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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF MASSAGE THERAPISTS

Introduced By: Senators Miller, DiMario, Valverde, Cano, Lauria, and Ujifusa

Date Introduced: March 01, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-20.8 of the General Laws entitled "Licensing of Massage
2 Therapists" is hereby repealed in its entirety.

~~CHAPTER 23-20.8~~

~~Licensing of Massage Therapists~~

~~**23-20.8-1. Definitions.**~~

~~As used in this chapter:~~

7 ~~(1) "Board" means the Rhode Island State Board of Licensed Massage Therapists as~~
8 ~~established within this chapter.~~

9 ~~(2) "Bodyworks" and "bodyworks services" means body rubs, body stimulation,~~
10 ~~manipulation, or conditioning of any part or parts of the body, spa services, and spa treatments~~
11 ~~performed by any person not licensed under this title.~~

12 ~~(3) "Continuing education" means a course of study subsequent to the completion of, and~~
13 ~~in addition to, an approved entry level program of massage therapy education.~~

14 ~~(4) "Continuing education units" means an instructional period of at least fifty (50)~~
15 ~~continuous minutes per hour in a recognized or approved course.~~

16 ~~(5) "Massage" means the systematic and scientific manipulation of the soft tissues of the~~
17 ~~body accomplished by the use of digits, hands, forearms, elbows, knees, or feet, hand-held tool, or~~
18 ~~other external apparatus. Massage may include the use of topical applications.~~

19 ~~(6) "Massage therapist" means a person engaged in the practice of massage and is licensed~~

1 ~~in accordance with this chapter of the general laws of the state of Rhode Island.~~

2 ~~(7) "Massage therapy" means the use of massage for therapeutic purposes, including, but~~
3 ~~not limited to: pain management, stress reduction, promotion of relaxation, and enhancement of~~
4 ~~general health and well-being. Massage therapy includes, but is not limited to, manipulation of soft~~
5 ~~tissue and normal movement of the body to develop an appropriate massage therapy session and~~
6 ~~the delivery of self-care and health maintenance information. Massage therapy does not encompass:~~

7 ~~(i) Diagnosis;~~

8 ~~(ii) The prescribing of drugs or medicines;~~

9 ~~(iii) Spinal manipulation; and~~

10 ~~(iv) Any service or procedure for which a license or registration is required by law,~~
11 ~~including, but not limited to, the practice of medicine, chiropractic, naturopathy, physical therapy,~~
12 ~~occupational therapy, nutrition, psychotherapy, behavioral health services, or podiatry.~~

13 ~~(8) "Practice of massage therapy" means the exchange of massage therapy services for~~
14 ~~currency, goods, or services.~~

15 ~~(9) "Topical applications" means but is not limited to, lubricants, emollients, non-~~
16 ~~prescription analgesics, and the use of heat and cold.~~

17 ~~**23-20.8-2. Repealed.**~~

18 ~~**23-20.8-2.1. Board of massage therapists.**~~

19 ~~(a) Within the division of professional regulation of the department of health, there shall~~
20 ~~be a Rhode Island state board of licensed massage therapists appointed by the director of the~~
21 ~~department of health with the approval of the governor. Composition of board members: The board~~
22 ~~shall consist of seven (7) members who reside in the state of Rhode Island. At all times at least four~~
23 ~~(4) members shall be massage therapists in good standing, and shall have engaged in the practice~~
24 ~~of massage therapy for not less than five (5) years. One member shall be a member of the general~~
25 ~~public, who does not have financial interest in the profession, or is married to or in domestic~~
26 ~~partnership with someone in the profession. At no time shall more than one board member be an~~
27 ~~owner of, an instructor of, or otherwise affiliated with a board-approved massage therapy school~~
28 ~~or a course of instruction. The four (4) members who are licensed pursuant to this chapter shall~~
29 ~~represent both solo practitioners as well as members of a group practice.~~

30 ~~(b) The board shall be appointed for staggered terms. All terms shall be for two (2) years.~~
31 ~~No member shall serve more than three (3) consecutive terms. Upon the death, resignation, or~~
32 ~~removal of any member, the director of the department of health, with the approval of the governor,~~
33 ~~shall appoint to fill vacancies, as they occur, a qualified person to serve on the board for the~~
34 ~~remainder of his or her term or until his or her successor is appointed and qualified.~~

1 ~~(c) The board shall elect, at its first meeting of the calendar year, from its members a chair~~
2 ~~and other officers as it deems appropriate and necessary to conduct business. The chair shall preside~~
3 ~~at meetings of the board and shall be responsible for the performance of all duties and functions of~~
4 ~~the board and shall perform those duties customarily associated with the position in addition to~~
5 ~~other duties assigned by the board. The board shall designate a member to serve in the absence of~~
6 ~~the chair.~~

7 ~~(d) The chair and any other officer shall serve a term of one year commencing with the day~~
8 ~~of his or her election and ending upon the election of his or her successor.~~

9 ~~(e) The director of the department of health may remove any member of the board for the~~
10 ~~neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable~~
11 ~~conduct. Before beginning his or her term of office, each member shall take the oath prescribed by~~
12 ~~law, a record of which shall be filed with the secretary of state.~~

13 ~~(f) A board member may be suspended or removed by the director of the department of~~
14 ~~health for unprofessional conduct; refusal or inability of a board member to perform his or her~~
15 ~~duties as a member of the board in an efficient, responsible, and professional manner; conviction~~
16 ~~of a felony or of a crime related to the practice of the healthcare profession; failure to meet the~~
17 ~~qualifications of this statute; or committing any act prohibited by this statute.~~

18 ~~(g) Members of the board shall not receive compensation for their attendance at official~~
19 ~~meetings of the board, or attendance at any meeting that would constitute official board business,~~
20 ~~including teleconference calls or other board responsibilities.~~

21 ~~(h) The board shall meet at least quarterly. The board may hold additional meetings at the~~
22 ~~call of the chair or at the written request of any three (3) members of the board. The chair of the~~
23 ~~board shall have the authority to call other meetings at his or her discretion.~~

24 ~~(i) The board may appoint committees as it considers necessary to carry out its duties.~~

25 ~~(j) A quorum shall be necessary to conduct official board business or any committee~~
26 ~~thereof. A majority of the members shall constitute a quorum. The board may enter into executive~~
27 ~~(closed) session according to relevant law.~~

28 ~~**23-20.8.3. Practice of massage therapy — License required — Use of title limited —**~~
29 ~~**Qualifications for licenses continuing education — Fees.**~~

30 ~~(a) A person shall not practice, or hold himself or herself out to others as practicing massage~~
31 ~~therapy, or as a massage therapist, without first receiving from the board a license to engage in that~~
32 ~~practice.~~

33 ~~(b) A person shall hold himself or herself out to others as a massage therapist when the~~
34 ~~person adopts or uses any title or description, including: "massage therapist," "masseur,"~~

1 ~~"masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage~~
2 ~~technician," "massage practitioner," or any derivation of those terms that implies this practice.~~

3 ~~(c) It shall be unlawful to advertise the practice of massage therapy using the term massage~~
4 ~~therapy, or any other term that implies a massage technique or method, in any public or private~~
5 ~~publication or communication by a person not licensed by the state of Rhode Island department of~~
6 ~~health as a massage therapist. Any person who holds a license to practice as a massage therapist in~~
7 ~~this state may use the title "licensed massage therapist" and the abbreviation "LMT." No other~~
8 ~~persons may assume this title or use such abbreviation or any other word, letters, signs, or figures~~
9 ~~to indicate that the person using the title is a licensed massage therapist. A massage therapist's name~~
10 ~~and license number must conspicuously appear on all of the massage therapist's print and electronic~~
11 ~~material. A massage therapist licensed under this chapter must have available his or her license in~~
12 ~~all places of business practice.~~

13 ~~(d)(1) The board shall, by rule, establish requirements for continuing education. The board~~
14 ~~may establish such requirements to be completed and verified annually. The board shall require no~~
15 ~~more than six (6) continuing education units annually.~~

16 ~~(2) Applicants for annual licensure renewal shall meet continuing education requirements~~
17 ~~as prescribed by the board. On application for renewal of license, massage therapists shall attest to~~
18 ~~completion of six (6) continuing education units annually that may include, but not be limited to:~~

19 ~~(i) Formal presentations;~~

20 ~~(ii) Conferences;~~

21 ~~(iii) Coursework from a massage school or program, accredited college/university; and/or~~

22 ~~(iv) Self study or online coursework.~~

23 ~~The programs or offerings shall be approved or sponsored by a board approved~~
24 ~~organization.~~

25 ~~(3) A licensee who fails to complete the continuing education requirements described~~
26 ~~herein may be subject to disciplinary action pursuant to § 5-40-13.~~

27 ~~(4) A license may be denied to any applicant who fails to provide satisfactory evidence of~~
28 ~~completion of continuing education relevant to massage therapy as required herein.~~

29 ~~(5) The board may waive the requirement for continuing education if the board is satisfied~~
30 ~~that the applicant has suffered hardship that may have prevented meeting the educational~~
31 ~~requirements.~~

32 ~~(e) The fee for original application for licensure as a massage therapist and for annual~~
33 ~~license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall~~
34 ~~be fixed in an amount necessary to cover the cost of administering this chapter.~~

1 ~~(f) Any person applying for a license under this chapter shall undergo a national criminal~~
2 ~~background check. Such persons shall apply to the bureau of criminal identification of the state~~
3 ~~police or local police department for a national criminal background check. Fingerprinting shall be~~
4 ~~required. Upon the discovery of any disqualifying information as defined in subsection (g), the~~
5 ~~bureau of criminal identification of the state police or the local police department shall inform the~~
6 ~~applicant, in writing, of the nature of the disqualifying information and, without disclosing the~~
7 ~~nature of the disqualifying information, shall notify the board, in writing, that disqualifying~~
8 ~~information has been found. In those situations in which no disqualifying information has been~~
9 ~~found, the bureau of criminal identification shall inform the applicant and the board in writing of~~
10 ~~this fact. An applicant against whom disqualifying information has been found may request that a~~
11 ~~copy of the national criminal background report be sent to the board, which shall make a judgment~~
12 ~~regarding the licensure of the applicant. The applicant shall be responsible for payment of the costs~~
13 ~~of the national criminal background check.~~

14 ~~(g) "Disqualifying information" means those offenses, including, but not limited to, those~~
15 ~~defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.~~

16 ~~(h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening,~~
17 ~~the presence, the location, and the operation of any bodyworks business or any business providing~~
18 ~~bodyworks services. Provided, however, no ordinance may impose additional qualifications~~
19 ~~beyond those adopted by the department of health pursuant to this chapter respecting national~~
20 ~~criminal background checks for persons applying for a license.~~

21 ~~**23-20.8-4. Board of massage therapists—Powers and duties.**~~

22 ~~Subject to the provisions of this chapter, the board shall have the authority to implement,~~
23 ~~interpret, and enforce this statute including, but not limited to, the authority to:~~

24 ~~(1) Adopt rules and regulations governing the licensure of massage therapists in a manner~~
25 ~~consistent with the provisions of this chapter and in accordance with the procedures outlined in the~~
26 ~~administrative procedures act and promulgated in accordance with state law;~~

27 ~~(2) Evaluate the qualifications of applicants for licensure;~~

28 ~~(3) Assess entry level competence through the use of an examination approved by the~~
29 ~~board;~~

30 ~~(4) Recommend the issuing or renewal of a license to applicants or licensed massage~~
31 ~~therapists who meet the qualifications of the statute and all rules applicable to this chapter as~~
32 ~~promulgated by the board;~~

33 ~~(5) Establish and enforce standards of professional and ethical conduct for licensed~~
34 ~~massage therapists;~~

