THERAPIST", "BOARD CERTIFIED MASSAGE
22 THERAPIST", "MASSAGE TECHNICIAN", "MYOMASSOLOGIST", "MASSEUSE",
23 "L.M.T.", "M.M.T.", AND "C.M.T.", OR SIMILAR WORDS OR INITIALS
24 THAT INDICATE THAT THE INDIVIDUAL IS A MASSAGE THERAPIST, UNLESS
25 THE INDIVIDUAL IS LICENSED UNDER THIS ARTICLE AS A MASSAGE
26 THERAPIST. THIS SECTION DOES NOT PREVENT THE USE OF A NAME,
27 TITLE, OR INITIALS THAT ARE REGISTERED OR OTHERWISE PROTECTED

1 UNDER LAW AND USED BY A PERSON CERTIFIED OR OTHERWISE APPROVED BY
2 A PRIVATE ORGANIZATION.

3 SEC. 17955. (1) THE MICHIGAN BOARD OF MASSAGE THERAPY IS
4 CREATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 9 MEMBERS
5 APPOINTED BY THE GOVERNOR WHO MEET THE REQUIREMENTS OF PART 161:

6 (A) FIVE INDIVIDUALS WHO MEET THE REQUIREMENTS OF SECTION
7 16135(2).

8 (B) FOUR PUBLIC MEMBERS.

9 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
10 TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD CREATED UNDER
11 SUBSECTION (1) EXPIRE 4 YEARS AFTER APPOINTMENT ON DECEMBER 31 OF
12 THE YEAR IN WHICH THE TERM WILL EXPIRE. OF THE MEMBERS FIRST
13 APPOINTED TO THE BOARD UNDER SUBSECTION (1), 3 SHALL BE APPOINTED
14 FOR TERMS OF 4 YEARS, 3 SHALL BE APPOINTED FOR TERMS OF 3 YEARS,
15 AND 3 SHALL BE APPOINTED FOR TERMS OF 2 YEARS. THE TERM OF OFFICE
16 OF AN INDIVIDUAL APPOINTED TO FILL A VACANCY EXPIRES AT THE END
17 OF THE TERM OF THE VACANCY BEING FILLED.

18 SEC. 17957. (1) BEGINNING JANUARY 1, 2009, AN INDIVIDUAL
19 SHALL NOT ENGAGE IN THE PRACTICE OF MASSAGE THERAPY UNLESS
20 LICENSED UNDER THIS PART. THE PRACTICES FOR WHICH A LICENSE IS
21 NOT REQUIRED UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED
22 TO, ALL OF THE FOLLOWING:

23 (A) THE USE OF TOUCH, WORDS, OR DIRECTED MOVEMENT TO DEEPEN
24 AWARENESS OF PATTERNS OF MOVEMENT IN THE BODY AS LONG AS THOSE
25 SERVICES ARE NOT DESIGNATED OR IMPLIED TO BE MASSAGE OR MASSAGE
26 THERAPY. THESE PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, ALL OF
27 THE FOLLOWING:

1 (i) THE FELDENKRAIS METHOD.

2 (ii) THE TRAGER APPROACH.

3 (iii) STRUCTURAL INTEGRATION.

4 (B) THE AFFECTATION OF THE HUMAN ENERGY SYSTEM OR ACUPOINTS
5 OR QI MERIDIANS OF THE HUMAN BODY WHILE ENGAGED WITHIN THE SCOPE
6 OF PRACTICE OF A PROFESSION WITH ESTABLISHED STANDARDS AND ETHICS
7 AND AS LONG AS THOSE SERVICES ARE NOT DESIGNATED OR IMPLIED TO BE
8 MASSAGE OR MASSAGE THERAPY. THESE PRACTICES INCLUDE, BUT ARE NOT
9 LIMITED TO, ALL OF THE FOLLOWING:

10 (i) POLARITY OR POLARITY THERAPY.

11 (ii) ASIAN BODYWORK THERAPY.

12 (iii) REIKI.

13 (iv) SHIATSU.

14 (C) REFLEXOLOGY.

15 (2) THE DEPARTMENT SHALL PROVIDE FOR A 3-YEAR LICENSE CYCLE.

16 (3) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING:

17 (A) AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT FROM
18 PERFORMING ACTIVITIES THAT ARE CONSIDERED MASSAGE THERAPY
19 SERVICES IF THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF
20 PRACTICE AND IF THE INDIVIDUAL DOES NOT USE THE TITLES, WORDS, OR
21 INITIALS PROTECTED UNDER SECTION 17953.

22 (B) THE PRACTICE OF MASSAGE THERAPY THAT IS AN INTEGRAL PART
23 OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN A SCHOOL, PROVIDED
24 THAT THEY ARE IDENTIFIED AS STUDENTS AND PROVIDE MASSAGE THERAPY
25 SERVICES ONLY WHILE UNDER THE SUPERVISION OF A LICENSED MASSAGE
26 THERAPIST.

