

*Reprinted*

MAR 11 1992

HOUSE FILE 2441

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HF 2092)

Passed House, Date 3/24/92 (p. 748)

Passed Senate, Date 4/6/92 (P.1247)

Vote: Ayes 94 Nays 0

Vote: Ayes 45 Nays 1

Approved April 23, 1992 (p. 1770)

**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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HF 2441

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

2 As used in this chapter, unless the context otherwise  
3 requires:

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

6 2. "Department" means the department of public health.

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

9 4. "Massage therapy" means performance for compensation of  
10 massage, myotherapy, massotherapy, bodywork, bodywork therapy,  
11 or therapeutic massage including hydrotherapy, hot and cold  
12 applications, vibration and topical applications, or other  
13 therapy which involves manipulation of the muscle and  
14 connective tissue of the body, excluding osseous tissue, to  
15 treat the muscle tonus system for the purpose of enhancing  
16 health, muscle relaxation, increasing range of motion,  
17 reducing stress, relieving pain, or improving circulation.

18 "Massage therapy" does not include diagnosis or service which  
19 requires a license to practice medicine or surgery,  
20 osteopathic medicine and surgery, osteopathy, chiropractic, or  
21 podiatry, and does not include service performed by athletic  
22 trainers, technicians, nurses, occupational therapists, or  
23 physical therapists who act under a professional license,  
24 certificate, or registration or under the prescription or  
25 supervision of a person licensed to practice medicine or  
26 surgery or osteopathic medicine and surgery.

27 Sec. 2. NEW SECTION. 136E.2 MASSAGE THERAPY ADVISORY  
28 BOARD CREATED -- DUTIES.

29 The director of the department shall appoint members of the  
30 board, including four massage therapists and three persons who  
31 are not massage therapists and who shall represent the general  
32 public. The board shall advise the department regarding  
33 licensure and continuing education requirements, standards of  
34 practice and professional ethics, disciplinary actions, and  
35 other issues of concern to the board.

1     Sec. 3. NEW SECTION. 136E.3 REQUIREMENTS FOR LICENSURE.

2     1. The department shall adopt rules pursuant to chapter  
3 17A establishing a procedure for licensing of massage  
4 therapists. License requirements shall include the following:

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

14     b. Passage of an examination given by the department.

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

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

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

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

32     3. The department shall present all proposed rules,  
33 changes to rules, and proposed action for disciplinary reasons  
34 to the board for recommendation prior to implementation.

35     4. A massage therapist licensed pursuant to this chapter

1 shall be issued a license number and a license certificate.

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

4 A person as defined in section 4.1, who employs to provide  
5 services to other persons a person who is not licensed  
6 pursuant to this chapter, shall not use the initials "L.M.T."  
7 or the words "licensed massage therapist", "massage  
8 therapist", "masseur", or "masseuse", or any other words or  
9 titles which imply or represent that the person employed  
10 practices massage therapy. A person who violates this section  
11 is subject to imposition, at the discretion of the board, of a  
12 civil penalty not to exceed one thousand dollars. Each  
13 violation of this section is a separate offense. Each day a  
14 violation of this section occurs after citation by the board  
15 is a separate offense. The department may inspect any  
16 facility which advertises or offers services purporting to be  
17 delivered by massage therapists.

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

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

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

31 No city, township, or county governmental body, agency, or  
32 department shall enact or enforce restrictions or requirements  
33 regarding massage therapists which are not equally enacted or  
34 enforced regarding all licensed health care practitioners,  
35 including but not limited to zoning, building code, health,

1 and sanitation regulations.

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

4 NEW SUBSECTION. 16A. A massage therapist licensed under  
5 chapter 136E may use the words "licensed massage therapist" or  
6 the initials "L.M.T." after the person's name.

7 Sec. 8. TRANSITION PROVISIONS.

8 1. A person practicing massage therapy on the effective  
9 date of this bill is eligible to receive a temporary license  
10 at the discretion of the department which is valid for up to  
11 two years. The department shall adopt rules determining  
12 criteria for receipt of a temporary license which shall  
13 include successful passage of a written or practical  
14 examination given by the department.

15 2. Notwithstanding section 136E.2, of the initial  
16 appointees to the board, two members licensed to practice  
17 massage therapy and one representative of the public shall be  
18 appointed for one-year terms, one member licensed to practice  
19 massage therapy and one representative of the public shall be  
20 appointed for two-year terms, and one member licensed to  
21 practice massage therapy and one representative of the public  
22 shall be appointed for three-year terms. The initial  
23 appointees' successors shall be appointed for terms of three  
24 years each, except that a person chosen to fill a vacancy  
25 shall be appointed only for the unexpired term of the board  
26 member replaced.

27 Notwithstanding section 136E.3, initial appointees who are  
28 required to be massage therapists shall have completed a  
29 curriculum of massage education at a school which complies  
30 with the curriculum requirements of this chapter but shall not  
31 receive a license until successful passage of the required  
32 examination.

33 EXPLANATION

34 This bill provides for licensure of massage therapists, and  
35 imposes fees and civil penalties.

1 The bill creates a new Code chapter providing definitions,  
2 specific requirements for licensure and curriculum approval,  
3 including reciprocal licensure and license renewal. The bill  
4 creates a massage therapy advisory board which shall advise  
5 the department of public health regarding licensure-related  
6 issues. The department is required to adopt rules  
7 establishing a procedure for licensure including certain  
8 requirements specified in the bill.

9 The bill imposes a civil penalty of up to \$1,000 for each  
10 violation on a person who employs to serve other persons a  
11 person who is not licensed under the chapter as a licensed  
12 massage therapist, massage therapist, masseur, or masseuse, or  
13 otherwise implies that the person employed practices massage  
14 therapy. The bill also imposes a civil penalty of up to \$500  
15 for each violation on a person not licensed as a massage  
16 therapist who uses the initials "L.M.T." or the words  
17 "licensed massage therapist", "massage therapist", "masseur",  
18 or "masseuse", or any other words or titles which imply or  
19 represent that the person practices massage therapy. Each day  
20 a violation occurs after citation by the board is a separate  
21 offense. The bill prohibits a city, township, or county  
22 governmental body, agency, or department from enacting or  
23 enforcing restrictions or requirements regarding massage  
24 therapists which are not equally enacted or enforced regarding  
25 all licensed health care practitioners, including, but not  
26 limited to zoning, building code, health, and sanitation  
27 regulations.

28 The bill contains uncodified transition provisions allowing  
29 for issuance of a temporary license valid for up to two years  
30 to practice massage therapy and provides certain exemptions  
31 from board member requirements for the board's initial  
32 appointees.

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HOUSE FILE 2441

H-5304

1 Amend House File 2441 as follows:

2 1. Page 3, line 7, by striking the word  
3 "therapist," and inserting the following:  
4 "therapist" or".

5 2. Page 3, line 8, by striking the words  
6 "'masseur", or "masseuse",".

7 3. Page 3, by striking line 22 and inserting the  
8 following: "therapist" or "massage therapist", or".

By OSTERBERG of Linn

H-5304 FILED MARCH 16, 1992

*Adopted 3/23 (p 747)*

HOUSE FILE 2441

H-5369

1 Amend House File 2441 as follows:

2 1. Page 1, line 11, by inserting after the word  
3 "hydrotherapy," the following: "superficial".

4 2. Page 2, line 5, by inserting after the word  
5 "at" the following: "a state licensed or".

6 3. Page 2, line 9, by inserting after the word  
7 "of" the following: "supervised".

8 4. Page 2, line 14, by inserting after the word  
9 "given" the following: "or approved".

10 5. Page 4, by striking lines 12 through 14 and  
11 inserting the following: "criteria for receipt of a  
12 temporary license."

By HANSON of Delaware

H-5369 FILED MARCH 18, 1992

*Adopted 3/23 (p 747)*

HOUSE FILE 2441

H-5386

1 Amend House File 2441 as follows:

2 1. Page 4, line 8, by inserting after the figure  
3 "1." the following: "a."