1 ~~(6) Adopt rules that endorse equivalent licensure examinations of another state or territory~~
2 ~~of the United States, the District of Columbia, or a foreign country and that may include licensure~~
3 ~~by reciprocity; hold hearings, as necessary, in accordance with the administrative procedures act;~~

4 ~~(7) Maintain a complete record of all licensed massage therapists, ensure licensee~~
5 ~~compliance with all established requirements;~~

6 ~~(8) The board will make an annual report to the governor that shall contain duties~~
7 ~~performed, actions taken, and appropriate recommendations;~~

8 ~~(9) The board will consult and advise other regulatory entities as necessary regarding issues~~
9 ~~pertaining to massage therapy education and/or issues related to the regulation of massage~~
10 ~~therapists;~~

11 ~~(10) Upon receipt of a complaint, the department of health shall authorize the investigation~~
12 ~~of any allegations of wrongdoing undertaken by any person, entity, license or organization related~~
13 ~~to the practice of massage therapy;~~

14 ~~(11) The board shall review investigative reports deemed necessary by the director and~~
15 ~~make appropriate recommendations to the director for action including, but not limited to, issuance~~
16 ~~of a letter of concern or warning of the possible infraction of this statute; issuance of a letter~~
17 ~~initiating a ten day (10) corrective action period allowing the person practicing to address an~~
18 ~~infraction; suspension for a period not to exceed ninety (90) days of any license issued under the~~
19 ~~authority of this chapter; and may, after due notice and hearing, revoke the license if it is found that~~
20 ~~the person practicing massage therapy is in violation of those rules and regulations or any provision~~
21 ~~of this chapter. The holder of a license shall upon its revocation promptly surrender it to the board~~
22 ~~or its designee.~~

23 ~~**23-20.8-5. Application for license — Issuance or denial of license — Minimum**~~
24 ~~**qualifications.**~~

25 ~~(a) Every person desiring to begin the practice of massage therapy, except exempt persons~~
26 ~~as provided in this chapter, shall present satisfactory evidence to the division of professional~~
27 ~~regulation of the department of health that he or she:~~

28 ~~(1) Is over eighteen (18) years of age;~~

29 ~~(2) Has submitted to a national criminal background check in accordance with § 23-20.8-~~
30 ~~3;~~

31 ~~(3) Has successfully completed an educational program, meeting minimum requirements~~
32 ~~established by the board, including at least six hundred fifty (650) hours of supervised in-class,~~
33 ~~hands-on coursework and clinical work; and~~

34 ~~(4) Has successfully completed an examination approved by the board. Any examination~~

1 approved by the board must meet generally recognized standards including development through
2 the use of a job task analysis and must meet appropriate psychometric standards.

3 (b) ~~The department may grant a license to any applicant satisfying the requirements of~~
4 ~~subsection (a), has completed all appropriate forms, paid all appropriate fees and has met~~
5 ~~substantially equivalent standards in obtaining a valid license, permit, certificate or registration~~
6 ~~issued by any other state or territory of the United States or by a foreign country.~~

7 (c) ~~The department shall, within sixty (60) days from the time any application for a license~~
8 ~~is received, grant the application and issue a license to practice massage therapy for a year from~~
9 ~~that date if the department is satisfied that the applicant complies with the rules and regulations~~
10 ~~promulgated in accordance with this chapter. An applicant, whose national criminal background~~
11 ~~check reveals a conviction for any sexual offense, including, but not limited to, those offenses~~
12 ~~defined in chapters 34 and 37 of title 11, shall be denied a license under this chapter.~~

13 (d) ~~The fee for original application for licensure as a massage therapist and the fee for~~
14 ~~annual license renewal shall be determined by the department of health.~~

15 **23-20.8-6. Suspension and revocation of licenses.**

16 Whenever the board, or board designee, or any city or town licensing authority, shall have
17 reason to believe or that any person licensed under this chapter to practice massage therapy has
18 been convicted of any sexual offense, or that any person is practicing massage in violation of this
19 chapter or regulations promulgated under this chapter, the board, or board designee, or any city or
20 town licensing authority, may, pending an investigation and hearing, suspend, for a period not
21 exceeding ninety (90) days, any license issued under authority of this chapter and may, after due
22 notice and hearing, revoke the license if he or she finds that the person practicing massage is in
23 violation of those rules and regulations or any provision of this chapter. The holder of a license
24 shall, upon its revocation promptly surrender it to the board, or board designee, or any city or town
25 licensing authority.

26 **23-20.8-7. Judicial review of license action.**

27 Any person aggrieved by a decision of the board, or board designee, or any city or town
28 licensing authority, refusing to grant an application for a license under this chapter, or suspending
29 or revoking any license already issued, may, within thirty (30) days, exclusive of Sundays and
30 holidays, after receiving notice of that decision or order of the board, administrator of professional
31 regulation, or director department of health may be taken by an aggrieved party to the superior
32 court in the manner provided for in chapter 35 of title 42.

33 **23-20.8-8. Repealed.**

34 **23-20.8-9. Persons exempt.**

1 ~~Nothing contained in this chapter shall prohibit:~~

2 ~~(1) A person who is otherwise licensed, certified, or registered in accordance with the~~
3 ~~general laws of Rhode Island, from performing service within his or her authorized scope of~~
4 ~~practice and who does not hold himself/herself out to be a massage therapist.~~

5 ~~(2) A nonresident massage therapist holding a valid license, permit, certificate, or~~
6 ~~registration issued by another state or territory of the United States, the District of Columbia, or a~~
7 ~~foreign country when incidentally in this state to provide service as part of an emergency response~~
8 ~~team working in conjunction with disaster relief officials.~~

9 ~~(3) A nonresident massage therapist holding a valid license, permit, certificate, or~~
10 ~~registration issued by any other state or territory of the United States, the District of Columbia, or~~
11 ~~by a foreign country and temporarily practicing massage therapy in this state for a period not~~
12 ~~exceeding thirty (30) days for the purpose of presenting educational or clinical programs, lectures,~~
13 ~~seminars, or workshops to massage therapists.~~

14 ~~(4) A graduate from an approved educational program may practice massage therapy only~~
15 ~~under the supervision of one, assigned, onsite licensed massage therapist. Graduates have ninety~~
16 ~~(90) days from the date on the application fee receipt to meet licensure requirements of this state in~~
17 ~~accordance with regulations prescribed by the board.~~

18 ~~(5) A massage therapist who provides acceptable evidence of being currently licensed to~~
19 ~~practice massage therapy by examination or endorsement under the laws of other states or territories~~
20 ~~of the United States, the District of Columbia, or by a foreign country has a grace period of forty-~~
21 ~~five (45) days from the date on the application fee receipt to meet licensure requirements of this~~
22 ~~state in accordance with regulations prescribed by the board. The original privilege to work forty-~~
23 ~~five (45) days from the date on the application fee receipt shall not be extended or renewed.~~

24 ~~(6) A nonresident massage therapist holding a valid license, permit, certificate, or~~
25 ~~registration issued by any other state or territory of the United States, the District of Columbia, or~~
26 ~~by a foreign country when in this state as part of a charity/event where massage is appropriate.~~

27 ~~(7) [Deleted by P.L. 2019, ch. 114, § 1 and P.L. 2019, ch. 140, § 1].~~

28 ~~**23-20.8-10. Enforcement.**~~

29 ~~Except for the provisions of § 23-20.8-11 this chapter shall be enforced by the director of~~
30 ~~health or any city or town licensing authority.~~

31 ~~**23-20.8-11. Penalties.**~~

32 ~~(a) Any person who practices massage therapy or acts in any capacity where a license is~~
33 ~~required by this chapter, without a license provided for in this chapter, shall be guilty of a~~
34 ~~misdemeanor.~~

1 ~~(b) Any owner, operator, manager, or licensee in charge of or in control of a massage~~
2 ~~therapy practice who knowingly employs a person who is not licensed as a massage therapist, or~~
3 ~~who allows an unlicensed person to perform, operate, or practice massage therapy is guilty of a~~
4 ~~misdemeanor.~~

5 ~~(c) The practice of massage therapy by a person without a license issued under this chapter~~
6 ~~is declared to be a danger to the public health and welfare. In addition to any other civil, criminal,~~
7 ~~or disciplinary remedy, the attorney general or prosecuting attorney of any municipality where the~~
8 ~~person is practicing, or purporting to practice, may maintain an action to enjoin that person from~~
9 ~~practicing massage therapy until this person secures a valid license.~~

10 ~~(d) [Deleted by P.L. 2008, ch. 100, art. 6, § 1].~~

11 SECTION 2. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
12 is hereby amended by adding thereto the following chapter:

13 CHAPTER 93

14 LICENSING OF MASSAGE THERAPISTS

15 **5-93-1. Short title.**

16 This act shall be known and may be cited as the "Rhode Island Massage Therapy Practice
17 Act."

18 **5-93-2. Purpose and legislative declaration.**

19 The purpose of this chapter is to protect the health, safety and welfare of the public. The
20 legislature declares that the practice of massage therapy is a healthcare and wellness profession in
21 need of regulation and that only qualified persons be permitted to engage in the practice as defined
22 herein.

23 It is declared that the practice of massage therapy merit and receive the confidence of the
24 public through the enforcement of this chapter, any applicable regulations, and other relevant laws.

25 It is further declared that this chapter is intended to fully occupy the entire field of massage therapy
26 and that any city, town or subdivision thereof is prohibited from adopting laws that infringe on the
27 scope of this chapter. This chapter shall be liberally construed to effectuate the broad purpose of
28 protecting the health, safety, and welfare of the public.

29 **5-93-3. Definitions.**

30 As used in this chapter:

31 (1) "Approved massage therapy education program" means a school or education program
32 that meets the criteria established in rule by the board, and is both authorized in the jurisdiction in
33 which it is located and that reflects a curriculum acceptable to an accrediting body recognized by
34 the U.S. Department of Education. Education received outside the United States must be

1 substantially equivalent to the criteria of this chapter and must be recognized by the jurisdiction in
2 which it is located.

3 (2) "Board" means the Rhode Island state board of licensed massage therapists as
4 established within this chapter.

5 (3) "Bodyworks" and "bodyworks services" means body rubs, body stimulation,
6 manipulation, or conditioning of any part or parts of the body, spa services, and spa treatments
7 performed by any person not licensed under this title.

8 (4) "Continuing education" means a course of study subsequent to the completion of, and
9 in addition to, an approved entry-level program of massage therapy education.

10 (5) "Continuing education units" means an instructional period of at least fifty (50)
11 continuous minutes per hour in a recognized or approved course.

12 (6) "Department" means the department of health.

13 (7) "Examination" means a recognized standardized test or examination of entry level
14 massage therapy knowledge, skills and abilities and must meet appropriate psychometric standards
15 that is approved by the board.

16 (8) "Final adverse action" means all actions that require reporting to the state or federal
17 authorities, including, but not limited to, the Healthcare Integrity and Protection Data Bank
18 (HIPDB/National Practitioner Data Bank (NPDB))

19 (9) "Massage" means the systematic and scientific manipulation of the soft tissues of the
20 body accomplished by the use of digits, hands, forearms, elbows, knees, or feet, hand-held tool, or
21 other external apparatus and may include the use of topical applications. Massage is a service
22 performed by a professional operating within the massage therapists authorized scope of practice,
23 who is licensed, certified or registered in accordance with the general laws of Rhode Island.

24 (10) "Massage therapist" means a person engaged in the practice of massage therapy and
25 is licensed in accordance with this chapter.

