

*House Bill 24, Do Pass 3/12*

**WITHDRAWN**

FILED MAR 05 1992

SENATE FILE *2292*

BY COMMITTEE ON STATE GOVERNMENT

*approved (p. 622)*

(SUCCESSOR TO SSB 2144)

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

**A BILL FOR**

1 An Act providing for licensure of massage therapists and imposing  
 2 fees and civil penalties.

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

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*SF 2292*

1 Section 1. Section 147.1, subsections 2 and 3, Code  
2 Supplement 1991, are amended to read as follows:

3 2. "Licensed" or "certified" when applied to a physician  
4 and surgeon, podiatrist, osteopath, osteopathic physician and  
5 surgeon, physician assistant, psychologist or associate  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, occupational therapist, practitioner of  
9 cosmetology, practitioner of barbering, funeral director,  
10 dietitian, marital and family therapist, mental health  
11 counselor, massage therapist, or social worker means a person  
12 licensed under this title.

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

21 Sec. 2. Section 147.13, Code Supplement 1991, is amended  
22 by adding the following new subsection:

23 NEW SUBSECTION. 18. For massage therapists, massage  
24 therapy examiners.

25 Sec. 3. Section 147.14, Code Supplement 1991, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. 14. For massage therapy examiners, four  
28 members who are licensed to practice massage therapy and three  
29 members who are not licensed to practice massage therapy and  
30 who shall represent the public. A majority of the members of  
31 the board shall constitute a quorum.

32 Sec. 4. Section 147.74, Code Supplement 1991, is amended  
33 by adding the following new subsection:

34 NEW SUBSECTION. 16A. A massage therapist licensed under  
35 chapter 154E and this chapter may use the words "licensed

1 massage therapist" after the person's name.

2 Sec. 5. Section 147.80, Code Supplement 1991, is amended  
3 by adding the following new subsection:

4 NEW SUBSECTION. 23A. License to practice massage therapy  
5 issued upon the basis of an examination given by the board of  
6 massage therapy examiners, license to practice massage therapy  
7 issued under a reciprocal agreement, or renewal of a license  
8 to practice massage therapy.

9 Sec. 6. NEW SECTION. 154E.1 DEFINITIONS.

10 As used in this chapter, unless the context otherwise  
11 requires:

12 1. "Board" means the board of massage therapy examiners  
13 established in section 147.13.

14 2. "Massage therapist" means a person licensed to practice  
15 massage therapy under chapter 147 and this chapter.

16 3. "Massage therapy" means performance for compensation of  
17 massage, myotherapy, massotherapy, or therapeutic massage  
18 including modalities, or other therapy which involves  
19 manipulation of the muscle and connective tissue of the body  
20 to treat the muscle tonus system for the purpose of enhancing  
21 muscle relaxation, increasing range of motion, reducing  
22 stress, relieving pain, or improving circulation. "Massage  
23 therapy" does not include diagnosis or service which requires  
24 a license to practice medicine or surgery, osteopathic  
25 medicine and surgery, osteopathy, chiropractic, or podiatry,  
26 and does not include service performed by athletic trainers,  
27 technicians, nurses, occupational therapists or physical  
28 therapists who act under a professional license, certificate,  
29 or registration or under the prescription or supervision of a  
30 person licensed to practice medicine or surgery or osteopathic  
31 medicine and surgery.

32 Sec. 7. NEW SECTION. 154E.2 REQUIREMENTS TO OBTAIN  
33 LICENSE.

34 An applicant for a license to practice massage therapy  
35 shall be granted a license by the board when the applicant

1 satisfies all of the following requirements:

2 1. Has satisfactorily completed a curriculum of massage  
3 education at a school approved by the board pursuant to  
4 section 154E.5.

5 2. Has passed an examination given by the board.

6 3. Has paid all fees required by the board.

7 Sec. 8. NEW SECTION. 154E.3 REQUIREMENTS TO OBTAIN  
8 RECIPROCAL LICENSE.

9 The board may grant a license to practice massage therapy  
10 to an applicant who possesses a license to practice massage  
11 therapy in another state or country issued upon requirements  
12 comparable to this chapter and who has paid a fee for  
13 reciprocal license as determined by the board.

14 Sec. 9. NEW SECTION. 154E.4 CONTINUING EDUCATION.

15 The board shall require for renewal of a license issued  
16 pursuant to this chapter completion annually of at least  
17 twelve hours of continuing education as approved by the board.

