

HOUSE No. 350

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating alternative healing therapies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/10/2021</i>
<i>Attorney General Maura Healey</i>	<i>One Ashburton Place, Boston, MA 02108</i>	<i>2/10/2021</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/17/2021</i>

HOUSE No. 350

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 350) of Michael S. Day, Attorney General Maura Healey and Mark C. Montigny relative to a board of registration of massage therapy and alternative healing therapies. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regulating alternative healing therapies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 98 of chapter 13 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof
3 the following subsection:-

4 (a) There shall be within the division of professional licensure a board of registration of
5 massage therapy and alternative healing therapies. The board shall consist of 7 members who
6 shall be appointed by the governor for terms of 3 years, 3 of whom shall be licensed massage
7 therapists who have been actively engaged in the practice of massage therapy in the
8 commonwealth for not less than 5 years immediately before their appointments, 2 of whom shall
9 be a licensed alternative healing therapist represented within the advisory council established
10 pursuant to section 99 and who has been actively engaged in the practice of an alternative

11 healing therapy in the commonwealth for not less than 5 years immediately before their
12 appointments; 1 of whom shall be a law enforcement representative whose area of focus is
13 human trafficking and 1 of whom shall be a consumer who is familiar with the massage therapy
14 or alternative healing therapy fields. The members shall be residents of the commonwealth and
15 shall be subject to chapter 268A.

16 SECTION 2. Said chapter 13 is hereby further amended by striking out section 99, as so
17 appearing, and inserting in place thereof the following section:-

18 Section 99. (a) The board shall: (i) administer and enforce sections 227 to 235, inclusive,
19 of chapter 112; (ii) adopt rules and regulations governing the licensure of massage therapists, the
20 practice of massage therapy, and the approval and operation of massage schools and to promote
21 public health, welfare and safety; (iii) adopt rules and regulations, in consultation with the
22 advisory council set forth in this section, governing the licensure of alternative healing therapists,
23 the various and distinct practices of alternative healing therapies, and the approval and operation
24 of alternative therapy training and certification programs; (iv) establish standards of professional
25 and ethical conduct for massage therapy; (v) establish standards of professional and ethical
26 conduct for alternative healing therapies that reflecting national, state, or other recognized
27 professional organization or certification standards of each discipline; (vi) establish standards for
28 continuing education reflecting acceptable national, state, or other recognized professional
29 organization or certification standards of each discipline; and (vi) investigate complaints,
30 conduct inspections, review billing and treatment records and set and administer penalties as
31 defined in sections 61 to 65E, inclusive, and sections 232 to 235, inclusive, of said chapter 112
32 for fraudulent, deceptive or professionally incompetent and unsafe practices and for violations of
33 rules and regulations promulgated by the board.

34 (b) The board shall make available to the public a list of licensed massage therapists and
35 alternative healing therapists, as well as a list of each licensed facility under its jurisdiction.

36 (c) The board shall adopt rules and regulations to define and differentiate among varying
37 scopes of practice within alternative healing therapies, as defined by section 227 of chapter 112,
38 unless otherwise defined by section 227 of chapter 112; provided, that the board shall adopt
39 appropriate licensure restrictions to ensure that an alternative healing therapist operates within
40 the authorized scope of practice for which the alternative healing therapist has demonstrated
41 satisfactory competency to the board; provided further, that the board shall consult with the
42 advisory council set forth in this section to ensure appropriate standards and scopes of practice
43 for alternative healing therapies identified by said council..

44 (d) To inform the standards set forth above, there shall be a Massachusetts alternative
45 healing therapies advisory council to study and make recommendations to the board on the
46 regulation of alternative healing therapies. The council shall consist of licensed alternative
47 healing therapists, as defined in section 227 of chapter 112, who have been actively engaged in
48 the practice of their respective disciplines for not less than 3 years immediately before their
49 memberships. The commissioner shall appoint one licensed practitioner of each discipline that
50 expresses an interest to the commissioner in participating on the council which may include but
51 not be limited to Asian bodywork therapy, reflexology, structural integration, the Feldenkrais
52 Method; the Trager Approach; Ayurvedic Therapies; Polarity or Polarity Therapy; Qi Gong;
53 Body/Mind Centering; and Reiki, levels II and above.