26 (11) "Massage therapy" means the use of massage by a massage therapist, licensed under
27 this chapter for therapeutic purposes, including, but not limited to, pain management, stress
28 reduction, promotion of relaxation, and enhancement of general health and well-being. Massage
29 therapy includes, but is not limited to, manipulation of soft tissue and normal anatomical range of
30 movement of the body to develop an appropriate massage therapy session by assessment,
31 evaluation and/or treatment, and the delivery of self-care and health maintenance information.
32 Massage therapy does not encompass:

33 (i) Diagnosis;

34 (ii) The prescribing of drugs or medicines;

1 (iii) Spinal manipulation; and
2 (iv) Any service or procedure for which a license or registration is required by law,
3 including, but not limited to, the practice of medicine, chiropractic, naturopathy, physical therapy,
4 occupational therapy, nutrition, psychotherapy, behavioral health services, or podiatry.

5 (12) "Practice of massage therapy" means the exchange of massage therapy services for
6 currency, goods, or services.

7 (13) "Topical applications" means, but is not limited to, lubricants, emollients, non-
8 prescription analgesics, and the use of heat and cold.

9 **5-93-4. Scope of practice of massage therapy.**

10 "Massage therapy" means the use of massage by a massage therapist licensed under this
11 chapter for therapeutic purposes, including, but not limited to, pain management, stress reduction,
12 promotion of relaxation, and enhancement of general health and well-being. Massage therapy
13 includes, but is not limited to, manipulation of soft tissue and normal anatomical range of
14 movement of the body to develop an appropriate massage therapy session by assessment,
15 evaluation and/or treatment and the delivery of self-care and health maintenance information.

16 Massage therapy does not encompass:

17 (1) Diagnosis;

18 (2) The prescribing of drugs or medicines;

19 (3) Spinal manipulation; and

20 (4) Any service or procedure for which a license or registration is required by law,
21 including, but not limited to, the practice of medicine, chiropractic, naturopathy, physical therapy,
22 athletic training, occupational therapy, nutrition, psychotherapy, behavioral health services, or
23 podiatry.

24 **5-93-5. Special provisions.**

25 Nothing contained in this chapter shall prohibit:

26 (1) A person who is otherwise licensed, certified, or registered in accordance with the
27 general laws of Rhode Island, from performing services within their authorized scope of practice
28 and who does not hold themselves out to be a massage therapist or practicing massage therapy.

29 (2) A nonresident massage therapist holding a valid license, permit, certificate, or
30 registration issued by another state or territory of the United States, the District of Columbia, or a
31 foreign country when incidentally in this state to provide service as part of an emergency response
32 team working in conjunction with disaster relief officials.

33 (3) A nonresident massage therapist holding a valid license, permit, certificate, or
34 registration issued by any other state or territory of the United States, the District of Columbia, or

1 by a foreign country and temporarily practicing massage therapy in this state for a period not
2 exceeding thirty (30) days for the purpose of presenting educational or clinical programs, lectures,
3 seminars, or workshops to massage therapists.

4 (4) A currently enrolled student in an approved massage therapy education program from
5 engaging in the practice of massage therapy, under the supervision of a licensed massage therapist
6 or healthcare provider, provided the practice, conduct, activities or services constitute a part of a
7 required course of study in the program and that such persons are identified as students.

8 (5) A graduate from an approved educational program may practice massage therapy only
9 under the supervision of one, assigned, onsite licensed massage therapist. Graduates have ninety
10 (90) days from the date on the application fee receipt to meet licensure requirements of this state in
11 accordance with regulations prescribed by the board.

12 (6) A massage therapist who provides acceptable evidence of being currently licensed to
13 practice massage therapy by examination or endorsement under the laws of other states or territories
14 of the United States, the District of Columbia, or by a foreign country has a grace period of forty-
15 five (45) days from the date on the application fee receipt to meet licensure requirements of this
16 state in accordance with regulations prescribed by the board. The original privilege to work forty-
17 five (45) days from the date on the application fee receipt shall not be extended or renewed.

18 (7) A nonresident massage therapist holding a valid license, permit, certificate, or
19 registration issued by any other state or territory of the United States, the District of Columbia, or
20 by a foreign country when in this state as part of a charity/event where massage is appropriate.

21 **5-93-6. Title protection and protected terms.**

22 (a) A person shall not practice, or hold themselves out to others as practicing massage therapy,
23 or as a massage therapist, without first receiving from the board a license to engage in that practice.

24 (b) A person shall hold themselves out to others as a massage therapist when the person adopts
25 or uses any title or description, including: "massage therapist," "masseur," "masseuse," "massagist,"
26 "massotherapist," "myotherapist," "body therapist," "massage technician," "massage practitioner,"
27 or any derivation of those terms that implies this practice.

28 (c) It shall be unlawful to advertise the practice of massage therapy using the term massage
29 therapy, or any other term that implies a massage technique or method, in any public or private
30 publication or communication by a person not licensed by the State of Rhode Island department of
31 health as a massage therapist.

32 (d) Any person who holds a license to practice as a massage therapist in this state may use
33 the title "licensed massage therapist" and the abbreviation "LMT". No other persons may assume
34 this title or use such abbreviation or any other word, letters, signs, or figures to indicate that the

1 person using the title is a licensed massage therapist.

2 (e) A massage therapist's name and license number must conspicuously appear on all of
3 the massage therapist's print and electronic material. A massage therapist licensed under this
4 chapter must have available their license, in all places of practice.

5 **5-93-7. Board of massage therapists -- Appointments, board composition and**
6 **qualifications, terms of office, removal, officers and terms of office, compensation, meetings.**

7 (a) Within the division of professional regulation of the department of health, there shall
8 be a Rhode Island state board of licensed massage therapists appointed by the director of the
9 department of health (the "director") with the approval of the governor. Composition of board
10 members: The board shall consist of seven (7) members who reside in the State of Rhode Island.
11 At all times at least four (4) members shall be licensed massage therapists in good standing, and
12 shall have engaged in the practice of massage therapy for not less than five (5) years. One member
13 shall be a member of the general public, who does not have financial interest in the profession, or
14 is married to or in domestic partnership with someone in the profession. At no time shall more than
15 one board member be an owner of, an instructor of, or otherwise affiliated with a board-approved
16 massage therapy school or a course of instruction. The four (4) members who are licensed pursuant
17 to this chapter shall represent both solo practitioners as well as members of a group practice.