4 2. Page 4, by inserting after line 14 the  
5 following:

6 "b. A person who can demonstrate that the person  
7 has practiced massage therapy for ten years or more  
8 prior to the effective date of this Act is eligible to  
9 receive a temporary license at the discretion of the  
10 department which is valid for six years. The  
11 department shall adopt rules determining criteria for  
12 receipt of a temporary license which shall include  
13 successful passage of a practical examination given by  
14 the department, and shall not include passage of a  
15 written examination."

By OSTERBERG of Linn

H-5386 FILED MARCH 19, 1992

*Adopted 3/23 (p 747)*

HOUSE FILE 2441  
BY COMMITTEE ON STATE GOVERNMENT

(As Amended and Passed by the House March 23, 1992)

(SUCCESSOR TO HF 2092)

Passed House, Date 3/23/92 (p 748) Passed Senate, Date 4/6/92 (p 1247)  
Vote: Ayes 94 Nays 0 Vote: Ayes 45 Nays 1  
Approved April 23, 1992 (p 1770)

**A BILL FOR**

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House Amendments \_\_\_\_\_



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5 established in section 136E.2.

6 2. "Department" means the department of public health.

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

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

27 Sec. 2. NEW SECTION. 136E.2 MASSAGE THERAPY ADVISORY  
28 BOARD CREATED -- DUTIES.

29 The director of the department shall appoint members of the  
30 board, including four massage therapists and three persons who  
31 are not massage therapists and who shall represent the general  
32 public. The board shall advise the department regarding  
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3 17A establishing a procedure for licensing of massage  
4 therapists. License requirements shall include the following:

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

15     b. Passage of an examination given or approved by the  
16 department.

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

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

22     a. Requirements regarding completion of at least twelve  
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25 safety of the public, subject to reduction by the department  
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29     b. Requirements for issuance of a reciprocal license to  
30 licensees of states with license requirements equal to or  
31 exceeding those of this chapter. The rules shall provide for  
32 issuance of a temporary reciprocal license for licensees of  
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34     3. The department shall present all proposed rules,  
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1 to the board for recommendation prior to implementation.

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7 services to other persons a person who is not licensed  
8 pursuant to this chapter, shall not use the initials "L.M.T."  
9 or the words "licensed massage therapist", "massage  
10 therapist", "masseur", or "masseuse", or any other words or  
11 titles which imply or represent that the person employed  
12 practices massage therapy. A person who violates this section  
13 is subject to imposition, at the discretion of the board, of a  
14 civil penalty not to exceed one thousand dollars. Each  
15 violation of this section is a separate offense. Each day a  
16 violation of this section occurs after citation by the board  
17 is a separate offense. The department may inspect any  
18 facility which advertises or offers services purporting to be  
19 delivered by massage therapists.

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

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

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

33 No city, township, or county governmental body, agency, or  
34 department shall enact or enforce restrictions or requirements  
35 regarding massage therapists which are not equally enacted or

1 enforced regarding all licensed health care practitioners,  
2 including but not limited to zoning, building code, health,  
3 and sanitation regulations.

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

6 NEW SUBSECTION. 16A. A massage therapist licensed under  
7 chapter 136E may use the words "licensed massage therapist" or  
8 the initials "L.M.T." after the person's name.

9 Sec. 8. TRANSITION PROVISIONS.

10 1. a. A person practicing massage therapy on the  
11 effective date of this bill is eligible to receive a temporary  
12 license at the discretion of the department which is valid for  
13 up to two years. The department shall adopt rules determining  
14 criteria for receipt of a temporary license.

15 b. A person who can demonstrate that the person has  
16 practiced massage therapy for ten years or more prior to the  
17 effective date of this Act is eligible to receive a temporary  
18 license at the discretion of the department which is valid for  
19 six years. The department shall adopt rules determining  
20 criteria for receipt of a temporary license which shall  
21 include successful passage of a practical examination given by  
22 the department, and shall not include passage of a written  
23 examination.