54 The commissioner shall, from time to time, designate one of the members as chair of the
55 council. The chair shall serve for no more than 1 year and the position shall rotate among
56 practitioners of each discipline.

57 Members shall serve on the council for terms of 3 years. Members whose appointments
58 have expired may continue to serve until a replacement is appointed. Members of the council
59 shall not be state employees under chapter 268A by virtue of their service on the council and
60 shall serve without compensation.

61 (e) The council shall: (i) inform the board on the scope of practice of each discipline and
62 current standards adopted by each discipline’s respective national, state or otherwise recognized
63 professional organization or certification process; (ii) advise on the preparation of regulations
64 under this chapter; (iii) consider all matters submitted to it by the board; (iv) on its own initiative,
65 recommend to the board guidelines, rules and regulations and any changes to guidelines, rules
66 and regulations that the council considers important or necessary for the board’s review and
67 consideration; and (v) advise and make recommendations to the board regarding new and
68 emerging alternative healing therapies that may fall under the scope of the boards’ authority.

69 SECTION 3. Section 227 of chapter 112 of the General Laws, as so appearing, is hereby
70 amended by inserting after the word “therapy”, in line 4, the following words:- and alternative
71 healing therapies.

72 SECTION 4. Said section 227 of said chapter 112, as so appearing, is hereby further
73 amended by inserting before the definition of “Board”, the following 2 definitions:-

74 “Alternative healing therapist”, a person licensed by the board who instructs or
75 administers an alternative healing therapy or therapies for compensation.

76 “Alternative healing therapy” or “alternative healing therapies”, a series of separate and
77 distinct complementary health practices that include Asian bodywork therapy, bodywork,
78 reflexology, structural integration or Rolfing, and energy and somatic healing practices as
79 identified by the advisory council established pursuant to section 99 of chapter 13;
80 provided further, that alternative healing therapy shall not include diagnoses, the prescribing of
81 drugs or medicines, spinal or other joint manipulations or any services or procedures for which a
82 license to practice medicine, acupuncture, chiropractic, massage therapy, naturopathy,
83 occupational therapy, physical therapy or podiatry is required by law.

84 “Asian bodywork therapy”, “bodywork” or “bodywork therapy”, the practice of a person
85 who treats the human body/mind/spirit, including the electromagnetic or energetic field, which
86 surrounds, infuses and brings that body to life, by pressure and/or manipulation. Asian
87 Bodywork Therapy is based upon traditional Chinese medicine principles for assessing and
88 evaluating the body’s system of energy (Qi or Ki). Asian Bodywork Therapy uses traditional
89 Asian techniques and treatment strategies primarily to affect and balance the energetic system for
90 the promotion, maintenance and restoration of health. Asian Bodywork Therapy is one of the
91 three professional branches of Chinese Medicine nationally recognized by the National
92 Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). ABT Qi
93 assessment and treatment may include, but is not limited to: touching, stretching, pressing or
94 holding meridians (channels of Qi) and/or acu-points, primarily with the hands. Appropriately
95 trained practitioners may also use external application of medicinal plants, heat or cold; dietary
96 and exercise suggestions; cupping; gua sha; moxibustion and other Asian-based techniques or
97 practices;

98 provided further, that “Asian bodywork therapy”, “bodywork”, or “bodywork therapy”
99 shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint
100 manipulations or any services or procedures for which a license to practice medicine,
101 acupuncture, chiropractic, massage therapy, naturopathy, occupational therapy, physical therapy
102 or podiatry is required by law.

103 “Energy and somatic healing practices”, a series of separate and distinct alternative
104 healing practices identified by the advisory council established pursuant to section 99 of chapter
105 13 and defined by the board under said section that may include but not be limited to the
106 Feldenkrais Method; the Trager Approach; Ayurvedic Therapies; Polarity or Polarity Therapy;
107 Qi Gong; Body/Mind Centering; and Reiki, levels II and above.

108 SECTION 5. Said section 227 of said chapter 112, as so appearing, is hereby further
109 amended by striking out the definitions of “Licensed massage school” and “Licensed massage
110 therapy salon” and inserting in place thereof the following 2 definitions:-

111 “Licensed massage school” or “licensed alternative healing therapy program”, a facility
112 or program that is licensed by the office of private occupational school education pursuant to
113 section 263 or any other state or federal agency or department after meeting minimum standards
114 for training, facilities, instructors and curriculum as determined by the board in accordance with
115 sections 228 to 235, inclusive.

116 “Licensed massage therapy facility” or “licensed alternative healing therapy facility”, a
117 place, office, clinic or establishment licensed by the board to offer massage or alternative healing
118 therapy services.

119 SECTION 6. Said section 227 of said chapter 112, as so appearing, is hereby further
120 amended by inserting after the definition of “Massage therapist”, the following 2 definitions:-

121 “Reflexology”, the use of alternating pressure applied to the reflexes within the reflex
122 maps of the body located on the feet, hands, and outer ears; provided, that “reflexology” shall not
123 include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or
124 any services or procedures for which a license to practice medicine, acupuncture,
125 chiropractic, naturopathy, occupational therapy, physical therapy, massage therapy or podiatry is
126 required by law.

127 “Structural integration” or “Rolfing”, the restoration of postural balance and functional
128 ease by systematically aligning and integrating the human body in gravity; provided, that
129 structural integration may use manipulation of the connective tissue matrix, enhancement of
130 awareness, and education techniques; provided further, that “structural integration” shall not
131 include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or
132 any services or procedures for which a license to practice medicine, acupuncture, chiropractic,
133 naturopathy, occupational therapy, physical therapy, massage therapy or podiatry is required by
134 law.

135 SECTION 7. Said chapter 112, as so appearing, is hereby further amended by inserting
136 after section 227 the following new section:-

137 Section 227A. A city or town may adopt ordinances or by-laws relative to health and
138 safety of the practice of alternative healing therapies not inconsistent with sections 227 to 235,
139 inclusive; provided, however, that local ordinances pertaining to alternative healing therapies in

140 effect prior to the effective date of this Act and that are consistent with and that may exceed the
141 requirements of said sections 227 to 235, inclusive, may remain in effect.

142 SECTION 8. Said chapter 112 is hereby further amended by striking out section 228, as
143 so appearing, and inserting in place thereof the following section:-

144 Section 228. (a) A person shall not hold the person's self out to others as a massage
145 therapist or alternative healing therapist or practice massage, massage therapy, or any alternative
146 healing therapy unless the person holds a valid license issued in accordance with this chapter. A
147 person licensed to practice massage or massage therapy or an alternative healing therapy shall
148 not perform: (i) diagnosis of illness or disease; (ii) high velocity, low-amplitude thrust
149 applied to a joint; (iii) electrical stimulation; (iv) application of ultrasound; (v) exercise and
150 prescription of medicines.