18 (b) The board shall be appointed for staggered terms. All terms shall be for two (2) years.
19 No member shall serve more than three (3) consecutive terms. Upon the death, resignation, or
20 removal of any member, the director, with the approval of the governor, shall appoint to fill
21 vacancies, as they occur, a qualified person to serve on the board for the remainder of their term or
22 until a successor is appointed and qualified.

23 (c) The board shall elect, at its first meeting of the calendar year, from its members a chair
24 and other officers as it deems appropriate and necessary to conduct business. The chair shall preside
25 at meetings of the board and shall perform those duties customarily associated with the position in
26 addition to other duties assigned by the board. The board shall designate a member to serve in the
27 absence of the chair.

28 (d) The chair and any other officer shall serve a term of one year commencing with the day
29 of their election and ending upon the election of their successor.

30 (e) The director may remove any member of the board for the neglect of any duty required
31 by law or for any incompetent, unprofessional, or dishonorable conduct. Before beginning their
32 term of office, each member shall take the oath prescribed by law, a record of which shall be filed
33 with the secretary of state.

34 (f) A board member may be suspended or removed by the director for unprofessional

1 conduct; refusal or inability of a board member to perform their duties as a member of the board in
2 an efficient, responsible, and professional manner; conviction of a felony or of a crime related to
3 the practice of the healthcare profession; failure to meet the qualifications of this statute; or
4 committing any act prohibited by this statute.

5 (g) Members of the board shall not receive compensation for their attendance at official
6 meetings of the board, or attendance at any meeting that would constitute official board business,
7 including teleconference calls or other board responsibilities.

8 (h) The board shall meet at least quarterly. The board may hold additional meetings at the
9 call of the chair or at the written request of any three (3) members of the board. The chair of the
10 board shall have the authority to call other meetings at the chairs discretion.

11 (i) The board may appoint committees as it considers necessary to carry out its duties.

12 (j) A quorum shall be necessary to conduct official board business or any committee
13 thereof. A majority of the members shall constitute a quorum. The board may enter into executive
14 ("closed") session according to relevant law.

15 **5-93-8. Board of massage therapists -- Powers, responsibilities and duties.**

16 Subject to the provisions of this chapter, the board shall have the authority to implement,
17 interpret, and enforce this statute including, but not limited to, the authority to:

18 (1) Adopt rules and regulations governing the licensure of massage therapists in a manner
19 consistent with the provisions of this chapter and in accordance with the procedures outlined in the
20 administrative procedures act and promulgated in accordance with state law;

21 (2) Establish and enforce standards of professional and ethical conduct for licensed
22 massage therapists;

23 (3) Impose discipline in accordance with this chapter;

24 (4) Adopt rules that endorse equivalent licensure examinations of another state or territory
25 of the United States, the District of Columbia, or a foreign country and that may include licensure
26 by reciprocity; hold hearings, as necessary, in accordance with chapter 35 of title 42
27 ("administrative procedures");

28 (5) Maintain a complete record of all licensed massage therapists, including disciplinary
29 data, and ensure licensee compliance with all established requirements;

30 (6) The board shall make an annual report to the governor that shall contain duties
31 performed, actions taken, and appropriate recommendations;

32 (7) The board shall consult and advise other regulatory entities as necessary regarding
33 issues pertaining to massage therapy education and/or issues related to the regulation of massage
34 therapists;

1 (8) Upon receipt of a complaint, the department shall authorize the investigation of any
2 allegations of wrongdoing undertaken by any person, entity, license or organization related to the
3 practice of massage therapy;

4 (9) The board shall review investigative reports deemed necessary by the director or may
5 initiate a complaint on its own pursuant to §§ 5-93-11 or 5-93-12;

6 (10) Undertake other such duties, powers and authority as may be necessary to the
7 enforcement of this chapter and rules duly promulgated hereunder, determined to be in the interest
8 of public protection through the regulation of the profession.

9 **5-93-9. Licensing -- Qualifications for licensure (initial and endorsement), Issuance**
10 **or denial of license.**

11 (a) Every person desiring to begin the practice of massage therapy, except persons with
12 special provisions as provided in this chapter, shall present satisfactory evidence to the division of
13 professional regulation of the department that the person:

14 (1) Is over eighteen (18) years of age;

15 (2) Has submitted to a national criminal background check in accordance this chapter;

16 (3) Effective January 1, 2025:

17 (i) For an applicant for licensure pursuing a first massage therapist license:

18 Has successfully completed an approved massage therapy education program, meeting the
19 minimum requirements established by the board, including at least eight hundred (800) hours of
20 supervised in-class, hands-on coursework and clinical work' and has completed six hundred fifty
21 (650) hours prior to December 31, 2024;

22 (ii) For an applicant for licensure by endorsement, holding a massage therapist license in
23 another state:

24 Has successfully completed a massage therapy education program which meets the
25 approved massage therapy education program definition in § 5-93-3, including eight hundred (800)
26 hours of supervised in-class, hands-on coursework and clinical work or its equivalent.

27 (iii) Hour equivalents may be granted in the following manner:

28 Each fifty (50)- sixty (60) minutes obtained from a course of study in massage therapy
29 equals one hour;

30 Each one semester credit hour of massage-therapy related college/university study equals
31 fifteen (15) hours;

32 Each year of full-time practice as a massage therapist equals one hundred (100) hours;

33 Up to one hundred hours (100) may be granted for completion of continuing education
34 programs related to the massage therapy scope of practice described in § 5-93-4; and

1 (4) Has successfully completed an examination approved by the board. Any examination
2 approved by the board must meet generally recognized standards including development through
3 the use of a job-task analysis and must meet appropriate psychometric standards.

