

2016 -- H 7007

LC003261

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HEALTH AND SAFETY - LICENSING OF MASSAGE THERAPISTS

Introduced By: Representatives Tobon, Barros, Melo, Abney, and Kazarian

Date Introduced: January 06, 2016

Referred To: House Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled "Licensing of Massage Therapists" is hereby amended to read as follows:

23-20.8-3. Practice of massage -- Licensed required -- Use of title limited -- Qualifications for licenses continuing education -- Fees. (a) A person shall not practice or hold himself or herself out to others as practicing massage therapy, or as a massage therapist without first receiving from the board a license to engage in that practice.

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

(c) It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the state of Rhode Island department of health as a massage therapist. Any person who holds a license to practice as a massage therapist in this state may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage therapist. A massage therapist's name and license number must conspicuously appear on all of the massage therapist's advertisements. A massage therapist licensed under this chapter must conspicuously display his or her license in his

1 or her principal place of business. If the massage therapists does not have a principal place of
2 business or conducts business in any other location, he or she must have a copy of his or her
3 license available for inspection while performing any activities related to massage therapy.

4 (d) (1) The board shall, by rule, establish requirements for continued education. The
5 board may establish such requirements to be completed and verified biennially or annually. The
6 board shall require no more than twelve (12) hours biennially or six (6) hours annually.

7 (2) Applicants for biennial licensure renewal shall meet continuing education
8 requirements as prescribed by the board. On application for renewal of license, massage
9 therapists shall attest to completion of six (6) hours annually in scope of practice-specific
10 offerings that may include, but not be limited to:

- 11 (i) Formal presentations;
- 12 (ii) Conferences;
- 13 (iii) Coursework from a regionally accredited college/university; and/or
- 14 (iv) Self-study course, such as online courses awarding one education hour for each hour
15 completed.

16 Such programs or offerings shall be approved or sponsored by a board-approved
17 organization. The board shall require no more than two (2) hours of ethics or standards of practice
18 biennially.

19 (3) A licensee who fails to complete the continuing education requirements described
20 herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

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

23 (5) The board may waive the requirement for these educational requirements if the board
24 is satisfied that the applicant has suffered hardship, which may have prevented meeting the
25 educational requirements.

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

29 (f) Any person applying for a license under this chapter shall undergo a criminal
30 background check. Such persons shall apply to the bureau of criminal identification of the state
31 police or local police department for a nationwide criminal records check. Fingerprinting shall be
32 required. Upon the discovery of any disqualifying information as defined in subsection (g), the
33 bureau of criminal identification of the state police or the local police department shall inform the
34 applicant, in writing, of the nature of the disqualifying information and, without disclosing the

1 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
2 information has been found. In those situations in which no disqualifying information has been
3 found, the bureau of criminal identification shall inform the applicant and the board in writing of
4 this fact. An applicant against whom disqualifying information has been found may request that a
5 copy of the criminal background report be sent to the board, which shall make a judgment
6 regarding the licensure of the applicant. The applicant shall be responsible for payment of the
7 costs of the criminal records check.

8 (g) "Disqualifying information" means those offenses, including, but not limited to,
9 those offenses defined in ~~sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.~~
10 chapters 34, 34.1, and 37 of title 11, and §23-17-37.

11 (h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening,
12 the presence, the location, and the operation of any massage business or massage parlor located or
13 operating within the municipality, including those businesses and parlors offering licensed
14 massage therapy or unlicensed massage services, sometimes referred to as "body works."

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - LICENSING OF MASSAGE THERAPISTS

- 1 This act would enable any city or town by ordinance to regulate the opening of, the
- 2 presence of, the location, and the operation of any massage business or parlor or business offering
- 3 massage services, within the municipality.
- 4 This act would take effect upon passage.

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