

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1419

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTWOOD.

Pre-filed December 13, 2007 and copies ordered printed.

Read 1st time January 9, 2008.

Read 2nd time January 10, 2008 and referred to the Special Committee on Professional Registration and Licensing January 10, 2008.

Reported from the Special Committee on Professional Registration and Licensing February 28, 2008 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 12, 2008 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfectured by Consent March 27, 2008.

D. ADAM CRUMBLISS, Chief Clerk

3717L.01P

AN ACT

To repeal section 324.265, RSMo, and to enact in lieu thereof one new section relating to massage therapy.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 324.265, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 324.265, to read as follows:

324.265. 1. A person desiring a license to practice massage therapy shall be at least eighteen years of age, **shall be of good moral character**, shall pay the appropriate required application fee, and shall submit satisfactory evidence to the board of meeting at least one of the following requirements:

(1) Has passed a statistically valid examination on therapeutic massage and body work which is approved by the board, prior to August 28, 1999, and applies for such license by December 31, 2000; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (2) [Completing] **Has completed a program of** massage therapy studies, **as defined by**
9 **the board**, consisting of at least five hundred hours of supervised instruction and subsequently
10 passing an examination approved by the board. The examination may consist of school
11 examinations. The **program and** course of instruction shall be approved by the board.

12 (a) The five hundred hours **of supervised instruction** shall consist of three hundred
13 hours dedicated to massage theory and practice techniques, one hundred hours dedicated to the
14 study of anatomy and physiology, fifty hours dedicated to business practice, professional ethics,
15 hygiene and massage law in the state of Missouri, and fifty hours dedicated to ancillary therapies,
16 including cardiopulmonary resuscitation (CPR) and first aid[; or

17 (3) Has completed five hundred hours in an apprenticeship with a certified mentor and
18 has successfully passed an examination approved by the board; or

19 (4) Has been licensed or registered as a massage therapist in another state, territory or
20 commonwealth or the District of Columbia, which maintains standards of practice and licensure
21 which substantially conform to the requirements in force in this state;

22 (5) Has been engaged in the practice of massage therapy for at least ten years prior to
23 August 28, 1999, and applies for such license by December 31, 2000; or

24 (6) Has been in the practice of massage therapy for at least three years prior to August
25 28, 1999, has completed at least one hundred hours of formal training in massage approved by
26 the board and applies for such license by December 31, 2000].

27 (b) **A person completing a massage therapy program comprised of less than five**
28 **hundred hours of supervised instruction may submit an application for licensure and the**
29 **board shall establish requirements for the applicant to complete the requirements of**
30 **paragraph (a) of subdivision (2) of this subsection.**

31 2. A person who has practiced less than three years or has less than one hundred hours
32 of training may request a waiver of the requirements of subsection 1 of this section and apply for
33 a temporary two-year license which shall not be renewable. By the end of such two-year period,
34 such person shall complete at least one hundred additional hours of formal training, including
35 at least twenty-five hours in anatomy and physiology, in a school approved by the board. Such
36 person shall have until December 31, 2000, to apply for a temporary license pursuant to this
37 subsection.

38 3. Each license issued pursuant to the provisions of this section shall expire on its
39 renewal date. The board shall renew any license upon:

40 (1) Application for renewal;

41 (2) Proof, as provided by rule, that the therapist has completed twelve hours of
42 continuing education; and

43 (3) Payment of the appropriate renewal fee.

44 Failure to obtain the required continuing education hours, submit satisfactory evidence, or
45 maintain required documentation is a violation of this subsection. As provided by rule, the board
46 may waive or extend the time requirements for completion of continuing education for reasons
47 related to health, military service, foreign residency, or other good cause. All requests for
48 waivers or extensions of time shall be made in writing and submitted to the board before the
49 renewal date.

50 4. An applicant who possesses the qualifications specified in subsection 2 of this section
51 to take the examination approved by the board may be granted a provisional license to engage
52 in the practice of massage therapy [until the date of the next examination, and thereafter until the
53 results of the examination are known]. **An applicant for a provisional license shall submit
54 proof that the applicant has applied for the examination approved by the board. A
55 provisional license shall be valid for one year from the date of issuance and shall be deemed
56 void upon its expiration date. A provisional licensee is prohibited from practicing massage
57 therapy after expiration of the provisional license.**

58 5. As determined by the board, students making substantial progress toward completion
59 of their training in an approved curriculum shall be granted a student license for the purpose of
60 practicing massage therapy on the public while under the supervision of a massage therapy
61 instructor.

62 6. [A provisional license may, at the discretion of the board, be renewed once, and] A
63 student license may be renewed until the student completes such student's training. **Upon
64 request, the board may extend a provisional license for good cause at the discretion of the
65 board. An application for the extension of a provisional license shall be submitted to the
66 board prior to the expiration of the provisional license.**

67 7. The following practitioners are exempt from the provisions of this section upon filing
68 written proof with the board that they meet one or more of the following:

69 (1) Persons who act under a Missouri state license, registration, or certification and
70 perform soft tissue manipulation within their scope of practice;

71 (2) Persons who restrict their manipulation of the soft tissues of the human body to the
72 hands, feet or ears;

73 (3) Persons who use touch and words to deepen awareness of existing patterns of
74 movement in the human body as well as to suggest new possibilities of movement;

75 (4) Persons who manipulate the human body above the neck, below the elbow, and
76 below the knee and do not disrobe the client in performing such manipulation.

77 8. Any nonresident person licensed, registered, or certified by another state or territory
78 of the United States, the District of Columbia, or foreign territory or recognized certification
79 system determined as acceptable by the board shall be exempt from licensure as defined in this

80 chapter, if such persons are incidentally called into the state to teach a course related to massage
81 or body work therapy or to provide massage therapy services as part of an emergency response
82 team working in conjunction with disaster relief officials.

83 9. Any nonresident person holding a current license, registration, or certification in
84 massage therapy from another state or recognized national certification system determined as
85 acceptable by the board shall be exempt from licensure as defined in this chapter when
86 temporarily present in this state for the purpose of providing massage therapy services at special
87 events such as conventions, sporting events, educational field trips, conferences, and traveling
88 shows or exhibitions.

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