4 (b) The department may grant a license to any applicant who has satisfied the requirements
5 of subsection (a) of this section, has completed all appropriate forms, paid all appropriate fees and
6 has met substantially equivalent standards in obtaining a valid license, permit, certificate or
7 registration issued by any other state or territory of the United States or by a foreign country.

8 (c) The department shall, within sixty (60) days from the time any application for a license
9 is received, grant the application and issue a license to practice massage therapy for the remaining
10 two (2) year cycle from that date if the department is satisfied that the applicant complies with the
11 rules and regulations promulgated in accordance with this chapter. An applicant, whose national
12 criminal background check reveals a conviction for any sexual offense, including, but not limited
13 to, those offenses defined in chapters 34 and 37 of title 11, shall be denied a license under this
14 chapter.

15 (d) The fee for original application for licensure as a massage therapist and the fee for
16 annual license renewal every two (2) years shall be determined by the department.

17 (e) Any person applying for a license under this chapter shall undergo a national criminal
18 background check. Such persons shall apply to the bureau of criminal identification of the state
19 police or local police department for a national criminal background check. Fingerprinting shall be
20 required. Upon the discovery of any disqualifying information as defined in subsection (f) of this
21 section, the bureau of criminal identification of the state police or the local police department shall
22 inform the applicant, in writing, of the nature of the disqualifying information and, without
23 disclosing the nature of the disqualifying information, shall notify the board, in writing, that
24 disqualifying information has been found. In those situations, in which no disqualifying
25 information has been found, the bureau of criminal identification shall inform the applicant and the
26 board in writing of this fact. An applicant against whom disqualifying information has been found
27 may request that a copy of the national criminal background report be sent to the board, which shall
28 make a judgment regarding the licensure of the applicant. The applicant shall be responsible for
29 payment of the costs of the national criminal background check.

30 (f) "Disqualifying information" means those offenses, including, but not limited to, those
31 defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.

32 (g) Notwithstanding the provisions of this section, any city or town may, by ordinance,
33 regulate the opening, the presence, the location, and the operation of any bodyworks business or
34 any business providing bodyworks services. Provided, however, no ordinance may impose

1 additional qualifications beyond those adopted by the department pursuant to this chapter
2 respecting national criminal background checks for persons applying for a license.

3 **5-93-10. Licensing -- Licensure renewal, license availability, continuing education**
4 **requirements, fees.**

5 (a) The board shall establish by rule, the time and manner for renewal of licensure that shall
6 include continuing education requirements and renewal fees. The department shall notify each
7 person of licensure renewal to whom a license has been issued or renewed during the current
8 licensure period. Licensure renewal will take place every two (2) years.

9 (b) A massage therapist's name and license number must conspicuously appear on all of
10 the massage therapists print and electronic material. A massage therapist licensed under this chapter
11 must have available the therapist's license in all places of massage therapy practice.

12 (c) The board shall, by rule establish such continuing education requirements to be
13 completed and verified every two (2) years. The board shall require no more than twenty-four (24)
14 continuing education units every two (2) years.

15 (d) Applicants for licensure renewal shall meet continuing education requirements as
16 prescribed by the board. On application for renewal of license, massage therapists shall attest to
17 completion of twenty-four (24) continuing education units every two (2) years that may include,
18 but not be limited to:

19 (1) Formal presentations;

20 (2) Conferences;

21 (3) Coursework from a massage school or program, accredited college/university; and/or

22 (4) Self-study or online coursework.

23 The programs or offerings shall be approved or sponsored by a board-approved
24 organization.

25 (e) A licensee who fails to complete the continuing education requirements described
26 herein may be subject to disciplinary action pursuant to § 5-93-11.

27 (f) A license may be denied to any applicant who fails to provide satisfactory evidence of
28 completion of continuing education relevant to massage therapy as required herein.

29 (g) A renewal application may be reviewed by the board for investigation consistent with
30 § 5-93-11.

31 (h) The board may waive the requirement for continuing education if the board is satisfied
32 that the applicant has suffered hardship that may have prevented meeting the educational
33 requirements.

34 (i) The fee for original application for licensure as a massage therapist and for license

1 renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall be
2 fixed in an amount necessary to cover the cost of administering this chapter.

3 **5-93-11. Discipline -- Complaints, disciplinary actions, summary suspension, grounds**
4 **for disciplinary action, suspension and revocation of licenses.**

5 (a) Complaints.

6 (1) The board is authorized to initiate and investigate complaints alleging a violation of the
7 chapter or rules.

8 (2) The board shall keep a record of all complaints received and the resolution of each
9 complaint.

10 (b) Disciplinary actions. The board, upon proper notice and with opportunity for a hearing
11 conducted by the department, when required by law, may impose the following disciplinary actions
12 upon any person or entity for one or more of the grounds for disciplinary action in subsection (d)
13 of this section including, but not limited to:

14 (1) Refuse to issue, renew, or reinstate a license;

15 (2) Revoke, suspend, restrict, or limit a license;

16 (3) Place a license holder on probation, including placing limits on the licensee's practice
17 and/or supervision;

18 (4) Issue a reprimand;

19 (5) Issue a letter of concern or warning of a possible violation of this statute;

20 (6) Issue a cease-and-desist letter;

21 (7) Require payment of a fine;

22 (8) Require completion of remedial education;

23 (9) Enter into a consent order or settlement agreement; and

24 (10) Such other administrative discipline necessary to carry out the mission of public
25 protection of this chapter.

26 (c) Summary suspension. Whenever the board, or the department or any city or town
27 licensing authority, shall have reason to believe or that any person licensed under this chapter to
28 practice massage therapy has been convicted of any sexual offense, or that any person is practicing
29 massage in violation of this chapter or regulations promulgated under this chapter, the board, or the
30 department, or any city or town licensing authority, may, pending an investigation and hearing,
31 summarily suspend the licensure of a massage therapist, as long as the hearing is scheduled within
32 ninety (90) days, and may, after due notice and hearing, revoke the license or take other appropriate
33 action listed in subsection (b) of this section, if the department finds that the person practicing
34 massage is in violation of those rules and regulations or any provision of this chapter. The holder

1 of a license shall, upon its revocation, promptly surrender it to the board, or board designee, or any
2 city or town licensing authority.

3 (d) Grounds for disciplinary action. The following shall be grounds for the board to impose
4 one or more disciplinary actions including, but not limited to:

5 (1) Conduct that violates any provision of this chapter or board rules adopted hereunder,
6 including a violation of the standards of practice and codes of ethics adopted by the board;

7 (2) Aiding or abetting another person in the violation of this chapter or board rules;

8 (3) Fraud, deceit or misrepresentation in obtaining or attempting to obtain or renew a
9 license;

10 (4) Aiding or abetting another person or entity in the unlicensed practice of massage
11 therapy;

12 (5) Misuse of license certificate, including sale or barter of a license; use of another license;
13 or allowing use of a license by an unlicensed person or entity;

14 (6) Practicing outside the scope of authority, training or education;

15 (7) Delegation of professional responsibilities to a person who is not educated or trained to
16 undertake such responsibilities;

17 (8) Incapacity or impairment that prevents such licensee from engaging in the practice of
18 massage therapy with reasonable skill, competence and safety;

19 (9) Conviction of:

20 (i) A felony; or

21 (ii) Any crime related to the practice of massage therapy;

22 (10) Violations of the laws or rules of this state, violations of the laws or rules of any other
23 state or violations of the laws or rules of the federal government;

24 (11) Failure to pay the costs or fines assessed by the board;

25 (12) Conduct that violates the security of any licensure examination, including, but not
26 limited to, obtaining access to examination questions prior to the exam, reproduction of
27 examination questions whether for or not for compensation, or any other conduct that breaches the
28 security of a licensure examination or any other examination used to qualify applicants for licensure
29 or renewal;

30 (13) Being subject to any disciplinary sanction from this or any other jurisdiction against
31 any professional license, including any license related to the practice of massage therapy;

32 (14) Negligence, gross negligence, incompetence or gross incompetence;

33 (15) Deceptive, untrue, or fraudulent billing, charges, use of title, terms or representations
34 in the practice of massage therapy;

1 (16) Failure to cooperate in any investigation including the submission of documents duly
2 requested by the board; and

3 (17) Failure to comply with any board order, including a final adverse action.

4 (e) Judicial review of license action. Any person aggrieved by a decision of the board, or
5 board designee, or any city or town licensing authority, refusing to grant an application for a license
6 under this chapter, or suspending or revoking any license already issued, may, within thirty (30)
7 days, exclusive of Sundays and holidays, after receiving notice of that decision or order of the
8 board, administrator of professional regulation, or director of the department may be taken by an
9 aggrieved party to the superior court in the manner provided for in chapter 35 of title 42
10 ("administrative procedures").

11 **5-93-12. Discipline -- Unlawful practice, unlicensed practice, unlawful advertising.**

12 (a) Unlawful practice and unlicensed practice. It is unlawful for any person or entity to:

13 (1) Practice massage therapy without a valid license from the department;

14 (2) Own, operate, or manage a business which employs, contracts with, or allows one or
15 more unlicensed persons to offer or provide massage therapy;

16 (3) Represent, hold out, offer or advertise that the person is a licensed massage therapist,
17 or any other word that means massage therapist as defined in § 5-93-3 unless licensed under this
18 chapter by the department.

19 (b) Unlawful advertising. It is unlawful for any person or entity to:

20 (1) Represent, assume or hold out, or advertise the title "licensed massage therapist" or use
21 such abbreviation "LMT" or any other word, letters, signs, or figures to indicate that the person
22 using the title is a licensed massage therapist without a valid license from the department;

23 (2) Represent, hold out, offer or advertise the practice of massage therapy using the term
24 massage therapy, or any other term that implies a massage technique or method, in any public or
25 private publication or communication by a person not licensed by the department as a massage
26 therapist.

27 **5-93-13. Discipline -- Penalties.**

28 (a) Nothing herein shall be construed to prohibit criminal prosecutions under the applicable
29 criminal code for violations of this chapter.

30 (b) Any person who practices massage therapy or acts in any capacity where a license is
31 required by this chapter, without a license provided for in this chapter, shall be guilty of a
32 misdemeanor.

33 (c) Any owner, operator, manager, or licensee in charge of or in control of any business
34 who knowingly employs a person who is not licensed as a massage therapist, or who allows an

1 unlicensed person to perform, operate, or practice massage therapy is guilty of a misdemeanor.

2 (d) The practice of massage therapy by a person without a license issued under this chapter
3 is declared to be a danger to the public health and welfare. In addition to any other civil, criminal,
4 or disciplinary remedy, the attorney general or prosecuting attorney of any municipality where the
5 person is practicing, or purporting to practice, may maintain an action to enjoin that person from
6 practicing massage therapy until this person secures a valid license.

7 **5-93-14. Discipline -- Enforcement.**

8 Except for the provisions of § 5-93-13 the provisions of this chapter shall be enforced by
9 the director of the department or any city or town licensing authority.

10 **5-93-15. Severability.**

11 If any provision of this chapter is declared unconstitutional or illegal, or the applicability
12 of this chapter to any person or circumstance is held invalid by a court of competent jurisdiction,
13 the constitutionality or legality of the remaining provisions of this chapter and the application of
14 this chapter to other persons or circumstances shall not be affected and shall remain in full force
15 and effect without the invalid provision or application.

16 SECTION 3. This act shall take effect upon passage.

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LC005330/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF MASSAGE THERAPISTS

- 1 This act would relocate the chapter relating to licensing of massage therapists from the
- 2 health and safety title to the businesses and professions title with multiple amendments.
- 3 This act would take effect upon passage.

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LC005330/SUB A
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