27 (C) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND

1 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
2 HERSELF OUT TO BE A LICENSED MASSAGE THERAPIST.

3 SEC. 17959. (1) THE DEPARTMENT SHALL, UPON SUBMISSION OF A
4 COMPLETED APPLICATION AND PAYMENT OF THE APPROPRIATE APPLICATION
5 PROCESSING AND LICENSE FEE, ISSUE A RENEWABLE LICENSE UNDER THIS
6 PART TO AN INDIVIDUAL WHO FULFILLS ALL OF THE FOLLOWING
7 REQUIREMENTS:

8 (A) HAS A HIGH SCHOOL DIPLOMA OR THE EQUIVALENT AS
9 DETERMINED BY THE BOARD.

10 (B) IS OF GOOD MORAL CHARACTER AS DEFINED IN SECTION 1 OF
11 1974 PA 381, MCL 338.41.

12 (C) IS AT LEAST 18 YEARS OF AGE.

13 (D) HAS SUCCESSFULLY PASSED AN EXAMINATION MEETING THE
14 REQUIREMENTS OF SECTION 17961. THE PASSAGE OF THIS EXAMINATION
15 MAY HAVE OCCURRED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

16 (E) HAS SUCCESSFULLY COMPLETED AT LEAST 1 OF THE FOLLOWING:

17 (i) A SUPERVISED CURRICULUM IN A SCHOOL THAT HAS NOT LESS
18 THAN 500 HOURS OF CLASSROOM INSTRUCTION.

19 (ii) AT LEAST 500 HOURS OF COURSE AND CLINICAL MASSAGE
20 EDUCATION IN A SUBSTANTIALLY EQUIVALENT PROGRAM IN ANOTHER STATE,
21 COUNTRY, JURISDICTION, TERRITORY, OR PROVINCE THAT, ON A CASE-BY-
22 CASE REVIEW, IS FOUND BY THE BOARD TO BE SUFFICIENT.

23 (2) THE DEPARTMENT SHALL ISSUE A RENEWABLE LICENSE TO AN
24 APPLICANT WHO MEETS THE REQUIREMENTS OF SUBSECTION (1)(A), (B),
25 AND (C) AND WHO IS CURRENTLY LICENSED AS A MASSAGE THERAPIST IN
26 ANOTHER STATE, COUNTRY, JURISDICTION, TERRITORY, OR PROVINCE THAT
27 REQUIRES STANDARDS FOR LICENSURE THAT ARE SUBSTANTIALLY

1 EQUIVALENT TO THE REQUIREMENTS FOR LICENSURE UNDER THIS PART, AS
2 DETERMINED BY THE BOARD.

3 (3) UNTIL 2 YEARS AFTER THE EFFECTIVE DATE OF THIS PART, THE
4 BOARD MAY ISSUE A RENEWABLE LICENSE TO AN APPLICANT WHO MEETS THE
5 REQUIREMENTS OF SUBSECTION (1) (A), (B), AND (C) AND PRESENTS
6 PROOF ACCEPTABLE TO THE BOARD THAT HE OR SHE HAS FULFILLED 1 OF
7 THE FOLLOWING REQUIREMENTS:

8 (A) FOR AT LEAST 1 YEAR BEFORE THE EFFECTIVE DATE OF THIS
9 PART, HAS BEEN AN ACTIVE MEMBER, AS A MASSAGE THERAPIST, OF A
10 NATIONAL PROFESSIONAL MASSAGE THERAPY ASSOCIATION THAT WAS
11 ESTABLISHED BEFORE THE YEAR 2000, THAT OFFERS PROFESSIONAL
12 LIABILITY INSURANCE AS A BENEFIT OF MEMBERSHIP, AND THAT HAS AN
13 ESTABLISHED CODE OF PROFESSIONAL ETHICS.

14 (B) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
15 10 HOURS PER WEEK FOR 5 OR MORE YEARS, AS ESTABLISHED BY
16 AFFIDAVIT OF THE APPLICANT.

17 (C) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
18 10 HOURS PER WEEK FOR AT LEAST 3 YEARS, AS ESTABLISHED BY
19 AFFIDAVIT OF THE APPLICANT, AND HAS SUCCESSFULLY COMPLETED AT
20 LEAST 300 HOURS OF FORMAL TRAINING IN MASSAGE THERAPY ACCEPTABLE
21 TO THE BOARD, AS ESTABLISHED BY EVIDENCE FROM THE SCHOOL OR
22 SCHOOLS ATTENDED.

23 (D) HAS SUCCESSFULLY PASSED AN EXAMINATION MEETING THE
24 REQUIREMENTS OF SECTION 17961. THE PASSAGE OF THIS EXAMINATION
25 MAY HAVE OCCURRED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

26 (E) HAS FULFILLED THE REQUIREMENT UNDER SUBSECTION (1) (E).

27 SEC. 17961. (1) THE BOARD SHALL PROVIDE THAT APPLICANTS PASS

1 AN EXAMINATION THAT MEASURES ENTRY LEVEL COMPETENCE BEFORE
2 ISSUANCE OF A LICENSE UNDER THIS PART.

3 (2) FOR LICENSURE PURPOSES UNDER THIS PART, THE BOARD SHALL
4 ADOPT ONLY THOSE EXAMINATIONS THAT MEET ALL OF THE FOLLOWING
5 REQUIREMENTS:

6 (A) ARE STATISTICALLY VALIDATED THROUGH A JOB ANALYSIS UNDER
7 CURRENT STANDARDS FOR EDUCATIONAL AND PROFESSIONAL TESTING.

8 (B) HAS EXAMINATION STANDARDS THAT COMPLY WITH PERTINENT
9 STATE AND FEDERAL EQUAL EMPLOYMENT OPPORTUNITY GUIDELINES.

10 (C) ARE AVAILABLE TO ALL POTENTIAL CANDIDATES FOR LICENSURE.

11 SEC. 17963. (1) THE BOARD SHALL PROMULGATE RULES TO ADOPT A
12 CODE OF PROFESSIONAL ETHICS.

13 (2) A LICENSEE SHALL MAKE A WRITTEN REFERRAL OF A CLIENT TO
14 AN APPROPRIATE HEALTH PROFESSIONAL IF THE CLIENT'S PHYSICAL OR
15 MEDICAL CONDITION APPEARS TO CONSTITUTE A CONTRAINDICATION FOR
16 MASSAGE THERAPY.

17 (3) THE BOARD AND DEPARTMENT SHALL NOT, BY RULE OR
18 OTHERWISE, RESTRICT THE RIGHT OF A LICENSEE TO PARTICIPATE IN AND
19 BECOME A MEMBER OF ANY NATIONALLY RECOGNIZED TRADE OR
20 PROFESSIONAL ASSOCIATION.

21 SEC. 17965. SUBJECT TO SECTION 16204, THE BOARD SHALL, BY
22 RULE, REQUIRE AS A CONDITION OF RENEWAL OF A LICENSE THE
23 FURNISHING OF EVIDENCE OF AT LEAST 6 HOURS, OR THE EQUIVALENT
24 ACCEPTABLE TO THE BOARD, OF CONTINUING EDUCATION FOR EACH YEAR OF
25 THE LICENSE CYCLE. THE COURSES SHALL BE APPROVED BY THE BOARD AND
26 SHALL INCLUDE SUBJECTS RELATED TO THE PRACTICE OF MASSAGE
27 THERAPY.

1 SEC. 17966. UPON THE REQUEST OF A LOCAL GOVERNING ENTITY AND
2 PURSUANT TO SECTION 2235, THE DEPARTMENT MAY AUTHORIZE A LOCAL
3 HEALTH DEPARTMENT TO ENFORCE THIS PART AND ANY RULES PROMULGATED
4 UNDER THIS PART. A LOCAL HEALTH DEPARTMENT AUTHORIZED TO ENFORCE
5 THIS PART AND ANY RULES PROMULGATED UNDER THIS PART SHALL ENFORCE
6 THIS PART AND ANY RULES PROMULGATED UNDER THIS PART PURSUANT TO
7 SECTIONS 2461(2) AND 2462. IN ADDITION TO THE PENALTIES AND
8 REMEDIES UNDER THIS PART, A LOCAL HEALTH DEPARTMENT MAY ENFORCE
9 THIS PART AND ANY RULES PROMULGATED UNDER THIS PART THROUGH AN
10 ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER
11 APPROPRIATE ACTION AUTHORIZED BY LAW. IN ADDITION TO ANY OTHER
12 ENFORCEMENT ACTION AUTHORIZED BY LAW, A PERSON ALLEGING A
13 VIOLATION OF THIS PART MAY BRING A CIVIL ACTION IN A COURT OF
14 COMPETENT JURISDICTION FOR APPROPRIATE INJUNCTIVE RELIEF.

15 SEC. 17967. BEGINNING THE EFFECTIVE DATE OF THIS PART, A
16 LOCAL UNIT OF GOVERNMENT SHALL NOT ESTABLISH OR MAINTAIN
17 LICENSING REQUIREMENTS FOR A MASSAGE THERAPIST LICENSED UNDER
18 THIS PART.

19 SEC. 17969. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
20 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
21 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
22 THIS PART.