

3/21/93 Senate - State Gov.  
4/8/93 Senate - Do Pass

HOUSE FILE 562  
BY COMMITTEE ON STATE GOVERNMENT

MAR 17 1993

Place On Calendar

(SUCCESSOR TO HSB 204)

Passed House, <sup>(P.784)</sup> Date 3/24/93 Passed Senate, <sup>(P.1215)</sup> Date 4/19/93  
Vote: Ayes 100 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 28, 1993

A BILL FOR

- 1 An Act relating to requirements for licensure of massage
- 2 therapists.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 562

1 Section 1. Section 152C.3, subsection 1, paragraph a, Code  
2 1993, is amended to read as follows:

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

13 Sec. 2. 1992 Iowa Acts, chapter 1137, section 8,  
14 subsection 1, is amended to read as follows:

15 1. a. A person practicing massage therapy on the  
16 effective date of this ~~bill~~ Act, who applies for licensure  
17 prior to December 31, 1993, is eligible to receive a temporary  
18 license at the discretion of the department which is valid for  
19 up to two years. The department shall adopt rules determining  
20 criteria for receipt of a temporary license.

21 b. A person who can demonstrate that the person has  
22 practiced massage therapy for ten years or more prior to the  
23 effective date of this Act and who applies for licensure prior  
24 to December 31, 1993, is eligible to receive a temporary  
25 license at the discretion of the department which is valid for  
26 six years. The department shall adopt rules determining  
27 criteria for receipt of a temporary license which shall  
28 include successful passage of a practical examination given by  
29 the department, and shall not include passage of a written  
30 examination.

31 EXPLANATION

32 This bill strikes a provision in the requirements for  
33 licensure of massage therapists, which requires persons to  
34 complete a curriculum of massage education at a state licensed  
35 or an accredited school, so that under the bill, the person

1 may complete the curriculum at any school approved by the Iowa  
2 department of public health which meets certain other  
3 conditions. The bill also contains a transition provision for  
4 practicing massage therapists.

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HSB 204

Hanson, Chair

Beatty

Lipp

STATE GOVERNMENT

HOUSE FILE 562

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON CARPENTER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the establishment of the respiratory care and  
2 massage therapy examining boards.

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

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1 Section 1. Section 135.1, unnumbered paragraph 1, Code  
2 1993, is amended to read as follows:

3 For the purposes of chapters ~~152B~~, 155, 435, and title IV,  
4 subtitle 2, excluding chapters 142B, 145B, and 146, unless  
5 otherwise defined:

6 Sec. 2. Section 135.11, subsections 11 and 13, Code 1993,  
7 are amended to read as follows:

8 11. Enforce the law relative to chapter 146 and "Health-  
9 related Professions," title IV, subtitle 3, excluding chapters  
10 ~~152B~~ and chapter 155.

11 13. Establish, publish, and enforce rules not inconsistent  
12 with law for the enforcement of the provisions of chapters  
13 125, ~~152B~~, 155, and 435 and title IV, subtitle 2, excluding  
14 chapters 142B, 145B, and 146 and for the enforcement of the  
15 various laws, the administration and supervision of which are  
16 imposed upon the department.

17 Sec. 3. Section 147.1, subsections 7 and 10, Code 1993,  
18 are amended to read as follows:

19 7. "Licensed" or "certified" when applied to a physician  
20 and surgeon, podiatrist, osteopath, osteopathic physician and  
21 surgeon, physician assistant, psychologist or associate  
22 psychologist, chiropractor, nurse, dentist, dental hygienist,  
23 optometrist, speech pathologist, audiologist, pharmacist,  
24 physical therapist, occupational therapist, practitioner of  
25 cosmetology arts and sciences, practitioner of barbering,  
26 funeral director, dietitian, marital and family therapist,  
27 mental health counselor, a respiratory care practitioner, a  
28 massage therapist, or social worker means a person licensed  
29 under this subtitle, ~~excluding chapters 152B and 152C~~.

30 10. "Profession" means medicine and surgery, podiatry,  
31 osteopathy, osteopathic medicine and surgery, practice as a  
32 physician assistant, psychology, chiropractic, nursing,  
33 dentistry, dental hygiene, optometry, speech pathology,  
34 audiology, pharmacy, physical therapy, occupational therapy,  
35 cosmetology arts and sciences, barbering, mortuary science,

1 marital and family therapy, mental health counseling, social  
2 work, respiratory therapy, massage therapy, or dietetics.

3 Sec. 4. Section 147.2, Code 1993, is amended to read as  
4 follows:

5 147.2 LICENSE REQUIRED.

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

16 Sec. 5. Section 147.3, Code 1993, is amended to read as  
17 follows:

18 147.3 QUALIFICATIONS.

19 An applicant for a license to practice a profession under  
20 this subtitle~~7-excluding-chapters-152B-and-152E7~~ is not  
21 ineligible because of age, citizenship, sex, race, religion,  
22 marital status or national origin, although the application  
23 form may require citizenship information. A board may  
24 consider the past felony record of an applicant only if the  
25 felony conviction relates directly to the practice of the  
26 profession for which the applicant requests to be licensed.  
27 Character references may be required, but shall not be  
28 obtained from licensed members of the profession.

29 Sec. 6. Section 147.6, Code 1993, is amended to read as  
30 follows:

31 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

32 Every license issued under this subtitle~~7-excluding~~  
33 ~~chapters-152B-and-152E7~~ shall be presumptive evidence of the  
34 right of the holder to practice in this state the profession  
35 therein specified.

1 Sec. 7. Section 147.7, Code 1993, is amended to read as  
2 follows:

3 147.7 DISPLAY OF LICENSE.

4 Every person licensed under this subtitle~~7-excluding~~  
5 ~~chapters-152B-and-152E~~, to practice a profession shall keep  
6 the license publicly displayed in the primary place in which  
7 the person practices.

8 Sec. 8. Section 147.9, Code 1993, is amended to read as  
9 follows:

10 147.9 CHANGE OF RESIDENCE.

11 When any person licensed to practice a profession under  
12 this subtitle~~7-excluding-chapters-152B-and-152E~~, changes a  
13 residence or place of practice the person shall notify the  
14 department.

15 Sec. 9. Section 147.12, unnumbered paragraph 1, Code 1993,  
16 is amended to read as follows:

17 For the purpose of giving examinations to applicants for  
18 licenses to practice the professions for which licenses are  
19 required by this subtitle, ~~excluding-chapters-152B-and-152E~~  
20 the governor shall appoint, subject to confirmation by the  
21 senate, a board of examiners for each of the professions. The  
22 board members shall not be required to be members of  
23 professional societies or associations composed of members of  
24 their professions.

25 Sec. 10. Section 147.13, Code 1993, is amended by adding  
26 the following new subsections:

27 NEW SUBSECTION. 18. For respiratory care practitioners,  
28 respiratory care examiners.

29 NEW SUBSECTION. 19. For massage therapists, massage  
30 therapy examiners.

31 Sec. 11. Section 147.14, Code 1993, is amended by adding  
32 the following new subsections:

33 NEW SUBSECTION. 15. For respiratory care practitioners,  
34 two licensed physicians with recognized training and  
35 experience in respiratory care, two licensed respiratory care

1 practitioners, and one public member. A majority of the  
2 members of the board constitute a quorum.

3 NEW SUBSECTION. 16. For massage therapists, four licensed  
4 massage therapists and three members of the general public. A  
5 majority of the members of the board constitute a quorum.

6 Sec. 12. Section 147.16, Code 1993, is amended by adding  
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. However, each licensed  
9 respiratory care practitioner member of the board shall be  
10 actively engaged as a respiratory care practitioner as defined  
11 in section 152B.1 and each licensed massage therapist member  
12 of the board shall be actively engaged as a massage therapist  
13 as defined in section 152C.1.

14 Sec. 13. Section 147.30, Code 1993, is amended to read as  
15 follows:

16 147.30 TIME AND PLACE OF EXAMINATIONS.

17 The department shall give public notice of the time and  
18 place of all examinations to be held under this subtitle  
19 ~~excluding chapters 152B and 152C.~~ Such notice shall be given  
20 in such manner as the department may deem expedient and in  
21 ample time to allow all candidates to comply with the  
22 provisions of this subtitle ~~excluding chapters 152B and 152C.~~

23 Sec. 14. Section 147.34, Code 1993, is amended to read as  
24 follows:

25 147.34 EXAMINATIONS.

