

HOUSE BILL NO. 6036

November 07, 2024, Introduced by Rep. Paiz and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16334, 17951, 17957, and 17959 (MCL 333.16334,
333.17951, 333.17957, and 333.17959), sections 16334, 17951, and
17957 as added by 2008 PA 471 and section 17959 as amended by 2016
PA 371, and by adding section 17959a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16334. Fees for an individual licensed or seeking
2 licensure ~~as a~~ **to engage in the practice of** massage therapist

therapy under part 179A are as follows:

(a) Application processing fee.....	\$ 20.00
	75.00
(b) License fee, per year.....	75.00
(c) Apprenticeship permit	75.00

Sec. 17951. (1) As used in this part:

(a) "Apprentice" means an individual who is engaged in learning the practice of massage therapy through an apprenticeship program.

(b) "Apprenticeship program" means an apprenticeship program meeting the requirements of section 17959a.

(c) ~~(a)~~—"Feldenkrais method" means a system of somatic education in which touch and words are used to eliminate faulty habits, learn new patterns of self-organization and action, and improve ~~a person's~~ an individual's own functional movement patterns. Feldenkrais method is based on principles of physics, biomechanics, and an understanding of, or learning about, human development.

(d) ~~(b)~~—"Massage therapist" means an individual ~~engaged~~ who is licensed to engage in the practice of massage therapy.

(e) ~~(c)~~—"Polarity therapy" means diverse applications affecting the human energy system and includes energetic approaches to somatic contact, verbal facilitation, nutrition, exercise, and health education. Polarity therapy does not make medical claims, diagnose physical ailments, or allow prescription of medications.

(f) ~~(d)~~—"Practice of massage therapy" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client.

Practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

(g) ~~(e)~~—"School" means any of the following accredited or licensed institutions of higher education that meet the minimum standards and curriculum, in compliance with section 16148:

(i) A public or private community college, college, or university.

(ii) A public or private trade, vocational, or occupational school.

(h) ~~(f)~~—"Trager approach" means a form of movement education that uses subtle directed movements and the skilled touch of a practitioner. The Trager approach combines physical movement with sensory awareness and internal imagery designed to increase the client's self-awareness and generate physiological changes in the body tissues so as to allow the client to experience a new way of moving ~~his or her~~ **the client's** body.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this act and part 161 contains definitions applicable to this part.

Sec. 17957. (1) An individual shall not engage in the practice of massage therapy unless licensed under this part. The practices for which a license is not required under this subsection include,

1 but are not limited to, all of the following:

2 (a) The use of touch, words, or directed movement to deepen
3 awareness of patterns of movement in the body as long as those
4 services are not designated or implied to be massage or massage
5 therapy. These practices include, but are not limited to, all of
6 the following:

7 (i) The Feldenkrais method.

8 (ii) The Trager approach.

9 (b) The affectation of the human energy system or acupoints or
10 qi meridians of the human body while engaged within the scope of
11 practice of a profession with established standards and ethics and
12 as long as those services are not designated or implied to be
13 massage or massage therapy. These practices include, but are not
14 limited to, all of the following:

15 (i) Polarity or polarity therapy.

16 (ii) Asian bodywork therapy.

17 (iii) Reiki.

18 (iv) Shiatsu.

19 **(v) Thai massage.**

20 (c) Reflexology.

21 (d) Structural integration.

22 (2) The department shall provide for a 3-year license cycle.

23 (3) Subsection (1) does not prevent any of the following:

24 (a) An individual licensed under any other part or act from
25 performing activities that are considered massage therapy services
26 if those activities are within the individual's scope of practice
27 and if the individual does not use the titles, words, or initials
28 protected under section 17953.

29 (b) The practice of massage therapy that is an integral part

1 of a program of study by students enrolled in a school ~~, provided~~
 2 ~~that or by apprentices, if~~ they are identified as students **or**
 3 **apprentices** and provide massage therapy services only while under
 4 the supervision of a licensed massage therapist.

5 (c) Self-care by a patient or uncompensated care by a friend
 6 or family member who does not represent or hold himself or herself
 7 out to be a licensed massage therapist.

8 Sec. 17959. (1) If it receives a completed application and
 9 payment of the appropriate application processing and license fee,
 10 the department shall ~~issue~~ **grant** a license under this part to an
 11 individual who fulfills all of the following requirements:

12 (a) Is of good moral character. ~~as defined in section 1 of~~
 13 ~~1974 PA 381, MCL 338.41.~~

14 (b) Is at least 18 years of age.

15 (c) Has successfully passed an examination that meets the
 16 requirements of section 17961.

17 (d) Has successfully completed 1 of the following, and
 18 provides an academic transcript **or other documentation** that is
 19 satisfactory to the ~~board~~ **department** as evidence of successful
 20 completion:

21 (i) A massage education program that meets all of the
 22 following:

23 (A) Includes at least 500 hours of classroom instruction to
 24 complete the program if the applicant is or was enrolled in the
 25 school before August 1, 2017, or at least 625 hours of classroom
 26 instruction if the applicant enrolls in the school on or after
 27 August 1, 2017.

28 (B) Uses only classroom instruction described in subsection

29 (3) (a) (i) to provide program components that contain psychomotor

1 domain learning, including palpation, hands-on techniques, and
2 clinical or lab experiences, or to provide other program components
3 that the board determines require classroom instruction described
4 in subsection (3)(a)(i).

5 (C) All classroom instruction in the program is facilitated by
6 a qualified instructor who is trained in the subject matter ~~he or~~
7 ~~she~~ **the instructor** is teaching, and, if the classroom instruction
8 is provided by distance education, is trained in distance education
9 teaching methods.

10 (ii) The following number of hours of course and clinical
11 massage education in a substantially equivalent program in another
12 state, country, jurisdiction, territory, or province that, on a
13 case-by-case review, is found by the board to be sufficient:

14 (A) If the applicant is or was enrolled in the school before
15 August 1, 2017, at least 500 hours.

16 (B) If the applicant enrolls in the school on or after August
17 1, 2017, at least 625 hours.

18 **(iii) An apprenticeship program in which the individual has**
19 **served as an apprentice for not less than 625 hours.**

20 (2) The department shall ~~issue~~ **grant** a license to an applicant
21 who meets the requirements of subsection (1)(a) and (b) and who is
22 currently licensed as a massage therapist in another state,
23 country, jurisdiction, territory, or province that requires
24 standards for licensure that are substantially equivalent to the
25 requirements for licensure under this part, as determined by the
26 board.

27 (3) As used in this section:

28 (a) "Classroom instruction" means educational instruction that
29 meets either of the following:

1 (i) Is provided at a physical location where the students and
2 an instructor are present.

3 (ii) Is provided by distance education.

4 (b) "Distance education" means instruction that meets all of
5 the following:

6 (i) Is provided electronically or online.

7 (ii) Does not require that the students and the instructor are
8 physically present at the same place.

9 (iii) Allows for regular interaction between the students and
10 instructor through a learning management system, online discussion
11 board, live chat, or virtual classroom.

12 (iv) Provides a method for unique sign-in for student
13 identification, provides for timely communication between
14 instructors and students, and allows students to monitor their
15 grades and progress.

16 **Sec. 17959a. (1) Subject to this section and the rules**
17 **promulgated under this section, a massage therapist who operates an**
18 **apprenticeship program shall ensure that the apprenticeship program**
19 **complies with all of the following requirements:**

20 (a) An apprentice is not required to be in attendance for more
21 than 40 hours per week.

22 (b) A daily record of the attendance of each apprentice is
23 maintained and a copy of the record is sent to the department on
24 the department's request.

25 (c) A grading system for apprentices is established.

26 (d) Before engaging in the practice of massage therapy on
27 members of the public, the apprentice completes 20 hours of
28 coursework or instruction.

29 **(2) Before a massage therapist accepts an individual as an**

1 apprentice, the individual shall submit an application to the
2 department for an apprenticeship permit. The application must be in
3 a form and submitted in a manner required by the department and
4 must include the name and license number of the massage therapist
5 who will be operating the apprenticeship program. An apprenticeship
6 permit issued under this section must contain the name of the
7 apprentice and the name and license number of the massage therapist
8 operating the apprenticeship program. The massage therapist
9 operating the apprenticeship program shall ensure that the
10 apprenticeship permit is displayed in the same manner as a
11 certificate of licensure under section 16191.

12 (3) To operate an apprenticeship program, a massage therapist
13 must have at least 10 years of experience engaging in the practice
14 of massage therapy and the massage therapist's license must be in
15 good standing.

16 (4) A massage therapist who operates an apprenticeship program
17 shall not charge a fee to an apprentice for the training of the
18 practice of massage therapy. A massage therapist who operates an
19 apprenticeship program where 1 apprentice has been successfully
20 trained may allow the training of additional apprentices at the
21 location where the massage therapist operates, except that not more
22 than 2 apprentices may be trained by a massage therapist at the
23 same time.

24 (5) The department may suspend or revoke an apprenticeship
25 permit in the same manner as a license under part 161 for a
26 violation of this section or a rule promulgated under this section.

27 (6) The department, in consultation with the board, shall
28 promulgate rules to implement this section.