

FILED FEB 6 1990

SENATE FILE 2270  
BY PRIEBE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the licensing of persons to practice massage  
2 and body therapy and of the establishments in which they  
3 practice.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2270

1 Section 1. NEW SECTION. 149A.1 DEFINITIONS.

2 1. "Approved massage and body therapy program" means a  
3 program of instruction in massage and body therapy which is  
4 offered at a degree-granting institution or a school or  
5 institute of massage and body therapy and is approved by the  
6 board as complying with minimum standards for instructional  
7 programs as established by rule of the board. The board may  
8 identify approved programs according to the modalities in  
9 which they specialize.

10 2. "Board" means the board of massage and body therapy.

11 3. "Massage and body technician" means a person licensed  
12 under this chapter to practice massage and body therapy under  
13 the direct supervision of a massage and body therapist.

14 4. "Massage and body therapist" means a person licensed  
15 under this chapter to practice massage and body therapy and  
16 supervise massage and body technicians.

17 5. "Massage and body therapy" means the application of a  
18 system of manipulations to the muscular structure and soft  
19 tissues of the human body for the purposes of stress  
20 reduction, the release of muscular tension, and general  
21 preventive wellness. Massage and body therapy techniques  
22 include but are not limited to stroking, kneading, tapping,  
23 compression, vibration by hand or mechanical device, rocking,  
24 friction, pressure, those techniques based on manipulation or  
25 the application of pressure to the muscular structure or soft  
26 tissues of the human body which may include nonforceful,  
27 passive, or active movement or the application of techniques  
28 intended to affect the energetic systems of the body, and the  
29 use of oils, lotions, powders, herbal preparations, or other  
30 lubricants.

31 Massage and body therapy does not include diagnosis,  
32 prescription, intentional manipulation or adjustments of the  
33 human skeletal structure, or any other service, procedure, or  
34 therapy which requires a license to practice chiropractic,  
35 osteopathy, physical therapy, occupational therapy, podiatry,

1 medicine and surgery, or osteopathic medicine and surgery.

2 6. "Modality" means a specific method or type of massage  
3 or body therapy, and includes the following: Swedish massage,  
4 sports massage, myomassology, shiatsu, polarity therapy,  
5 rolfers, trager, hellerwork, reflexology, on-site massage, and  
6 any other method or type of massage or body therapy designated  
7 by rule of the board.

8 Sec. 2. NEW SECTION. 149A.2 PERSONS AND PRACTICES NOT  
9 AFFECTED.

10 This chapter does not prevent any of the following:

11 1. A person otherwise licensed in this state from engaging  
12 in the profession or occupation for which the person is  
13 licensed.

14 2. The practice of massage and body therapy by a person  
15 employed by the government of the United States, while the  
16 person is engaged in the performance of duties prescribed by  
17 the laws and regulations of the United States.

18 3. The practice of massage and body therapy by students  
19 enrolled in an approved massage and body therapy program and  
20 pursuing a course of study leading to a degree or certificate  
21 in massage and body therapy. However, the massage and body  
22 therapy must be part of a supervised course of study and the  
23 person must be designated by a title which clearly indicates  
24 the person's status as a student.

25 4. A person from engaging in any act identical to or  
26 similar to massage and body therapy when the act is not  
27 performed for consideration, remuneration, or other  
28 compensation.

29 Sec. 3. NEW SECTION. 149A.3 REQUIREMENTS FOR LICENSURE  
30 AS A THERAPIST.

31 A person applying for a license to practice as a massage  
32 and body therapist must file a written application on forms  
33 provided by the board, showing to the satisfaction of the  
34 board that the applicant meets all of the following  
35 requirements:

- 1 1. Completion of at least five hundred class hours in the
- 2 following areas:
- 3 a. One hundred fifty hours of anatomy and physiology.
- 4 b. Two hundred twenty-five hours of theory and clinical
- 5 practicum.
- 6 c. One hundred twenty-five hours in contraindications,
- 7 professional ethics, first aid, cardiac pulmonary
- 8 resuscitation, personal hygiene, draping, client medical
- 9 history, insurance billing, building a practice and marketing,
- 10 and regulations.
- 11 2. A degree or certificate from an approved massage and
- 12 body therapy program and an official transcript documenting
- 13 the applicant's training. The transcript must document to the
- 14 satisfaction of the board that the applicant has completed a
- 15 course of study in massage and body therapy which meets the
- 16 minimum standards for training and curriculum for massage and
- 17 body therapists set forth in subsection 1.
- 18 3. Passage of an examination for massage and body
- 19 therapists designed in accordance with criteria established by
- 20 the board in consultation with a national coalition of
- 21 professional massage and body therapy organizations.
- 22 Examination content may vary according to the modalities
- 23 practiced by the applicants.