26 Examinations for each profession licensed under this  
27 subtitle ~~excluding chapters 152B and 152C,~~ shall be conducted  
28 at least one time per year at such time as the department may  
29 fix in co-operation with each examining board. Examinations  
30 may be given at the state University of Iowa at the close of  
31 each school year for professions regulated by this subtitle  
32 ~~excluding chapters 152B and 152C,~~ and examinations may be  
33 given at other schools located in the state at which any of  
34 the professions regulated by this subtitle ~~excluding chapters~~  
35 ~~152B and 152C,~~ are taught. At least one session of each



1 examining board shall be held annually at the seat of  
2 government and the locations of other sessions shall be  
3 determined by the examining board, unless otherwise ordered by  
4 the department. Applicants who fail to pass the examination  
5 once shall be allowed to take the examination at the next  
6 scheduled time. Thereafter, applicants shall be allowed to  
7 take the examination at the discretion of the board.  
8 Examinations may be given by an examining board which are  
9 prepared and scored by persons outside the state, and  
10 examining boards may contract for such services. An examining  
11 board may make an agreement with examining boards in other  
12 states for administering a uniform examination. An applicant  
13 who has failed an examination may request in writing  
14 information from the examining board concerning the  
15 examination grade and subject areas or questions which the  
16 applicant failed to answer correctly, except that if the  
17 examining board administers a uniform, standardized  
18 examination, the examining board shall only be required to  
19 provide the examination grade and such other information  
20 concerning the applicant's examination results which are  
21 available to the examining board.

22 Sec. 15. Section 147.41, subsection 2, Code 1993, is  
23 amended to read as follows:

24 2. The subjects to be covered by such examination and the  
25 subjects to be covered by the final examination to be taken by  
26 such applicant after the completion of the professional course  
27 and prior to the issuance of the license, but the subjects  
28 covered in the partial and final examinations shall be the  
29 same as those specified in this subtitle~~7-excluding-chapters~~  
30 ~~152B-and-152E~~, for the regular examination.

31 Sec. 16. Section 147.44, Code 1993, is amended to read as  
32 follows:

33 147.44 AGREEMENTS.

34 For the purpose of recognizing licenses which have been  
35 issued in other states to practice any profession for which a

1 license is required by this subtitle, ~~excluding-chapters-152B~~  
2 ~~and-152E~~, the department shall enter into a reciprocal  
3 agreement with every state which is certified to it by the  
4 proper examining board under the provisions of section 147.45  
5 and with which this state does not have an existing agreement  
6 at the time of such certification.

7 Sec. 17. Section 147.46, subsection 1, Code 1993, is  
8 amended to read as follows:

9 1. PROTECTION TO LICENSEES OF THIS STATE. When the laws  
10 of any a state or the rules of the authorities of said a state  
11 place any requirement or disability upon any a person licensed  
12 in this state to practice any profession regulated by this  
13 subtitle, ~~excluding-chapters-152B-and-152E~~, which affects the  
14 right of said the person to be licensed or to practice the  
15 person's profession in said that state, then the same  
16 requirement or disability shall be placed upon any a person  
17 licensed in said that state when applying for a license to  
18 practice in this state.

19 Sec. 18. Section 147.52, Code 1993, is amended to read as  
20 follows:

21 147.52 RECIPROCITY.

22 When the laws of any a state or the rules of the  
23 authorities of said a state place any a requirement or  
24 disability upon any a person holding a diploma or certificate  
25 from any college in this state in which one of the professions  
26 regulated by this subtitle, ~~excluding-chapters-152B-and-152E~~,  
27 is taught, which affects the right of said the person to be  
28 licensed in said that state, the same requirement or  
29 disability shall be placed upon any a person holding a diploma  
30 from a similar college situated therein in that state, when  
31 applying for a license to practice in this state.

32 Sec. 19. Section 147.72, Code 1993, is amended to read as  
33 follows:

34 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

35 Any person licensed to practice a profession under this

1 subtitle~~7-excluding-chapters-152B-and-152C~~, may append to the  
2 person's name any recognized title or abbreviation, which the  
3 person is entitled to use, to designate the person's  
4 particular profession, but no other person shall assume or use  
5 such title or abbreviation, and no licensee shall advertise in  
6 such a manner as to lead the public to believe that the  
7 licensee is engaged in the practice of any other profession  
8 than the one which the licensee is licensed to practice.

9 Sec. 20. Section 147.73, subsection 1, Code 1993, is  
10 amended to read as follows:

11 1. As authorizing any person licensed to practice a  
12 profession under this subtitle~~7-excluding-chapters-152B-and~~  
13 ~~152C~~, to use or assume any degree or abbreviation of the same  
14 unless such degree has been conferred upon said person by an  
15 institution of learning accredited by the appropriate board  
16 herein created, together with the director of public health,  
17 or by some recognized state or national accredited agency.

18 Sec. 21. Section 147.74, subsection 17, Code 1993, is  
19 amended to read as follows:

20 17. A massage therapist licensed under chapter 152C and  
21 this chapter may use the words "licensed massage therapist" or  
22 the initials "L.M.T." after the person's name.

23 Sec. 22. Section 147.74, Code 1993, is amended by adding  
24 the following new subsection:

25 NEW SUBSECTION. 17A. A respiratory care practitioner who  
26 is licensed under chapter 152B and this chapter may use the  
27 words "respiratory care practitioner" or the letters "R.C.P."  
28 after the person's name.

29 Sec. 23. Section 147.80, Code 1993, is amended by adding  
30 the following new subsections:

31 NEW SUBSECTION. 26. License to practice respiratory care,  
32 issuance of a license to practice respiratory care under a  
33 reciprocity agreement, or renewal of a license to practice  
34 respiratory care.

35 NEW SUBSECTION. 27. License to practice massage therapy,

1 issuance of a license to practice massage therapy under a  
2 reciprocity agreement, or renewal of a license to practice  
3 massage therapy.

4 Sec. 24. Section 147.83, Code 1993, is amended to read as  
5 follows:

6 147.83 INJUNCTION.

7 Any person engaging in any business or in the practice of  
8 any profession for which a license is required by this  
9 subtitle, ~~excluding chapters 152B and 152E~~, without such  
10 license may be restrained by permanent injunction.

11 Sec. 25. Section 147.86, Code 1993, is amended to read as  
12 follows:

13 147.86 PENALTIES.

14 Any person violating any provision of this or the following  
15 chapters of this subtitle, ~~excluding chapters 152B and 152E~~  
16 except insofar as the provisions apply or relate to or affect  
17 the practice of pharmacy, or where a specific penalty is not  
18 otherwise provided, shall be guilty of a serious misdemeanor.

19 Sec. 26. Section 147.87, Code 1993, is amended to read as  
20 follows:

21 147.87 ENFORCEMENT.

22 The department shall enforce the provisions of this and the  
23 following chapters of this subtitle, ~~excluding chapters 152B~~  
24 ~~and 152E~~, and for that purpose may request the department of  
25 inspections and appeals to make necessary investigations.

26 Every licensee and member of an examining board shall furnish  
27 the department or the department of inspections and appeals  
28 such evidence as the member or licensee may have relative to  
29 any alleged violation which is being investigated.

30 Sec. 27. Section 147.88, Code 1993, is amended to read as  
31 follows:

32 147.88 INSPECTIONS.

33 The department of inspections and appeals may perform  
34 inspections as required by this subtitle, ~~excluding chapters~~  
35 ~~152B and 152E~~, except for the board of medical examiners,

1 board of pharmacy examiners, board of nursing, and the board  
2 of dental examiners. The department of inspections and  
3 appeals shall employ personnel related to the inspection  
4 functions.

5 Sec. 28. Section 147.90, Code 1993, is amended to read as  
6 follows:

7 147.90 RULES AND FORMS.

8 The Iowa department of public health and the department of  
9 inspections and appeals shall each establish the necessary  
10 rules and forms for carrying out the duties imposed upon it by  
11 this subtitle, ~~excluding chapters 152B and 152E~~.

12 Sec. 29. Section 147.92, Code 1993, is amended to read as  
13 follows:

14 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

15 Upon request of the department the attorney general shall  
16 institute in the name of the state the proper proceedings  
17 against any person charged by the department with violating  
18 any provision of this or the following chapters of this  
19 subtitle, ~~excluding chapters 152B and 152E~~; and the county  
20 attorney, at the request of the attorney general, shall appear  
21 and prosecute such action when brought in the county  
22 attorney's county.

23 Sec. 30. Section 147.93, Code 1993, is amended to read as  
24 follows:

25 147.93 PRIMA FACIE EVIDENCE.

26 The opening of an office or place of business for the  
27 practice of any profession for which a license is required by  
28 this subtitle, ~~excluding chapters 152B and 152E~~; the  
29 announcing to the public in any way the intention to practice  
30 any such profession, the use of any professional degree or  
31 designation, or of any sign, card, circular, device, or  
32 advertisement, as a practitioner of any such profession, or as  
33 a person skilled in the same, shall be prima-facie evidence of  
34 engaging in the practice of such profession.

35 Sec. 31. Section 147.111, Code 1993, is amended to read as

1 follows:

2 147.111 REPORT OF TREATMENT OF WOUNDS.

3 Any person licensed under the provisions of this subtitle,  
4 ~~excluding chapters 152B and 152C~~, who shall administer any  
5 treatment to any person suffering an injury of violence, which  
6 appears to have been received in connection with the  
7 commission of a criminal offense, or to whom an application is  
8 made for treatment of any nature because of any such injury of  
9 violence, shall at once but not later than twelve hours  
10 thereafter, report said fact to the sheriff of the county in  
11 which said treatment was administered or an application  
12 therefor was made, stating therein the name of such person,  
13 the person's residence if ascertainable, and giving a brief  
14 description of the injury. Any provision of law or rule of  
15 evidence relative to confidential communications is suspended  
16 insofar as the provisions hereof are concerned.

17 Sec. 32. Section 152C.1, subsection 1, Code 1993, is  
18 amended to read as follows:

19 1. "Board" means the massage therapy ~~advisory~~ examining  
20 board established in ~~section 152C-2~~ chapter 147.

21 Sec. 33. Section 272C.1, subsection 6, paragraph aa, Code  
22 1993, is amended to read as follows:

23 aa. The ~~Iowa department of public health in licensing~~  
24 respiratory care ~~practitioners~~ examining board created  
25 pursuant to chapter ~~152B~~ 147.

26 Sec. 34. Section 272C.1, subsection 6, Code 1993, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. bb. The massage therapy examining board  
29 created pursuant to chapter 147.

30 Sec. 35. 1992 Iowa Acts, chapter 1137, section 8,  
31 subsection 1, is amended to read as follows:

32 1. a. A person practicing massage therapy on the  
33 effective date of this ~~bill~~ Act, who applies for licensure  
34 prior to December 31, 1993, is eligible to receive a temporary  
35 license at the discretion of the department which is valid for

1 up to two years. The department shall adopt rules determining  
2 criteria for receipt of a temporary license.

3 b. A person who can demonstrate that the person has  
4 practiced massage therapy for ten years or more prior to the  
5 effective date of this Act and who applies for licensure prior  
6 to December 31, 1993, is eligible to receive a temporary  
7 license at the discretion of the department which is valid for  
8 six years. The department shall adopt rules determining  
9 criteria for receipt of a temporary license which shall  
10 include successful passage of a practical examination given by  
11 the department, and shall not include passage of a written  
12 examination.

13 Sec. 36. REPEALS. Sections 152B.6, 152B.7, 152B.8,  
14 152B.9, 152B.11, 152B.12, 152B.13, 152C.2, 152C.3, 152C.4,  
15 152C.5, and 152C.7, Code 1993, are repealed.

16 EXPLANATION

17 This bill establishes a massage therapy examining board in  
18 place of the existing massage therapy advisory board and a  
19 respiratory care examining board in place of the existing  
20 respiratory care advisory board and makes conforming changes  
21 in the Code. The bill also contains a transition provision  
22 for practicing massage therapists.

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HOUSE FILE 562

the department, and shall not include passage of a written examination.

AN ACT

RELATING TO REQUIREMENTS FOR LICENSURE OF MASSAGE THERAPISTS.

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

Section 1. Section 152C.3, subsection 1, paragraph a, Code 1993, is amended to read as follows:

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.

Sec. 2. 1992 Iowa Acts, chapter 1137, section 8, subsection 1, is amended to read as follows:

1. a. A person practicing massage therapy on the effective date of this ~~bill~~ Act, who applies for licensure prior to December 31, 1993, 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 and who applies for licensure prior to December 31, 1993, 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

\_\_\_\_\_  
HAROLD VAN MAANEN  
Speaker of the House

\_\_\_\_\_  
LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 562, Seventy-fifth General Assembly.

\_\_\_\_\_  
ELIZABETH ISAACSON  
Chief Clerk of the House

Approved  1993

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor