
Public Safety Committee

HB 1252

Brief Description: Prescribing penalties for allowing or permitting unlicensed practice of massage therapy or reflexology.

Sponsors: Representatives Wylie, Harris, Moeller, Jinkins, Vick and S. Hunt.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Makes it a gross misdemeanor offense for a business owner to allow or permit the unlicensed practice of massage therapy or reflexology.• Makes subsequent convictions a class C felony.
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Hearing Date: 1/28/15

Staff: Yvonne Walker (786-7841).

Background:

Reflexology. Generally, reflexology is a health care service involving the application of pressure with fingers to the lower one-third of the extremities, feet, hands, and outer ears. It does not include the diagnosis of or treatment for, specific diseases or joint manipulations.

Massage. Generally massage and massage therapy is a healthcare service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and facial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body, spine, or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

Practice of Reflexology and Massage. The practice of reflexology and massage are regulated within the statute licensing massage practitioners. A person practicing reflexology or massage or

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representing himself or herself as a reflexologist or massage practitioner is required either to be certified as a reflexologist or licensed as a massage practitioner by the Department of Health (DOH). In order to be certified, the person must be at least 18 years of age, have successfully completed a course of study, and have passed an examination administered or approved by the DOH.

An applicant may be certified without examination in limited situations. In addition, there are exemptions from the certification requirement provided for:

- individuals giving massage or reflexology to members of his or her immediate family;
- licensed massage practitioners and other credentialed providers performing services within their scope of practice;
- individuals practicing massage or reflexology at an athletic department of: (1) any institution that is maintained with public funds, including educational institutions; (2) a school or college approved by the DOH; or (3) a nonprofit organization holding a specified liquor license;
- students enrolled in an approved reflexology or massage school, program, or apprentice program providing uncompensated, supervised services incidental to the school or program; and
- individuals who have completed an approved somatic education training program.

Reflexologists and massage practitioners are subject to the Uniform Disciplinary Act for health professions, and the Secretary of the DOH is the disciplining authority.

Gross Misdemeanor and Unranked Offenses. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum fine of \$5,000, or both imprisonment and a fine. The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Summary of Bill:

It is a gross misdemeanor offense for an owner of a massage business or reflexology business, where massage therapy or reflexology takes place, to allow the unlicensed practice of massage therapy or reflexology. Such offense is a gross misdemeanor offense when the owner knowingly or with criminal negligence allows or permits the unlicensed practice of massage therapy or reflexology to be committed within his or her place of business. A subsequent offense is an unranked class C felony offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.