151 (b) The following practitioners shall be exempt from the licensure requirements of this
152 section:

153 (i) a person who: (A) is otherwise licensed, certified or registered under the General
154 Laws; (B) is performing services within the person's authorized scope of practice; and (C) does
155 not hold the person's self out to be a massage therapist, or alternative healing therapist;

156 (ii) a person who is duly licensed, registered or certified in another state, territory, the
157 District of Columbia or a foreign country when temporarily called into the commonwealth to
158 teach a course related to massage therapy or an alternative healing therapy or to consult with a
159 person licensed as a massage therapist or alternative healing therapist or under this chapter;

160 (iii) a student of massage therapy or an alternative healing therapy who is enrolled in a
161 licensed massage school or alternative healing therapy program for massage or an alternative
162 healing therapy and is performing work as a required component of his course of study at such
163 school or program; provided, however, that the student shall not hold the student's self out as a
164 licensed therapist under this chapter and shall not receive compensation for the work;

165 (iv) a person giving massage or alternative healing therapy to a member of that person's
166 immediate family for which the person received no compensation;

167 (v) a person, duly licensed, registered or certified in another state, territory, the District of
168 Columbia or a foreign country who is incidentally in the commonwealth to provide service as
169 part of an emergency response team working in conjunction with disaster relief officials; and

170 (vi) a person giving massage or alternative healing therapy in a sporting, health or other
171 event, whether on a single day or on consecutive days, that is non-compensatory and under the
172 supervision of a licensed therapist.

173 SECTION 9. Said chapter 112 is hereby further amended by striking out section 229, as
174 most recently amended by section 74 of chapter 6 of the acts of 2017, and inserting in place
175 thereof the following section:-

176 Section 229. (a) A person who desires to engage in the practice of massage therapy shall
177 apply on a form furnished by the board that shall be signed and sworn to by the applicant. Each
178 application shall be accompanied by payment of the fee prescribed by the executive office for
179 administration and finance pursuant to section 3B of chapter 7. Upon submission of a completed
180 application to the board and the payment of the required fee, the board may issue a license to
181 practice as a massage therapist to an applicant who: (i) has obtained a high school diploma or its

182 equivalent; (ii) is 18 years of age or older; (iii) has submitted 2 professional letters of reference,
183 with at least 1 being from an employer or professional in the massage therapy or medical field;
184 (iv) is of good moral character, as determined by the discretion of the board; (v) has successfully
185 completed a course of study consisting of not less than 500 classroom hours or an equivalent
186 number of credit hours of supervised instruction at a licensed massage school; (vi) has not been
187 convicted in any jurisdiction of sexually-related crime or a crime involving moral turpitude for
188 the 10 years immediately before the date of application; (vii) provides proof of professional
189 liability coverage; and (viii) demonstrates the professional competence that may be required by
190 the board's regulations.

191 (b) A person who desires to engage in the practice of one or more alternative healing
192 therapies shall apply on a form

193 applicant. Each application shall be accompanied by payment of the fee prescribed by the
194 executive office for administration and finance pursuant to section 3B of chapter 7. Upon
195 submission of a completed application to the board and the payment of the required fee, the
196 board may issue a license to practice as an alternative healing therapist to an applicant who: (i)
197 has obtained a high school diploma or its equivalent; (ii) is 18 years of age or older; (iii) has
198 submitted 2 professional letters of reference, with at least 1 being from an employer or
199 professional in the alternative healing therapy or medical field; (iv) is of good moral character, as
200 determined by the discretion of the board; (v) has successfully completed a course of study,
201 supervised instruction, or certification process reflecting a national, state, or other recognized
202 professional organization standard at a licensed alternative health therapy program that has been
203 determined appropriate by the board; (vi) has not been convicted in any jurisdiction of sexually-
204 related crime or a crime involving moral turpitude for the 10 years immediately before the date

205 of application; (vii) provides proof of professional liability coverage; and (viii) demonstrates the
206 professional competence that may be required by the board's regulations. The board shall require
207 no more than one application for any applicant seeking to practice multiple disciplines under its
208 jurisdiction; provided, that said applicant can demonstrate competency in each discipline as
209 determined by the board; provided further, that the board shall collect one fee per application.

210 (c) The commissioner of the division of professional licensure shall determine the
211 renewal cycle and renewal period for massage therapy and alternative health therapy licenses.
212 Each person licensed in accordance with these sections shall apply to the board for renewal of
213 the person's license not later than the expiration date, as determined by the director, unless the
214 license was revoked, suspended or canceled earlier by the board as a result of a disciplinary
215 proceeding instituted pursuant to this chapter. Applications for renewal shall be made on forms
216 approved by the board and accompanied by payment of a renewal fee, as prescribed by the
217 executive office for administration and finance pursuant to section 3B of chapter 7;
218 provided, however, that the fee shall not be less than \$100.

219 (d) As a condition of license renewal, a licensed massage therapist or licensed alternative
220 health therapist shall furnish the board with satisfactory proof that the licensee: (i) has not been
221 convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude
222 since the original application for licensure; (ii) has professional liability coverage; and (iii) has
223 completed the continuing education requirements that reflect acceptable national, state, or other
224 recognized professional organization or certification standards of each pertinent discipline and
225 have been reviewed and approved by the board.

226 Upon satisfactory compliance with the licensing requirements for massage therapists or
227 alternative health therapists and successful completion of the continuing education requirements,
228 the board shall issue a renewal license showing that the holder is entitled to be licensed for the
229 renewal period. The board may provide for the late renewal of a license that has lapsed and may
230 require payment of a late fee. All licensing and application fees and administrative fines
231 collected pursuant to sections 227 to 235, inclusive, shall be deposited into the Division of
232 Professional Licensure Trust Fund established in section 35V of chapter 10.

233 SECTION 10. Section 230 of said chapter 112, as appearing in the 2016 Official Edition,
234 is hereby amended by inserting after the word “therapists”, in line 2, the following words:- , or
235 alternative healing therapists.

236 SECTION 11. Said chapter 112 is hereby further amended by striking out section 231, as
237 so appearing, and inserting in place thereof the following section:-

238 Section 231. The board may grant a license to an applicant for an alternative healing
239 therapist license who: (i) (A) provides documentation, acceptable to the board, that demonstrates
240 that the applicant has provided an appropriate number of hours of an alternative healing therapy,
241 as determined by the board, to members of the public for compensation; (B) has been authorized
242 to practice an alternative healing therapy by the municipal board of health within the
243 commonwealth; provided, however, that the authorization shall be valid not more than 2 years
244 after the date of application; or (C) provides proof of the successful passage or compliance with a
245 training or certification process reflecting a national, state, or other recognized professional
246 organization standard acceptable to the board; (ii) submits a completed application and pays the
247 necessary fee prescribed by the executive office for administration and finance pursuant to

248 section 3B of chapter 7; (iii) is of good moral character, as determined by the discretion of the
249 board; and (iv) provides proof of professional liability coverage.

250 SECTION 12. Said chapter 112 is hereby further amended by striking out section 232, as
251 so appearing, and inserting in place thereof the following section:-

252 Section 232. (a) The board shall conduct inspections and investigate all complaints filed
253 that relate to the proper practice of massage therapy or alternative healing therapy, the operation
254 of a massage therapy or alternative healing therapy facility and any violation of sections 227 to
255 235, inclusive, or a rule or regulation of the board. Such a complaint may be brought by any
256 person or the board may, on its own, initiate a complaint.

257 (b) The board shall be under the supervision of the division of professional licensure and
258 shall have all the authority conferred under sections 61 to 65E, inclusive. For the purposes of this
259 section and sections 61 to 65E, inclusive, conduct that places into question the holder's
260 competence to practice massage therapy or an alternative healing therapy or operate a massage or

261 alternative healing therapy facility shall include, but not be limited to: (i) committing
262 fraud or misrepresentation in obtaining a license; (ii) criminal conduct that the board determines
263 to be of such a nature as to render the person unfit to practice as a licensed massage therapist or
264 alternative healing therapist or to operate a licensed massage therapy or alternative healing
265 therapy facility, as evidenced by criminal proceedings that resulted in a conviction, guilty plea or
266 plea of nolo contendere or an admission of sufficient facts; (iii) violating any rule or regulation
267 of the board; (iv) failing to cooperate with the board or its agents in the conduct of an inspection
268 or investigation; (v) failing to fulfill any continuing education requirements set out by the board;
269 (vi) violating an ethical standard that the board determines to be of such a nature as to render the

270 person unfit to practice as a massage therapist or alternative healing therapist or to operate a
271 licensed massage therapy or alternative healing therapy facility, including, but not limited to: (A)
272 inappropriate conduct or touching in the practice of massage therapy or bodywork therapy; (B)
273 offering medical opinion or diagnosis; or (C) negligence in the course of professional practice.

274 The board may issue an order to a licensee directing the licensee to cease and desist from
275 unethical or unprofessional conduct if the board finds, after the opportunity for a hearing, that the
276 licensee has engaged in such conduct.

277 (c) A massage therapist or alternative healing therapist whose license to practice is
278 suspended for more than 1 year for professional misconduct with regard to insurance claims shall
279 not own, operate, practice in or be employed by another massage therapist, alternative healing
280 therapist or a physical therapist or chiropractor, in any capacity, until the license is reinstated by
281 the board. A massage therapist or alternative healing therapist whose license is suspended for a
282 second offense with regard to insurance claims shall have the license permanently revoked and
283 may not own, operate, practice in or be employed by a business that provides massage therapy,
284 alternative healing therapy, physical therapy or chiropractic care.

285 (d) Nothing in this section shall limit the board's authority to impose sanctions by consent
286 agreements that are considered reasonable and appropriate by the board. A person aggrieved by a
287 disciplinary action taken by the board pursuant to this section or section 235 may, pursuant to
288 section 64, file a petition for judicial review.

289 SECTION 13. Said chapter 112 is hereby further amended by striking out section 233, as
290 most recently amended by section 75 of chapter 6 of the acts of 2017, and inserting in place
291 thereof the following section:-

292 Section 233. The board shall establish standards to be met by the massage therapy
293 schools as well as alternative healing therapy programs. The board shall approve massage
294 therapy school and alternative healing therapy program curriculum, training, facilities and
295 instructors. A school or program shall not teach massage therapy or alternative healing therapies
296 without prior approval by the board unless licensed by the division of professional licensure
297 pursuant section 263 or other state or federal agency or department.

298 SECTION 14. Section 234 of said chapter 112, as appearing in the 2016 Official Edition,
299 is hereby amended by inserting after the words “massage therapy”, in line 2, the following
300 words:- and alternative healing therapies.

301 SECTION 15. Section 235 of said chapter 112, as so appearing, is hereby amended by
302 inserting after the word “means”, in line 25, the following words:- or through online advertising
303 means or forums.

304 SECTION 16. Said section 235 of said chapter 112, as so appearing, is hereby further
305 amended by striking out subsection (b) and inserting in place thereof the following 2
306 subsections:-

307 (b) Only a person duly licensed under this chapter shall be designated as an “alternative
308 healing therapist” and entitled to use the terms “alternative healing therapist”, “alternative
309 healing therapy”, or any term reflecting one of the separate and distinct complementary health
310 practices defined as alternative healing therapy under section 227” when advertising or printing
311 promotional material. A person who uses such a term in the person’s professional title without
312 being authorized to do so shall be subject to discipline by the board. A person who: (i)
313 knowingly aids and abets another to use such a term when the person is not authorized to do so;

314 or (ii) knowingly employs a person not authorized to use such a term in the course of the
315 employment, shall be subject to a disciplinary proceeding before the board. Nothing in this
316 section shall prohibit a licensed alternative healing therapist from using terms reflecting a
317 specific discipline for which they are authorized by the board to practice when advertising or
318 printing promotional material; provided further, that such terms shall include, but not be limited
319 to, Feldenkrais, reflexology, Asian Bodywork Therapy, Acupressure, Amma, Tuina, and Shiatsu,
320 Trager, Ayurvedic therapy, Rolf structural integration, polarity, acupressure, and reiki.

321 It shall be a violation of this chapter for a person to advertise: (i) as an alternative healing
322 therapy facility, as defined by section 227, unless the person has an employee who holds a valid
323 license under this chapter; (ii) by combining advertising for a licensed alternative healing therapy
324 service with escort or dating services; (iii) as performing alternative healing therapy in a form in
325 which the person has not received training or of a type that is not licensed or otherwise
326 recognized by law or administrative rule;.

327 As used in this section, the term “advertise” shall include, but not be limited to: (i) the
328 issuance of a card, sign or device to another; (ii) the causing, permitting or allowing of a sign or
329 marking on or in a building, vehicle or structure; (iii) advertising in a newspaper or magazine, on
330 television or through electronic means or online advertising means or forums; (iv) a listing or
331 advertising in a directory under a classification or heading that includes the word
332 “alternative healing therapy”, “bodyworker”, “bodywork therapy”, or “alternative healing
333 therapist”; or (v) a commercial broadcast by airwave transmission.

334 (c) A person who: (i) is otherwise licensed, certified or registered under the law; (ii) is
335 performing services within the person’s authorized scope of practice; and (iii) does not hold the

336 person's self out to be a massage therapist or alternative healing therapist, shall be exempt from
337 this section.

338 SECTION 17. Section 51 of chapter 140 of the General Laws, as so appearing, is hereby
339 amended by inserting after the word "therapy", in lines 1 and 8, each time it appears, the
340 following words:- or any alternative health therapy.

341 SECTION 18. Subsection (a) of said section 51 of said chapter 140 is hereby amended by
342 striking out the last sentence and inserting in place thereof the following:-

343 Any premises used to offer massage therapy or any alternative health therapy under said
344 section 227 to 236, inclusive, of said chapter 112 shall be subject to inspection by local boards of
345 health, and their respective agents, in addition to the department of professional licensure and
346 board of registration of massage therapy and alternative healing therapies. Nothing in section
347 shall require a license from a municipal authority in addition to the license required pursuant to
348 said section 227 to 236, inclusive, of chapter 112.

349 SECTION 19. Subsection (b) of said section 51 of said chapter 140 is hereby amended by
350 striking out the last sentence and inserting in place thereof the following sentence:-

351 A massage therapist or alternative healing therapist, whose license to practice massage
352 therapy or alternative healing therapy is revoked or suspended for more than 1 year with regard
353 to insurance claims, shall not own, operate, practice in or be employed by a massage
354 therapy or alternative healing therapy office, clinic or other place designated for the practice of
355 massage therapy, alternative healing therapy, physical therapy or chiropractic.

356 SECTION 20. Said chapter 140 is hereby further amended by striking out section 52, as
357 so appearing, and inserting in place thereof the following section:-

358 Section 52. A member of the police department of a town may, upon appropriate legal
359 process, enter and inspect any premises in that town used for massage, alternative healing
360 therapy or the giving of vapor baths.

361 SECTION 21. The board of registration of massage therapy and alternative healing
362 therapies established under section 98 of chapter 13 of the General Laws shall promulgate
363 regulations not more than 180 days after a quorum of the board is appointed.

364 SECTION 22. All orders, rules and regulations duly made and all licenses and approvals
365 duly granted that are in force immediately before the effective date of this act shall continue in
366 force and shall thereafter be enforced until superseded, revised, rescinded or cancelled in
367 accordance with law by the appropriate board.

368 SECTION 23. The board of registration of massage therapy and alternative healing
369 therapies established under section 98 of chapter 13 of the General Laws shall receive
370 applications for licenses under section 231 of chapter 112 of the General Laws on or before July
371 1, 2023.

372 SECTION 24. This act shall take effect upon its passage.