24 2. Notwithstanding section 136E.2, of the initial  
25 appointees to the board, two members licensed to practice  
26 massage therapy and one representative of the public shall be  
27 appointed for one-year terms, one member licensed to practice  
28 massage therapy and one representative of the public shall be  
29 appointed for two-year terms, and one member licensed to  
30 practice massage therapy and one representative of the public  
31 shall be appointed for three-year terms. The initial  
32 appointees' successors shall be appointed for terms of three  
33 years each, except that a person chosen to fill a vacancy  
34 shall be appointed only for the unexpired term of the board  
35 member replaced.

1 Notwithstanding section 136E.3, initial appointees who are  
2 required to be massage therapists shall have completed a  
3 curriculum of massage education at a school which complies  
4 with the curriculum requirements of this chapter but shall not  
5 receive a license until successful passage of the required  
6 examination.

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HOUSE FILE 2441

AN ACT  
PROVIDING FOR LICENSURE OF MASSAGE THERAPISTS AND IMPOSING  
FEES AND CIVIL PENALTIES.

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

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

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

1. "Board" means the massage therapy advisory board established in section 136E.2.
2. "Department" means the department of public health.
3. "Massage therapist" means a person licensed to practice the health care service of massage therapy under this chapter.
4. "Massage therapy" means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation. "Massage therapy" does not include diagnosis or service which requires a license to practice medicine or surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry, and does not include service performed by athletic trainers, technicians, nurses, occupational therapists, or physical therapists who act under a professional license, certificate, or registration or under the prescription or supervision of a person licensed to practice medicine or surgery or osteopathic medicine and surgery.

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

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

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

1. The department shall adopt rules pursuant to chapter 17A establishing a procedure for licensing of massage therapists. License requirements shall include the following:
  - a. Completion of a curriculum of massage education at a state licensed or an accredited school approved by the department which requires for admission a diploma from an accredited high school or the equivalent and requires completion of at least five hundred hours of supervised academic instruction. However, educational requirements under this paragraph are subject to reduction by the department if, after public notice and hearing, the department determines that the welfare of the public may be adequately protected with fewer hours of education.
  - b. Passage of an examination given or approved by the department.
  - c. Payment of a reasonable fee required by the department which shall compensate and be retained by the department for the costs of administering this chapter.
2. In addition to provisions for licensure, the rules shall include the following:
  - a. Requirements regarding completion of at least twelve hours of continuing education annually regarding subjects concerning massage and related techniques or the health and safety of the public, subject to reduction by the department if, after public notice and hearing, the department determines that the welfare of the public may be adequately protected with fewer hours.

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

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

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

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

A person as defined in section 4.1, who employs to provide services to other persons a person who is not licensed pursuant to this chapter, shall not use the initials "L.M.T." or the words "licensed massage therapist", "massage therapist", "masseur", or "masseuse", or any other words or titles which imply or represent that the person employed practices massage therapy. A person who violates this section is subject to imposition, at the discretion of the board, of a civil penalty not to exceed one thousand dollars. Each violation of this section is a separate offense. Each day a violation of this section occurs after citation by the board is a separate offense. The department may inspect any facility which advertises or offers services purporting to be delivered by massage therapists.

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

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

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

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

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

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

Sec. 8. TRANSITION PROVISIONS.

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

b. A person who can demonstrate that the person has practiced massage therapy for ten years or more prior to the effective date of this Act is eligible to receive a temporary license at the discretion of the department which is valid for six years. The department shall adopt rules determining criteria for receipt of a temporary license which shall include successful passage of a practical examination given by the department, and shall not include passage of a written examination.

2. Notwithstanding section 136E.2, of the initial appointees to the board, two members licensed to practice massage therapy and one representative of the public shall be appointed for one-year terms, one member licensed to practice massage therapy and one representative of the public shall be appointed for two-year terms, and one member licensed to practice massage therapy and one representative of the public

shall be appointed for three-year terms. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

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

---

ROBERT C. ARNOULD  
Speaker of the House

---

MICHAEL E. GRONSTAL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2441, Seventy-fourth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 23, 1992

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TERRY E. BRANSTAD  
Governor

**HF 2441**