24 Sec. 4. NEW SECTION. 149A.4 REQUIREMENTS FOR LICENSURE

25 AS A TECHNICIAN.

- 26 1. A person applying for a license to practice as a
- 27 massage and body technician must file a written application on
- 28 forms provided by the board, showing to the satisfaction of
- 29 the board that the applicant meets all of the following
- 30 requirements:
- 31 a. Completion of at least one hundred fifty class hours in
- 32 the following areas:
- 33 (1) Fifty hours of anatomy and physiology.
- 34 (2) Fifty hours of theory and clinical practicum.
- 35 (3) Fifty hours in contraindications, professional ethics,

1 first aid, cardiac pulmonary resuscitation, personal hygiene,  
2 client preparation, clinical hygiene, draping, client medical  
3 history, insurance billing, building a practice and marketing,  
4 and regulations.

5 b. A degree or certificate from an approved massage and  
6 body therapy program and an official transcript documenting  
7 the applicant's training. The transcript must document to the  
8 satisfaction of the board that the applicant has completed a  
9 course of study in massage and body therapy which meets the  
10 minimum standards for training and curriculum set forth in  
11 paragraph "a".

12 c. Passage of an examination for massage and body therapy  
13 technicians designed in accordance with criteria established  
14 by the board in consultation with a national coalition of  
15 professional massage and body therapy organizations.  
16 Examination content may vary according to the modalities  
17 practiced by the applicants.

18 2. The board shall adopt rules providing for the  
19 acceptance of three continuous years of experience in massage  
20 and body therapy in lieu of the educational requirements set  
21 forth in subsection 1, paragraphs "a" and "b".

22 Sec. 5. NEW SECTION. 149A.5 TEMPORARY PERMIT PENDING  
23 EXAMINATION.

24 1. The board shall adopt rules allowing the granting of a  
25 nonrenewable temporary massage and body therapy permit pending  
26 the next scheduled examination for licensure as a massage and  
27 body technician. The rules shall require that the applicant  
28 fulfills all the educational requirements for licensure as a  
29 massage and body technician but has not taken the examination,  
30 and shall require that the applicant is subject to direct  
31 supervision by a massage and body therapist whose name,  
32 address, and place of business are stated on the permit. A  
33 massage and body therapist shall not supervise more than one  
34 temporary permit holder at one time.

35 2. The temporary permit shall expire upon the occurrence

1 of any of the following:

2 a. Written notification by the board that the applicant  
3 has failed the examination.

4 b. Failure of the permit holder to appear on the date of  
5 the scheduled examination.

6 c. Issuance of a license.

7 3. The board may provide other grounds for the termination  
8 of a temporary permit.

9 Sec. 6. NEW SECTION. 149A.6 ENDORSEMENTS.

10 The board may provide by rule for the endorsement of  
11 licenses of massage and body therapists and massage and body  
12 technicians to indicate the modality or modalities in which  
13 the licensee is qualified.

14 Sec. 7. NEW SECTION. 149A.7 DISPLAY OF LICENSE --  
15 PRACTICE LIMITED TO LICENSED ESTABLISHMENTS -- ADVERTISING.

16 1. A person licensed to practice massage and body therapy  
17 as a therapist or technician shall conspicuously display a  
18 current license issued by the board. If the person has more  
19 than one place of business, the person shall display the  
20 license or a facsimile of the license at every place of  
21 business in which the person practices.

22 2. A person licensed to practice massage and body therapy  
23 as a therapist or technician may practice only in an  
24 establishment licensed by the board pursuant to section  
25 149A.9.

26 3. Persons and establishments licensed under this chapter,  
27 when advertising in any medium, shall include their respective  
28 license numbers in the advertisement.

29 Sec. 8. NEW SECTION. 149A.8 SEXUAL CONDUCT.

30 The license of a massage and body therapist or massage and  
31 body technician shall be revoked if the board finds that the  
32 licensee engaged, attempted to engage, or offered to engage a  
33 client in sexual activity or genital contact when acting or  
34 purporting to act in the licensee's scope of practice, whether  
35 or not the client consented to the sexual activity or genital

1 contact. The revocation shall be in addition to any other  
2 penalties provided by law.

3 Sec. 9. NEW SECTION. 149A.9 ESTABLISHMENTS -- LICENSING  
4 -- INSPECTION.

5 1. The board shall provide for the licensing and  
6 inspection of massage and body therapy establishments. A  
7 massage and body therapy establishment is the site, premises,  
8 or the portion of premises where one or more persons licensed  
9 under section 149A.3 or 149A.4 practice massage and body  
10 therapy.

11 2. A person shall not operate a massage and body therapy  
12 establishment without a license. The owner or agent of the  
13 establishment shall file an application with the board on  
14 forms provided by the board. If the owner or agent is not a  
15 licensed massage and body therapist, the owner or agent shall  
16 appoint a licensed massage and body therapist to serve as the  
17 principal therapist for the establishment. Only persons  
18 licensed to practice massage and body therapy may practice in  
19 the establishment.

20 3. An establishment to be licensed shall comply with  
21 applicable state and local building codes and sanitary  
22 regulations and shall maintain all equipment used to perform  
23 massage and body therapy services in a safe and sanitary  
24 condition. The board shall adopt rules as necessary to ensure  
25 the safe and sanitary operation of establishments. The  
26 establishment shall cooperate in the initial and periodic  
27 inspections. An establishment found to be in violation shall  
28 have ten days in which to remedy the violation unless the  
29 violation presents a danger to public health or safety, in  
30 which case the board may close the establishment immediately,  
31 until the violation is remedied.

32 Sec. 10. Section 147.1, subsection 2, Code Supplement  
33 1989, is amended to read as follows:

34 2. "Licensed" or "certified" when applied to a physician  
35 and surgeon, podiatrist, osteopath, osteopathic physician and

1 surgeon, physician assistant, psychologist or associate  
2 psychologist, chiropractor, nurse, dentist, dental hygienist,  
3 optometrist, speech pathologist, audiologist, pharmacist,  
4 physical therapist, occupational therapist, massage and body  
5 therapist, massage and body technician, practitioner of  
6 cosmetology, practitioner of barbering, funeral director,  
7 dietitian, or social worker means a person licensed under this  
8 title.

9 Sec. 11. Section 147.1, subsection 3, Code Supplement  
10 1989, is amended to read as follows:

11 3. "Profession" means medicine and surgery, podiatry,  
12 osteopathy, osteopathic medicine and surgery, practice as a  
13 physician assistant, psychology, chiropractic, nursing,  
14 dentistry, dental hygiene, optometry, speech pathology,  
15 audiology, pharmacy, physical therapy, occupational therapy,  
16 massage and body therapy, cosmetology, barbering, mortuary  
17 science, social work or dietetics.

18 Sec. 12. Section 147.2, Code 1989, is amended to read as  
19 follows:

20 147.2 LICENSE REQUIRED.

21 A person shall not engage in the practice of medicine and  
22 surgery, podiatry, osteopathy, osteopathic medicine and  
23 surgery, psychology, chiropractic, physical therapy, nursing,  
24 dentistry, dental hygiene, optometry, speech pathology,  
25 audiology, occupational therapy, massage and body therapy,  
26 pharmacy, cosmetology, barbering, dietetics, or mortuary  
27 science or shall not practice as a physician assistant as  
28 defined in the following chapters of this title, unless the  
29 person has obtained from the department a license for that  
30 purpose.

31 Sec. 13. Section 147.13, Code 1989, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 17. For massage and body therapists and  
34 technicians, the board of massage and body therapy.

35 Sec. 14. Section 147.14, Code 1989, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 13. For the board of massage and body  
3 therapy, five members licensed to practice massage and body  
4 therapy as therapists or technicians and two members who are  
5 not licensed to practice massage and body therapy and who  
6 shall represent the general public. A majority of the members  
7 of the board constitutes a quorum.

8 Sec. 15. Section 147.74, Code 1989, is amended by adding  
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. A massage and body therapist  
11 licensed under chapter 149A may use the suffix "massage and  
12 body therapist" after the person's name or signify the same by  
13 the use of the abbreviation "M.B.T." A massage and body  
14 technician licensed under chapter 149A may use the suffix  
15 "massage and body technician" after the person's name or  
16 signify the same by the use of the abbreviation "M.B. Tech."

17 Sec. 16. Section 147.80, Code Supplement 1989, is amended  
18 by adding the following new subsection:

19 NEW SUBSECTION. 23. License to practice massage and body  
20 therapy issued on the basis of an examination by the board of  
21 massage and body therapy, license to practice massage and body  
22 therapy issued under a reciprocity agreement, renewal of a  
23 license to practice massage and body therapy, temporary permit  
24 to practice massage and body therapy, or massage and body  
25 therapy establishment license.

26 Sec. 17. Section 148A.3, subsection 5, Code 1989, is  
27 amended to read as follows:

28 5. ~~Massage-therapists,-massage-technicians,-masseurs-and~~  
29 ~~masseuses-who-administer-body-massage-by-Swedish-or-other~~  
30 ~~massage-technique,-including-modalities,-in-a-massage~~  
31 ~~establishment,-health-club,-athletic-club-or-school-athletic~~  
32 ~~department,~~ Persons licensed to practice massage and body  
33 therapy under chapter 149A, but in no instance shall they  
34 designate themselves as physical therapists.

35 Sec. 18. Section 258A.1, subsection 1, Code Supplement

1 1989, is amended by adding the following new paragraph:

2 NEW PARAGRAPH. aa. The board of massage and body therapy  
3 created pursuant to chapter 149A.

4 Sec. 19. INITIAL BOARD MEMBERS.

5 In appointing the initial members of the board of massage  
6 and body therapy, the governor shall appoint two members to  
7 serve a term of one year, two members to serve a term of two  
8 years, and three members to serve a term of three years. The  
9 professional members of the initial board shall only be  
10 required to meet educational requirements substantially the  
11 same as those set forth in this Act.

12 Sec. 20. APPLICABILITY.

13 A person or establishment is not required to comply with  
14 the licensing requirements of this Act until January 1, 1991.

15 EXPLANATION

16 This bill creates a board of massage and body therapy to  
17 test for minimum competencies and provide licensing of both  
18 massage and body therapists and massage and body technicians.  
19 The bill also provides the board with additional powers to  
20 license and inspect the establishments in which these  
21 professionals practice.

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35