18 Sec. 10. NEW SECTION. 154E.5 MASSAGE THERAPY CURRICULUM  
19 -- REQUIREMENTS FOR APPROVAL BY THE BOARD.

20 A massage therapy curriculum approved by the board for  
21 purposes of section 154E.2 must satisfy all of the following  
22 requirements:

23 1. Require for admission a diploma from an accredited high  
24 school or the equivalent.

25 2. Employ one or more licensed massage therapists as  
26 instructors.

27 3. Require completion of at least five hundred hours of  
28 academic instruction.

29 Sec. 11. NEW SECTION. 154E.6 EMPLOYMENT OF PERSON NOT  
30 LICENSED -- CIVIL PENALTY APPLICABLE.

31 A person, as defined in section 4.1, who employs a person  
32 to provide services to other persons who is not licensed  
33 pursuant to this chapter shall not use the words "licensed  
34 massage therapist", "massage therapist", "masseur", or  
35 "masseuse", or any other words or titles which imply or

1 represent that the person employed practices massage therapy.  
2 A person who violates this section is subject to imposition,  
3 at the discretion of the board, of a civil penalty not to  
4 exceed one thousand dollars. Each violation of this section  
5 is a separate offense. Each day a violation of this section  
6 occurs after citation by the board is a separate offense.

7 Sec. 12. NEW SECTION. 154E.7 USE OF TITLE OR SIMILAR  
8 TITLE -- CIVIL PENALTY APPLICABLE.

9 A person who is not licensed pursuant to this chapter shall  
10 not use the words "licensed massage therapist", "massage  
11 therapist", "masseur", or "masseuse", or any other words or  
12 titles which imply or represent that the person practices  
13 massage therapy. However, this chapter and chapter 147 do not  
14 prevent persons not licensed as massage therapists from  
15 working within their respective professions or occupations. A  
16 person who violates this section is subject to imposition, at  
17 the discretion of the board, of a civil penalty not to exceed  
18 one thousand dollars. Each violation of this section is a  
19 separate offense. Each day a violation of this section occurs  
20 after citation by the board is a separate offense.

21 Sec. 13. NEW SECTION. 154E.8 STANDARDS OF CONDUCT.

22 In addition to rules adopted pursuant to sections 258A.3  
23 and 258A.4, the board shall establish and adopt rules  
24 providing for standards of conduct for massage therapists.

25 Sec. 14. Section 232.69, subsection 1, Code 1991, is  
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. c. Every licensed massage therapist who in  
28 the scope of professional practice provides services to a  
29 child and who reasonably believes the child has been abused.

30 Sec. 15. Section 235B.3, subsection 2, Code Supplement  
31 1991, is amended by adding the following new paragraph:

32 NEW PARAGRAPH. f. A licensed massage therapist.

33 Sec. 16. Section 258A.1, subsection 6, Code 1991, is  
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. bb. The board of massage therapy examiners

1 created pursuant to chapter 147.

2 Sec. 17. TRANSITION PROVISIONS.

3 1. A person practicing massage therapy on the effective  
4 date of this bill is eligible to receive a temporary license  
5 at the discretion of the board which is valid for up to two  
6 years. The board shall adopt rules determining criteria for  
7 receipt of a temporary license which shall include successful  
8 passage of an examination given by the board.

9 2. Notwithstanding section 147.19, of the initial  
10 appointees to the board of massage therapy examiners, two  
11 members licensed to practice massage therapy and one  
12 representative of the public shall be appointed for one-year  
13 terms, one member licensed to practice massage therapy and one  
14 representative of the public shall be appointed for two-year  
15 terms, and one member licensed to practice massage therapy and  
16 one representative of the public shall be appointed for three-  
17 year terms. The initial appointees' successors shall be  
18 appointed for terms of three years each, except that a person  
19 chosen to fill a vacancy shall be appointed only for the  
20 unexpired term of the board member replaced.

21 Notwithstanding section 154E.2, initial appointees who are  
22 required to be licensed massage therapists shall meet the  
23 requirements of section 147.16 and shall have completed a  
24 curriculum of massage education at a school which complies  
25 with the curriculum requirements of section 154E.5.

26 EXPLANATION

27 This bill provides for but does not require licensure of  
28 massage therapists, and imposes fees and a civil penalty.

29 Sections 1 through 5 and 16 are conforming amendments to  
30 the general provisions regulating health practice professions  
31 under the authority of the department of public health. These  
32 sections provide for establishment of the board of massage  
33 therapy examiners, and authority for rulemaking, imposition of  
34 fees and penalties, license revocation and suspension, title  
35 specification for licensed massage therapists, and continuing

1 education requirements.

2 Sections 6 through 13 create a new Code chapter providing  
3 definitions, specific requirements for licensure and  
4 curriculum approval, including reciprocal licensure and  
5 license renewal.

6 The bill imposes a civil penalty of up to \$1,000 for each  
7 violation on a person who employs a person who is not licensed  
8 under the chapter and holds that person out as a licensed  
9 massage therapist, massage therapist, masseur, or masseuse, or  
10 otherwise implies that the person employed practices massage  
11 therapy. The bill also imposes a civil penalty of up to  
12 \$1,000 for each violation on a person not licensed as a  
13 massage therapist who uses the words "licensed massage  
14 therapist", "massage therapist", "masseur", or "masseuse", or  
15 any other words or titles which imply or represent that the  
16 person practices massage therapy. Each day a violation occurs  
17 after citation by the board is a separate offense. The board  
18 is instructed to establish and adopt rules providing for  
19 standards of conduct for massage therapists.

20 Sections 14 and 15 require massage therapists licensed  
21 under the bill to report suspected incidences of child abuse  
22 or dependent adult abuse encountered in the scope of  
23 professional practice.

24 Section 17 contains uncodified transition provisions  
25 allowing for issuance of a temporary license to practice  
26 massage therapy and provides certain exemptions from board  
27 member requirements for the board's initial appointees.

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## SENATE FILE 2292

S-5356

1 Amend Senate File 2292 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 136E.1 DEFINITIONS.

5 As used in this chapter, unless the context  
6 otherwise requires:

7 1. "Board" means the massage therapy advisory  
8 board established in section 136E.2.

9 2. "Department" means the department of public  
10 health.

11 3. "Massage therapist" means a person licensed to  
12 practice the health care service of massage therapy  
13 under this chapter.

14 4. "Massage therapy" means performance for  
15 compensation of massage, myotherapy, massotherapy,  
16 bodywork, bodywork therapy, or therapeutic massage  
17 including hydrotherapy, superficial hot and cold  
18 applications, vibration and topical applications, or  
19 other therapy which involves manipulation of the  
20 muscle and connective tissue of the body, excluding  
21 osseous tissue, to treat the muscle tonus system for  
22 the purpose of enhancing health, muscle relaxation,  
23 increasing range of motion, reducing stress, relieving  
24 pain, or improving circulation. "Massage therapy"  
25 does not include diagnosis or service which requires a  
26 license to practice medicine or surgery, osteopathic  
27 medicine and surgery, osteopathy, chiropractic, or  
28 podiatry, and does not include service performed by  
29 athletic trainers, technicians, nurses, occupational  
30 therapists, or physical therapists who act under a  
31 professional license, certificate, or registration or  
32 under the prescription or supervision of a person  
33 licensed to practice medicine or surgery or  
34 osteopathic medicine and surgery.

35 Sec. 2. NEW SECTION. 136E.2 MASSAGE THERAPY  
36 ADVISORY BOARD CREATED -- DUTIES.

37 The director of the department shall appoint  
38 members of the board, including four massage  
39 therapists and three persons who are not massage  
40 therapists and who shall represent the general public.  
41 The board shall advise the department regarding  
42 licensure and continuing education requirements,  
43 standards of practice and professional ethics,  
44 disciplinary actions, and other issues of concern to  
45 the board.

46 Sec. 3. NEW SECTION. 136E.3 REQUIREMENTS FOR  
47 LICENSURE.

48 1. The department shall adopt rules pursuant to  
49 chapter 17A establishing a procedure for licensing of  
50 massage therapists. License requirements shall

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1 include the following:  
2 a. Completion of a curriculum of massage education  
3 at a state licensed or an accredited school approved  
4 by the department which requires for admission a  
5 diploma from an accredited high school or the  
6 equivalent and requires completion of at least five  
7 hundred hours of supervised academic instruction.  
8 However, educational requirements under this paragraph  
9 are subject to reduction by the department if, after  
10 public notice and hearing, the department determines  
11 that the welfare of the public may be adequately  
12 protected with fewer hours of education.

13 b. Passage of an examination given or approved by  
14 the department.

15 c. Payment of a reasonable fee required by the  
16 department which shall compensate and be retained by  
17 the department for the costs of administering this  
18 chapter.

19 2. In addition to provisions for licensure, the  
20 rules shall include the following:

21 a. Requirements regarding completion of at least  
22 twelve hours of continuing education annually  
23 regarding subjects concerning massage and related  
24 techniques or the health and safety of the public,  
25 subject to reduction by the department if, after  
26 public notice and hearing, the department determines  
27 that the welfare of the public may be adequately  
28 protected with fewer hours.

29 b. Requirements for issuance of a reciprocal  
30 license to licensees of states with license  
31 requirements equal to or exceeding those of this  
32 chapter. The rules shall provide for issuance of a  
33 temporary reciprocal license for licensees of states  
34 with lower requirements.

35 3. The department shall present all proposed  
36 rules, changes to rules, and proposed action for  
37 disciplinary reasons to the board for recommendation  
38 prior to implementation.

39 4. A massage therapist licensed pursuant to this  
40 chapter shall be issued a license number and a license  
41 certificate.

42 Sec. 4. NEW SECTION. 136E.4 EMPLOYMENT OF PERSON  
43 NOT LICENSED -- CIVIL PENALTY APPLICABLE.

44 A person as defined in section 4.1, who employs to  
45 provide services to other persons a person who is not  
46 licensed pursuant to this chapter, shall not use the  
47 initials "L.M.T." or the words "licensed massage  
48 therapist", "massage therapist", "masseur", or  
49 "masseuse", or any other words or titles which imply  
50 or represent that the person employed practices

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1 massage therapy. A person who violates this section  
2 is subject to imposition, at the discretion of the  
3 board, of a civil penalty not to exceed one thousand  
4 dollars. Each violation of this section is a separate  
5 offense. Each day a violation of this section occurs  
6 after citation by the board is a separate offense.  
7 The department may inspect any facility which  
8 advertises or offers services purporting to be  
9 delivered by massage therapists.

10 Sec. 5. NEW SECTION. 136E.5 USE OF TITLE OR  
11 SIMILAR TITLE -- CIVIL PENALTY APPLICABLE.

12 A person who is not licensed pursuant to this  
13 chapter shall not use the initials "L.M.T." or the  
14 words "licensed massage therapist", "massage  
15 therapist", "masseur", or "masseuse", or any other  
16 words or titles which imply or represent that the  
17 person practices massage therapy. A person who  
18 violates this section is subject to imposition, at the  
19 discretion of the board, of a civil penalty not to  
20 exceed five hundred dollars. Each violation of this  
21 section is a separate offense. Each day a violation  
22 of this section occurs after citation by the board is  
23 a separate offense.

24 Sec. 6. NEW SECTION. 136E.6 ENFORCEMENT.

25 No city, township, or county governmental body,  
26 agency, or department shall enact or enforce  
27 restrictions or requirements regarding massage  
28 therapists which are not equally enacted or enforced  
29 regarding all licensed health care practitioners,  
30 including but not limited to zoning, building code,  
31 health, and sanitation regulations.

32 Sec. 7. Section 147.74, Code Supplement 1991, is  
33 amended by adding the following new subsection:

34 NEW SUBSECTION. 16A. A massage therapist licensed  
35 under chapter 136E may use the words "licensed massage  
36 therapist" or the initials "L.M.T." after the person's  
37 name.

38 Sec. 8. TRANSITION PROVISIONS.

39 1. a. A person practicing massage therapy on the  
40 effective date of this bill is eligible to receive a  
41 temporary license at the discretion of the department  
42 which is valid for up to two years. The department  
43 shall adopt rules determining criteria for receipt of  
44 a temporary license.

45 b. A person who can demonstrate that the person  
46 has practiced massage therapy for ten years or more  
47 prior to the effective date of this Act is eligible to  
48 receive a temporary license at the discretion of the  
49 department which is valid for six years. The  
50 department shall adopt rules determining criteria for

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1 receipt of a temporary license which shall include  
2 successful passage of a practical examination given by  
3 the department, and shall not include passage of a  
4 written examination.

5 2. Notwithstanding section 136E.2, of the initial  
6 appointees to the board, two members licensed to  
7 practice massage therapy and one representative of the  
8 public shall be appointed for one-year terms, one  
9 member licensed to practice massage therapy and one  
10 representative of the public shall be appointed for  
11 two-year terms, and one member licensed to practice  
12 massage therapy and one representative of the public  
13 shall be appointed for three-year terms. The initial  
14 appointees' successors shall be appointed for terms of  
15 three years each, except that a person chosen to fill  
16 a vacancy shall be appointed only for the unexpired  
17 term of the board member replaced.

18 Notwithstanding section 136E.3, initial appointees  
19 who are required to be massage therapists shall have  
20 completed a curriculum of massage education at a  
21 school which complies with the curriculum requirements  
22 of this chapter but shall not receive a license until  
23 successful passage of the required examination."

By LARRY MURPHY

S-5356 FILED MARCH 24, 1992

## SENATE FILE 2292

S-5174

Amend Senate File 2292 as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 147.1, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, massage therapist, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, massage therapy, social work, or dietetics.

Sec. 2. Section 147.2, Code 1991, is amended to read as follows:

147.2 LICENSE REQUIRED.

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

Sec. 3. Section 147.13, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 18. For massage therapists, massage therapy examiners.

Sec. 4. Section 147.14, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 14. For massage therapy examiners, four members who are licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent

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1 the public. A majority of the members of the board  
2 shall constitute a quorum.

3 Sec. 5. Section 147.74, Code Supplement 1991, is  
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 16A. A massage therapists  
6 licensed under chapter 154E and this chapter may use  
7 the words "licensed massage therapist" after the  
8 person's name.

9 Sec. 6. Section 147.80, Code Supplement 1991, is  
10 amended by adding the following new subsection:

11 NEW SUBSECTION. 23A. License to practice massage  
12 therapy issued upon the basis of an examination given  
13 by the board of massage therapy examiners, license to  
14 practice massage therapy issued under a reciprocal  
15 agreement, or renewal of a license to practice massage  
16 therapy.

17 Sec. 7. NEW SECTION. 154E.1 DEFINITIONS.

18 As used in this chapter, unless the context  
19 otherwise requires:

20 1. "Board" means the board of massage therapy  
21 examiners established in section 147.13.

22 2. "Massage therapist" means a person licensed to  
23 practice massage therapy under chapter 147 and this  
24 chapter.

25 3. "Massage therapy" means performance for  
26 compensation of massage, myotherapy, massotherapy, or  
27 therapeutic massage including modalities, or other  
28 therapy which involves manipulation of the muscle and  
29 connective tissue of the body to treat the muscle  
30 tonus system for the purpose of enhancing muscle  
31 relaxation, increasing range of motion, reducing  
32 stress, relieving pain, or improving circulation.

33 "Massage therapy" does not include diagnosis or  
34 service which requires a license to practice medicine  
35 or surgery, chiropractic, or podiatry, and does not  
36 include service performed by athletic trainers,  
37 technicians, nurses, or physical therapists who act  
38 under a professional license, certificate, or  
39 registration or under the prescription or supervision  
40 of a person licensed to practice medicine or surgery.

41 Sec. 8. NEW SECTION. 154E.2 REQUIREMENTS TO  
42 OBTAIN LICENSE.

43 An applicant for a license to practice massage  
44 therapy shall be granted a license by the board when  
45 the applicant satisfies all of the following  
46 requirements:

47 1. Has satisfactorily completed a curriculum of  
48 massage education at a school approved by the board  
49 pursuant to section 154E.5.

50 2. Has passed an examination given by the board.

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1 3. Has paid all fees required by the board.

2 Sec. 9. NEW SECTION. 154E.3 REQUIREMENTS TO  
3 OBTAIN RECIPROCAL LICENSE.

4 The board may grant a license to practice massage  
5 therapy to an applicant who possesses a license to  
6 practice massage therapy in another state or country  
7 issued upon requirements comparable to this chapter  
8 and who has paid a fee for reciprocal license as  
9 determined by the board.

10 Sec. 10. NEW SECTION. 154E.4 CONTINUING  
11 EDUCATION.

12 The board shall require for renewal of a license  
13 issued pursuant to this chapter completion annually of  
14 at least twelve hours of continuing education as  
15 approved by the board.

16 Sec. 11. NEW SECTION. 154E.5 MASSAGE THERAPY  
17 CURRICULUM -- REQUIREMENTS FOR APPROVAL BY THE BOARD.

18 A massage therapy curriculum approved by the board  
19 for purposes of section 154E.2 must satisfy all of the  
20 following requirements:

21 1. Require for admission a diploma from an  
22 accredited high school or the equivalent.

23 2. Employ one or more licensed massage therapists  
24 as instructors.

25 3. Require completion of at least five hundred  
26 hours of academic instruction.

27 Sec. 12. NEW SECTION. 154E.6 EMPLOYMENT OF  
28 PERSON NOT LICENSED -- CIVIL PENALTY APPLICABLE.

29 A person, as defined in section 4.1, who employs a  
30 person who is not licensed pursuant to this chapter  
31 shall not use the words "licensed massage therapist",  
32 "massage therapist", "masseur", or "masseuse", or any  
33 other words or titles which imply or represent that  
34 the person employed practices massage therapy. A  
35 person who violates this section is subject to  
36 imposition, at the discretion of the board, of a civil  
37 penalty not to exceed one thousand dollars. Each  
38 violation of this section is a separate offense. Each  
39 day a violation of this section occurs after citation  
40 by the board is a separate offense.

41 Sec. 13. NEW SECTION. 154E.7 USE OF TITLE OR  
42 SIMILAR TITLE -- CIVIL PENALTY APPLICABLE.

43 A person who is not licensed pursuant to this  
44 chapter shall not use the words "licensed massage  
45 therapist", "massage therapist", "masseur", or  
46 "masseuse", or any other words or titles which imply  
47 or represent that the person practices massage  
48 therapy. A person who violates this section is  
49 subject to imposition, at the discretion of the board,  
50 of a civil penalty not to exceed one thousand dollars.

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1 Each violation of this section is a separate offense.  
2 Each day a violation of this section occurs after  
3 citation by the board is a separate offense.

4 Sec. 14. NEW SECTION. 154E.8 STANDARDS OF  
5 CONDUCT.

6 In addition to rules adopted pursuant to sections  
7 258A.3 and 258A.4, the board shall establish and adopt  
8 rules providing for standards of conduct for massage  
9 therapists.

10 Sec. 15. Section 232.69, subsection 1, Code 1991,  
11 is amended by adding the following new paragraph:

12 NEW PARAGRAPH. c. Every licensed massage  
13 therapist who in the scope of professional practice  
14 provides services to a child and who reasonably  
15 believes the child has been abused.

16 Sec. 16. Section 235B.3, subsection 2, Code  
17 Supplement 1991, is amended by adding the following  
18 new paragraph:

19 NEW PARAGRAPH. f. A licensed massage therapist.

20 Sec. 17. Section 258A.1, subsection 6, Code 1991,  
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. bb. The board of massage therapy  
23 examiners created pursuant to chapter 147.

24 Sec. 18. TRANSITION PROVISIONS.

25 1. A person practicing massage therapy on the  
26 effective date of this bill is eligible to receive a  
27 temporary license at the discretion of the board which  
28 is valid for up to two years. The board shall adopt  
29 rules determining criteria for receipt of a temporary  
30 license which shall include successful passage of an  
31 examination given by the board.

32 2. Notwithstanding section 147.19, of the initial  
33 appointees to the board of massage therapy examiners,  
34 two members licensed to practice massage therapy and  
35 one representative of the public shall be appointed  
36 for one-year terms, one member licensed to practice  
37 massage therapy and one representative of the public  
38 shall be appointed for two-year terms, and one member  
39 licensed to practice massage therapy and one  
40 representative of the public shall be appointed for  
41 three-year terms. The initial appointees' successors  
42 shall be appointed for terms of three years each,  
43 except that a person chosen to fill a vacancy shall be  
44 appointed only for the unexpired term of the board  
45 member replaced.

46 Notwithstanding section 154E.2, initial appointees  
47 who are required to be licensed massage therapists  
48 shall meet the requirements of section 147.16 and  
49 shall have completed a curriculum of massage education  
50 at a school which complies with the curriculum

S-5174

-4-

S-5174

Page 5

requirements of section 154E.5."

By LARRY MURPHY

RICHARD V. RUNNING

WALLY E. HORN

PAUL D. PATE

S-5174 FILED MARCH 10, 1992

SENATE FILE 2292

S-5189

- 1 Amend the amendment, S-5174, to Senate File 2292 as
- 2 follows:
- 3 1. Page 2, line 35, by inserting after the word
- 4 "surgery," the following: "osteopathic medicine and
- 5 surgery, osteopathy,".
- 6 2. Page 2, line 37, by inserting after the word
- 7 "nurses," the following: "occupational therapists,".
- 8 3. Page 2, line 40, by inserting after the word
- 9 "surgery" the following: "or osteopathic medicine and
- 10 surgery".

By LARRY MURPHY

S-5189 FILED MARCH 11, 1992

MURPHY, CH.  
WELSH  
HORN  
PATE  
LIND

SSB 2144  
STATE GOVERNMENT  
NOW

SENATE FILE 2292  
BY (PROPOSED COMMITTEE ON STATE  
GOVERNMENT BILL BY CHAIRPERSON  
KIBBIE)

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

A BILL FOR

1 An Act providing for and requiring licensure of massage  
2 therapists and imposing fees and civil penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.1, subsections 2 and 3, Code  
2 Supplement 1991, are amended to read as follows:

3 2. "Licensed" or "certified" when applied to a physician  
4 and surgeon, podiatrist, osteopath, osteopathic physician and  
5 surgeon, physician assistant, psychologist or associate  
6 psychologist, chiropractor, nurse, dentist, dental hygienist,  
7 optometrist, speech pathologist, audiologist, pharmacist,  
8 physical therapist, occupational therapist, practitioner of  
9 cosmetology, practitioner of barbering, funeral director,  
10 dietitian, marital and family therapist, mental health  
11 counselor, massage therapist, or social worker means a person  
12 licensed under this title.

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

21 Sec. 2. Section 147.2, Code 1991, is amended to read as  
22 follows:

23 147.2 LICENSE REQUIRED.

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

33 Sec. 3. Section 147.13, Code Supplement 1991, is amended  
34 by adding the following new subsection:

35 NEW SUBSECTION. 18. For massage therapists, massage

1 therapy examiners.

2 Sec. 4. Section 147.14, Code Supplement 1991, is amended  
3 by adding the following new subsection:

4 NEW SUBSECTION. 14. For massage therapy examiners, four  
5 members who are licensed to practice massage therapy and three  
6 members who are not licensed to practice massage therapy and  
7 who shall represent the public. A majority of the members of  
8 the board shall constitute a quorum.

9 Sec. 5. Section 147.74, Code Supplement 1991, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 16A. A massage therapists licensed under  
12 chapter 154E and this chapter may use the words "licensed  
13 massage therapist" after the person's name.

14 Sec. 6. Section 147.80, Code Supplement 1991, is amended  
15 by adding the following new subsection:

16 NEW SUBSECTION. 23A. License to practice massage therapy  
17 issued upon the basis of an examination given by the board of  
18 massage therapy examiners, license to practice massage therapy  
19 issued under a reciprocal agreement, or renewal of a license  
20 to practice massage therapy.

21 Sec. 7. NEW SECTION. 154E.1 DEFINITIONS.

22 As used in this chapter, unless the context otherwise  
23 requires:

24 1. "Board" means the board of massage therapy examiners  
25 established in section 147.13.

26 2. "Massage therapist" means a person licensed to practice  
27 massage therapy under chapter 147 and this chapter.

28 3. "Massage therapy" means performance for compensation of  
29 massage, myotherapy, massotherapy, or therapeutic massage  
30 including modalities, or other therapy which involves  
31 manipulation of the muscle and connective tissue of the body  
32 to treat the muscle tonus system for the purpose of enhancing  
33 muscle relaxation, increasing range of motion, reducing  
34 stress, relieving pain, or improving circulation. "Massage  
35 therapy" does not include diagnosis or service which requires

1 a license to practice medicine or surgery, chiropractic, or  
2 podiatry, and does not include service performed by athletic  
3 trainers, technicians, nurses, or physical therapists who act  
4 under a professional license, certificate, or registration or  
5 under the prescription or supervision of a person licensed to  
6 practice medicine or surgery.

7 Sec. 8. NEW SECTION. 154E.2 REQUIREMENTS TO OBTAIN  
8 LICENSE.

9 An applicant for a license to practice massage therapy  
10 shall be granted a license by the board when the applicant  
11 satisfies all of the following requirements:

12 1. Has satisfactorily completed a curriculum of massage  
13 education at a school approved by the board pursuant to  
14 section 154E.5.

15 2. Has passed an examination given by the board.

16 3. Has paid all fees required by the board.

17 Sec. 9. NEW SECTION. 154E.3 REQUIREMENTS TO OBTAIN  
18 RECIPROCAL LICENSE.

19 The board may grant a license to practice massage therapy  
20 to an applicant who possesses a license to practice massage  
21 therapy in another state or country issued upon requirements  
22 comparable to this chapter and who has paid a fee for  
23 reciprocal license as determined by the board.

24 Sec. 10. NEW SECTION. 154E.4 CONTINUING EDUCATION.

25 The board shall require for renewal of a license issued  
26 pursuant to this chapter completion annually of at least  
27 twelve hours of continuing education as approved by the board.

28 Sec. 11. NEW SECTION. 154E.5 MASSAGE THERAPY CURRICULUM  
29 -- REQUIREMENTS FOR APPROVAL BY THE BOARD.

30 A massage therapy curriculum approved by the board for  
31 purposes of section 154E.2 must satisfy all of the following  
32 requirements:

33 1. Require for admission a diploma from an accredited high  
34 school or the equivalent.

35 2. Employ one or more licensed massage therapists as

1 instructors.

2 3. Require completion of at least five hundred hours of  
3 academic instruction.

4 Sec. 12. NEW SECTION. 154E.6 EMPLOYMENT OF PERSON NOT  
5 LICENSED -- CIVIL PENALTY APPLICABLE.

6 A person, as defined in section 4.1, who employs a person  
7 who is not licensed pursuant to this chapter shall not use the  
8 words "licensed massage therapist", "massage therapist",  
9 "masseur", or "masseuse", or any other words or titles which  
10 imply or represent that the person employed practices massage  
11 therapy. A person who violates this section is subject to  
12 imposition, at the discretion of the board, of a civil penalty  
13 not to exceed one thousand dollars. Each violation of this  
14 section is a separate offense. Each day a violation of this  
15 section occurs after citation by the board is a separate  
16 offense.

17 Sec. 13. NEW SECTION. 154E.7 USE OF TITLE OR SIMILAR  
18 TITLE -- CIVIL PENALTY APPLICABLE.

19 A person who is not licensed pursuant to this chapter shall  
20 not use the words "licensed massage therapist", "massage  
21 therapist", "masseur", or "masseuse", or any other words or  
22 titles which imply or represent that the person practices  
23 massage therapy. A person who violates this section is  
24 subject to imposition, at the discretion of the board, of a  
25 civil penalty not to exceed one thousand dollars. Each  
26 violation of this section is a separate offense. Each day a  
27 violation of this section occurs after citation by the board  
28 is a separate offense.

29 Sec. 14. NEW SECTION. 154E.8 STANDARDS OF CONDUCT.

30 In addition to rules adopted pursuant to sections 258A.3  
31 and 258A.4, the board shall establish and adopt rules  
32 providing for standards of conduct for massage therapists.

33 Sec. 15. Section 258A.1, subsection 6, Code 1991, is  
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. bb. The board of massage therapy examiners

1 created pursuant to chapter 147.

2 Sec. 16. TRANSITION PROVISIONS.

3 1. A person practicing massage therapy on the effective  
4 date of this bill is eligible to receive a temporary license  
5 at the discretion of the board which is valid for up to two  
6 years. The board shall adopt rules determining criteria for  
7 receipt of a temporary license which shall include successful  
8 passage of an examination given by the board.

9 2. Notwithstanding section 147.19, of the initial  
10 appointees to the board of massage therapy examiners, two  
11 members licensed to practice massage therapy and one  
12 representative of the public shall be appointed for one-year  
13 terms, one member licensed to practice massage therapy and one  
14 representative of the public shall be appointed for two-year  
15 terms, and one member licensed to practice massage therapy and  
16 one representative of the public shall be appointed for three-  
17 year terms. The initial appointees' successors shall be  
18 appointed for terms of three years each, except that a person  
19 chosen to fill a vacancy shall be appointed only for the  
20 unexpired term of the board member replaced.

21 Notwithstanding section 154E.2, initial appointees who are  
22 required to be licensed massage therapists shall meet the  
23 requirements of section 147.16 and shall have completed a  
24 curriculum of massage education at a school which complies  
25 with the curriculum requirements of section 154E.5.

26 EXPLANATION

27 This bill provides for and requires licensure of massage  
28 therapists, and imposes fees and a civil penalty.

29 Sections 1 through 6 and 15 are conforming amendments to  
30 the general provisions regulating health practice professions  
31 under the authority of the department of public health. These  
32 sections provide for establishment of the board of massage  
33 therapy examiners, and authority for rulemaking, imposition of  
34 fees and penalties, license revocation and suspension, title  
35 specification for licensed massage therapists, and continuing

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1 education requirements.

2 Sections 7 through 14 create a new Code chapter providing  
3 definitions, specific requirements for licensure and  
4 curriculum approval, including reciprocal licensure and  
5 license renewal.

6 The bill imposes a civil penalty of up to \$1,000 for each  
7 violation on a person who employs a person who is not licensed  
8 under the chapter as a licensed massage therapist, massage  
9 therapist, masseur, or masseuse, or otherwise implies that the  
10 person employed practices massage therapy. The bill also  
11 imposes a civil penalty of up to \$1,000 for each violation on  
12 a person not licensed as a massage therapist who uses the  
13 words "licensed massage therapist", "massage therapist",  
14 "masseur", or "masseuse", or any other words or titles which  
15 imply or represent that the person practices massage therapy.  
16 Each day a violation occurs after citation by the board is a  
17 separate offense. The board is instructed to establish and  
18 adopt rules providing for standards of conduct for massage  
19 therapists.

20 Section 16 contains uncodified transition provisions  
21 allowing for issuance of a temporary license to practice  
22 massage therapy and provides certain exemptions from board  
23 member requirements for the board's initial appointees.

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