

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. Condino

ENROLLED HOUSE BILL No. 5651

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 16334 and part 179A.

The People of the State of Michigan enact:

Sec. 16334. Fees for an individual licensed or seeking licensure as a massage therapist under part 179A are as follows:

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|--------------------------------------|---------|
| (a) Application processing fee | \$20.00 |
| (b) License fee, per year | 75.00 |

PART 179A. MASSAGE THERAPY

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

(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 own functional movement patterns. Feldenkrais method is based on principles of physics, biomechanics, and an understanding of, or learning about, human development.

(b) “Massage therapist” means an individual engaged in the practice of massage therapy.

(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.

(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.

(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.

(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 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. 17953. An individual shall not use the titles "licensed massage therapist", "massage therapist", "masseur", "massagist", "certified massage therapist", "clinical massage therapist", "medical massage therapist", "manual massage therapist", "board certified massage therapist", "massage technician", "myomassologist", "masseur", "l.m.t.", "m.m.t.", and "c.m.t.", or similar words or initials that indicate that the individual is a massage therapist, unless the individual is licensed under this article as a massage therapist. This section does not prevent the use of a name, title, or initials that are registered or otherwise protected under law and used by a person certified or otherwise approved by a private organization.

Sec. 17955. (1) The Michigan board of massage therapy is created in the department and consists of the following 11 members appointed by the governor who meet the requirements of part 161:

(a) Seven individuals who meet the requirements of section 16135(2).

(b) Four public members.

(2) Except as otherwise provided in this subsection, the terms of office of individual members of the board created under subsection (1) expire 4 years after appointment on December 31 of the year in which the term will expire. Of the members first appointed to the board under subsection (1), 4 shall be appointed for terms of 4 years, 4 shall be appointed for terms of 3 years, and 3 shall be appointed for terms of 2 years. The term of office of an individual appointed to fill a vacancy expires at the end of the term of the vacancy being filled.

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

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

(i) The Feldenkrais method.

(ii) The Trager approach.

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

(i) Polarity or polarity therapy.

(ii) Asian bodywork therapy.

(iii) Reiki.

(iv) Shiatsu.

(c) Reflexology.

(d) Structural integration.

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

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

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

(b) The practice of massage therapy that is an integral part of a program of study by students enrolled in a school, provided that they are identified as students and provide massage therapy services only while under the supervision of a licensed massage therapist.

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

Sec. 17959. (1) The department shall, upon submission of a completed application and payment of the appropriate application processing and license fee, issue a license under this part to an individual who fulfills all of the following requirements:

(a) Has a high school diploma or the equivalent as determined by the board.

(b) Is of good moral character as defined in section 1 of 1974 PA 381, MCL 338.41.

(c) Is at least 18 years of age.

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before the effective date of this section.

(e) Has successfully completed at least 1 of the following:

(i) A supervised curriculum in a school that has not less than 500 hours of classroom instruction.

(ii) At least 500 hours of course and clinical massage education in a substantially equivalent program in another state, country, jurisdiction, territory, or province that, on a case-by-case review, is found by the board to be sufficient.

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

(3) Until 2 years after the effective date of this part, the board may issue a license to an applicant who meets the requirements of subsection (1)(a), (b), and (c) and presents proof acceptable to the board that he or she has fulfilled 1 of the following requirements:

(a) For at least 1 year before the effective date of this part, has been an active member, as a massage therapist, of a national professional massage therapy association that was established before the year 2000, that offers professional liability insurance as a benefit of membership, and that has an established code of professional ethics.

(b) Has practiced massage therapy for an average of at least 10 hours per week for 5 or more years, as established by affidavit of the applicant.

(c) Has practiced massage therapy for an average of at least 10 hours per week for at least 3 years, as established by affidavit of the applicant, and has successfully completed at least 300 hours of formal training in massage therapy acceptable to the board, as established by evidence from the school or schools attended.

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before the effective date of this section.

(e) Has fulfilled the requirement under subsection (1)(e).

Sec. 17961. (1) The board shall provide that applicants pass an examination that measures entry level competence before issuance of a license under this part.

(2) For licensure purposes under this part, the board shall adopt only those examinations that meet all of the following requirements:

(a) Are statistically validated through a job analysis under current standards for educational and professional testing.

(b) Has examination standards that comply with pertinent state and federal equal employment opportunity guidelines.

(c) Are available to all potential candidates for licensure.

Sec. 17963. (1) The board shall promulgate rules to create a code of professional ethics.

(2) A licensee shall make a written referral of a client to an appropriate health professional if the client's physical or medical condition appears to constitute a contraindication for massage therapy.

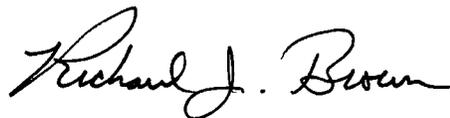
(3) The board and department shall not, by rule or otherwise, restrict the right of a licensee to participate in and become a member of any nationally recognized trade or professional association.

Sec. 17965. Subject to section 16204, the board shall, by rule, require as a condition of renewal of a license the furnishing of evidence of at least 18 hours, or the equivalent acceptable to the board, of continuing education for each 3-year license cycle. The courses shall be approved by the board and shall include subjects related to the practice of massage therapy.

Sec. 17967. Beginning the effective date of this part, a local unit of government shall not establish or maintain licensing requirements for a massage therapist licensed under this part.

Sec. 17969. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor