

FEB 10 2004
Place On Calendar

HOUSE FILE 2201
BY COMMITTEE ON
STATE GOVERNMENT

(SUCCESSOR TO HSB 596)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for exemptions from massage therapy licensure
2 requirements.

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

4
5
6
7
8
9

HF-2201

HOUSE FILE 2201

H-8017

1 Amend House File 2201 as follows:
2 1. Page 1, line 35, by striking the words "or
3 physical therapists" and inserting the following:
4 "physical therapists, or physician assistants".

By GREINER of Washington
HUTTER of Scott
WHITEAD of Woodbury

H-8017 FILED FEBRUARY 11, 2004

19
20
21
22

1 Section 1. Section 152C.1, subsection 3, Code 2003, is
2 amended to read as follows:

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

22 Sec. 2. Section 152C.1, Code 2003, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. "Reflexology" means manipulation of
25 the soft tissues of the human body which is restricted to the
26 hands, feet, or ears, performed by persons who do not hold
27 themselves out to be massage therapists or to be performing
28 massage therapy.

29 Sec. 3. NEW SECTION. 152C.9 EXEMPTIONS.

30 This chapter shall not apply to the following persons:

- 31 1. Persons who are licensed to practice medicine or
32 surgery, osteopathic medicine and surgery, osteopathy,
33 chiropractic, cosmetology arts and sciences, or podiatry in
34 this state; or athletic trainers, technicians, nurses,
35 occupational therapists, or physical therapists licensed,

1 certified, or registered in this state or acting under the
2 prescription or supervision of a person licensed to practice
3 medicine or surgery or osteopathic medicine and surgery in
4 this state.

5 2. Persons who are licensed, registered, or certified in
6 another state, territory, the District of Columbia, or a
7 foreign country when incidentally present in this state to
8 teach a course of instruction related to massage and bodywork
9 therapy or to consult with a person licensed under subtitle 3
10 of this title.

11 3. Students enrolled in a program recognized by the board
12 while completing a clinical requirement for graduation
13 performed under the supervision of a person licensed under
14 subtitle 3 of this title.

15 4. Persons giving massage and bodywork to members of their
16 immediate family.

17 5. Persons practicing reflexology.

18 6. Persons engaged within the scope of practice of a
19 profession with established standards and ethics utilizing
20 touch, words, and directed movement to deepen awareness of
21 existing patterns of movement in the body as well as to
22 suggest new possibilities of movement, provided that the
23 practices performed or services rendered are not designated or
24 implied to be massage therapy. Such practices include, but
25 are not limited to, the Feldenkrais method, the Trager
26 approach, and mind-body centering.

27 7. Persons engaged within the scope of practice of a
28 profession with established standards and ethics in which
29 touch is limited to that which is essential for palpitation
30 and affectation of the human energy system, provided that the
31 practices performed or services rendered are not designated or
32 implied to be massage therapy.

33 8. Persons incidentally present in this state to provide
34 services as part of an emergency response team working in
35 conjunction with disaster relief officials.

EXPLANATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

This bill provides that the licensure provisions of Code chapter 152C, relating to massage therapy, shall not apply to a number of designated individuals.

The bill provides an exemption for individuals licensed in this state to practice medicine or surgery, osteopathic medicine and surgery, osteopathy, chiropractic, cosmetology arts and sciences, or podiatry, and for athletic trainers, technicians, nurses, occupational therapists, or physical therapists licensed, certified, or registered in this state or acting under the prescription or supervision of a person licensed to practice medicine or surgery or osteopathic medicine and surgery in this state. The bill deletes language regarding the same professions currently excluded from the definition of message therapy in Code section 152C.1.

The bill also provides an exemption for individuals licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally present in this state to teach a course of instruction related to massage and bodywork therapy or to consult with a person licensed under subtitle 3 of Code Title IV, dealing with the licensure of health-related professions.

The bill additionally exempts students enrolled in a program recognized by the board of massage therapy examiners while completing a clinical requirement for graduation performed under the supervision of a person licensed under subtitle 3 of Code Title IV, individuals giving massage and bodywork to members of their immediate family, and individuals practicing reflexology. The bill provides a definition of reflexology to mean the manipulation of the soft tissues of the human body which is restricted to the hands, feet, or ears, performed by persons who do not hold themselves out to be massage therapists or to be performing massage therapy.

The bill further exempts individuals engaged within the scope of practice of a profession with established standards

1 and ethics utilizing touch, words, and directed movement to
2 deepen awareness of existing patterns of movement in the body
3 as well as to suggest new possibilities of movement, provided
4 that the practices performed or services rendered are not
5 designated or implied to be massage therapy. The bill
6 includes within this exemption, among others, the Feldenkrais
7 method, the Trager approach, and mind-body centering. The
8 bill also exempts individuals engaged within the scope of
9 practice of a profession with established standards and ethics
10 in which touch is limited to that which is essential for
11 palpitation and affectation of the human energy system,
12 provided that the practices performed or services rendered are
13 not designated or implied to be massage therapy.

14 Finally, the bill exempts persons incidentally present in
15 this state to provide services as part of an emergency
16 response team working in conjunction with disaster relief
17 officials.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2201
BY COMMITTEE ON
STATE GOVERNMENT

(SUCCESSOR TO HSB 596)

(As Amended and Passed by the House March 8, 2004)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for exemptions from massage therapy licensure
2 requirements.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

House Amendments _____

1 Section 1. Section 152C.1, subsection 3, Code 2003, is
2 amended to read as follows:

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

22 Sec. 2. Section 152C.1, Code 2003, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. "Reflexology" means manipulation of
25 the soft tissues of the human body which is restricted to the
26 hands, feet, or ears, performed by persons who do not hold
27 themselves out to be massage therapists or to be performing
28 massage therapy.

29 Sec. 3. NEW SECTION. 152C.9 EXEMPTIONS.

30 This chapter shall not apply to the following persons:

31 1. Persons who are licensed to practice medicine or
32 surgery, osteopathic medicine and surgery, osteopathy,
33 chiropractic, cosmetology arts and sciences, or podiatry in
34 this state; or athletic trainers, technicians, nurses,
35 occupational therapists, physical therapists, or physician

1 assistants licensed, certified, or registered in this state or
2 acting under the prescription or supervision of a person
3 licensed to practice medicine or surgery or osteopathic
4 medicine and surgery in this state.

5 2. Persons who are licensed, registered, or certified in
6 another state, territory, the District of Columbia, or a
7 foreign country when incidentally present in this state to
8 teach a course of instruction related to massage and bodywork
9 therapy or to consult with a person licensed under subtitle 3
10 of this title.

11 3. Students enrolled in a program recognized by the board
12 while completing a clinical requirement for graduation
13 performed under the supervision of a person licensed under
14 subtitle 3 of this title.

15 4. Persons giving massage and bodywork to members of their
16 immediate family.

17 5. Persons practicing reflexology.

18 6. Persons engaged within the scope of practice of a
19 profession with established standards and ethics utilizing
20 touch, words, and directed movement to deepen awareness of
21 existing patterns of movement in the body as well as to
22 suggest new possibilities of movement, provided that the
23 practices performed or services rendered are not designated or
24 implied to be massage therapy. Such practices include, but
25 are not limited to, the Feldenkrais method, the Trager
26 approach, and mind-body centering.

27 7. Persons engaged within the scope of practice of a
28 profession with established standards and ethics in which
29 touch is limited to that which is essential for palpitation
30 and affectation of the human energy system, provided that the
31 practices performed or services rendered are not designated or
32 implied to be massage therapy.

33 8. Persons incidentally present in this state to provide
34 services as part of an emergency response team working in
35 conjunction with disaster relief officials.

Chair: Hutter
Greiner
Whitead

Successed By
S^r 2201

HSB 596
STATE GOVERNMENT

HOUSE FILE _____

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

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for exemptions from massage therapy licensure
2 requirements.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 152C.9 EXEMPTIONS.

2 This chapter shall not apply to the following persons:

3 1. Persons who are licensed to practice medicine or
4 surgery, osteopathic medicine and surgery, osteopathy,
5 chiropractic, cosmetology arts and sciences, or podiatry in
6 this state; or athletic trainers, technicians, nurses,
7 occupational therapists, or physical therapists licensed,
8 certified, or registered in this state or acting under the
9 prescription or supervision of a person licensed to practice
10 medicine or surgery or osteopathic medicine and surgery in
11 this state.

12 2. Persons who are licensed, registered, or certified in
13 another state, territory, the District of Columbia, or a
14 foreign country when incidentally present in this state to
15 teach a course of instruction related to massage and bodywork
16 therapy or to consult with a person licensed under subtitle 3
17 of this title.

18 3. Students enrolled in a program recognized by the board
19 while completing a clinical requirement for graduation
20 performed under the supervision of a person licensed under
21 subtitle 3 of this title.

22 4. Persons giving massage and bodywork to members of their
23 immediate family.

24 5. Persons practicing reflexology.

25 6. Persons engaged within the scope of practice of a
26 profession with established standards and ethics utilizing
27 touch, words, and directed movement to deepen awareness of
28 existing patterns of movement in the body as well as to
29 suggest new possibilities of movement, provided that the
30 practices performed or services rendered are not designated or
31 implied to be massage therapy. Such practices include, but
32 are not limited to, the Feldenkrais method, the Trager
33 approach, and mind-body centering.

34 7. Persons engaged within the scope of practice of a
35 profession with established standards and ethics in which

1 touch is limited to that which is essential for palpitation
2 and affectation of the human energy system, provided that the
3 practices performed or services rendered are not designated or
4 implied to be massage therapy.

5 8. Persons incidentally present in this state to provide
6 services as part of an emergency response team working in
7 conjunction with disaster relief officials.

8 EXPLANATION

9 This bill provides that the licensure provisions of Code
10 chapter 152C, relating to massage therapy, shall not apply to
11 a number of designated individuals. The bill provides an
12 exemption for individuals licensed in this state to practice
13 medicine or surgery, osteopathic medicine and surgery,
14 osteopathy, chiropractic, cosmetology arts and sciences, or
15 podiatry, and for athletic trainers, technicians, nurses,
16 occupational therapists, or physical therapists licensed,
17 certified, or registered in this state or acting under the
18 prescription or supervision of a person licensed to practice
19 medicine or surgery or osteopathic medicine and surgery in
20 this state. The bill also provides an exemption for
21 individuals licensed, registered, or certified in another
22 state, territory, the District of Columbia, or a foreign
23 country when incidentally present in this state to teach a
24 course of instruction related to massage and bodywork therapy
25 or to consult with a person licensed under subtitle 3 of Code
26 Title IV, dealing with the licensure of health-related
27 professions.

28 The bill additionally exempts students enrolled in a
29 program recognized by the board of massage therapy examiners
30 while completing a clinical requirement for graduation
31 performed under the supervision of a person licensed under
32 subtitle 3 of Code Title IV, individuals giving massage and
33 bodywork to members of their immediate family, and individuals
34 practicing reflexology.

35 The bill further exempts individuals engaged within the

1 scope of practice of a profession with established standards
2 and ethics utilizing touch, words, and directed movement to
3 deepen awareness of existing patterns of movement in the body
4 as well as to suggest new possibilities of movement, provided
5 that the practices performed or services rendered are not
6 designated or implied to be massage therapy. The bill
7 includes within this exemption, among others, the Feldenkrais
8 method, the Trager approach, and mind-body centering. The
9 bill also exempts individuals engaged within the scope of
10 practice of a profession with established standards and ethics
11 in which touch is limited to that which is essential for
12 palpitation and affectation of the human energy system,
13 provided that the practices performed or services rendered are
14 not designated or implied to be massage therapy.

15 Finally, the bill exempts persons incidentally present in
16 this state to provide services as part of an emergency
17 response team working in conjunction with disaster relief
18 officials.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2201

AN ACT

PROVIDING FOR EXEMPTIONS FROM MASSAGE THERAPY LICENSURE
REQUIREMENTS.

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

Section 1. Section 152C.1, subsection 3, Code 2003, is amended to read as follows:

3. "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, cosmetology arts and sciences, 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. Section 152C.1, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Reflexology" means manipulation of the soft tissues of the human body which is restricted to the

hands, feet, or ears, performed by persons who do not hold themselves out to be massage therapists or to be performing massage therapy.

Sec. 3. NEW SECTION. 152C.9 EXEMPTIONS.

This chapter shall not apply to the following persons:

1. Persons who are licensed to practice medicine or surgery, osteopathic medicine and surgery, osteopathy, chiropractic, cosmetology arts and sciences, or podiatry in this state; or athletic trainers, technicians, nurses, occupational therapists, physical therapists, or physician assistants licensed, certified, or registered in this state or acting under the prescription or supervision of a person licensed to practice medicine or surgery or osteopathic medicine and surgery in this state.

2. Persons who are licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally present in this state to teach a course of instruction related to massage and bodywork therapy or to consult with a person licensed under subtitle 3 of this title.

3. Students enrolled in a program recognized by the board while completing a clinical requirement for graduation performed under the supervision of a person licensed under subtitle 3 of this title.

4. Persons giving massage and bodywork to members of their immediate family.

5. Persons practicing reflexology.

6. Persons engaged within the scope of practice of a profession with established standards and ethics utilizing touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement, provided that the practices performed or services rendered are not designated or implied to be massage therapy. Such practices include, but are not limited to, the Feldenkrais method, the Trager approach, and mind-body centering.

7. Persons engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to that which is essential for palpitation and affectation of the human energy system, provided that the practices performed or services rendered are not designated or implied to be massage therapy.

8. Persons incidentally present in this state to provide services as part of an emergency response team working in conjunction with disaster relief officials.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2201, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor