

**2016 -- S 2428 SUBSTITUTE A**

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LC003744/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2016**

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BODY WORKS SERVICES  
ESTABLISHMENTS

Introduced By: Senators Doyle, Crowley, Conley, and Nesselbush

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 23-20.8-1, 23-20.8-3, 23-20.8-6, 23-20.8-7 and 23-20.8-10 of the  
2   General Laws in Chapter 23-20.8 entitled "Licensing of Massage Therapists" are hereby amended  
3   to read as follows:

4           **23-20.8-1. Definitions.** -- As used in this chapter:

5           (1) "Massage therapist" means a person engaged in the practice of massage and is  
6   licensed in accordance with this chapter of the general laws of the state of Rhode Island.

7           (2) "Practice of massage" means the manual manipulation of the soft tissues of the human  
8   body through the systematic application of massage techniques including: effleurage, petrissage,  
9   compression, friction, vibration, percussion, pressure, positional holding, movement, range of  
10   motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific  
11   stretching. The term massage includes the external application of lubricants or other topical  
12   preparations such as water, heat and cold via the use of the hand, foot, arm or elbow with or  
13   without the aid of massage devices for the purpose of aiding muscle relaxation, reducing stress,  
14   improving circulation increasing range of motion, relieving muscular pain and the overall  
15   enhancement of health. Massage shall not include the touch of genitalia, diagnosis of illness or  
16   disease, the prescribing of drugs, medicines or exercise, high-velocity thrust applied to the joints  
17   or spine, electrical stimulation, application of ultrasound or any services or procedures for which  
18   a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry as

1 required by law.

2 (3) "Board" means the Rhode Island State Board of Licensed Massage Therapists as  
3 established within this chapter.

4 (4) "Body works" and "body works services" means body rubs, body stimulation,  
5 manipulation or conditioning of any part or parts of the body, spa services, and spa treatments  
6 performed by any person not licensed under title 23 of the Rhode Island general laws.

7 **23-20.8-3. Practice of massage -- Licensed required -- Use of title limited --**

8 **Qualifications for licenses continuing education -- Fees. --** (a) A person shall not practice or  
9 hold himself or herself out to others as practicing massage therapy, or as a massage therapist  
10 without first receiving from the board a license to engage in that practice.

11 (b) A person shall hold himself or herself out to others as a massage therapist when the  
12 person adopts or uses any title or description including "massage therapist," "masseur,"  
13 "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage  
14 technician," "massage practitioner," or any derivation of those terms that implies this practice.

15 (c) It shall be unlawful to advertise the practice of massage using the term massage or  
16 any other term that implies a massage technique or method in any public or private publication or  
17 communication by a person not licensed by the state of Rhode Island department of health as a  
18 massage therapist. Any person who holds a license to practice as a massage therapist in this state  
19 may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may  
20 assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate  
21 that the person using the title is a licensed massage therapist. A massage therapist's name and  
22 license number must conspicuously appear on all of the massage therapist's advertisements. A  
23 massage therapist licensed under this chapter must conspicuously display his or her license in his  
24 or her principal place of business. If the massage therapists does not have a principal place of  
25 business or conducts business in any other location, he or she must have a copy of his or her  
26 license available for inspection while performing any activities related to massage therapy.

27 (d) (1) The board shall, by rule, establish requirements for continued education. The  
28 board may establish such requirements to be completed and verified biennially or annually. The  
29 board shall require no more than twelve (12) hours biennially or six (6) hours annually.

30 (2) Applicants for biennial licensure renewal shall meet continuing education  
31 requirements as prescribed by the board. On application for renewal of license, massage  
32 therapists shall attest to completion of six (6) hours annually in scope of practice-specific  
33 offerings that may include, but not be limited to:

34 (i) Formal presentations;

- 1 (ii) Conferences;  
2 (iii) Coursework from a regionally accredited college/university; and/or  
3 (iv) Self-study course, such as online courses awarding one education hour for each hour  
4 completed.

5 Such programs or offerings shall be approved or sponsored by a board-approved  
6 organization. The board shall require no more than two (2) hours of ethics or standards of practice  
7 biennially.

8 (3) A licensee who fails to complete the continuing education requirements described  
9 herein may be subject to disciplinary action pursuant to § 5-40-13 of this chapter.

10 (4) A license may be denied to any applicant who fails to provide satisfactory evidence  
11 of completion of continuing education relevant to massage therapy as required herein.

12 (5) The board may waive the requirement for these educational requirements if the board  
13 is satisfied that the applicant has suffered hardship, which may have prevented meeting the  
14 educational requirements.

15 (e) The fee for original application for licensure as a massage therapist and for annual  
16 license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter  
17 shall be fixed in an amount necessary to cover the cost of administering this chapter.

18 (f) Any person applying for a license under this chapter shall undergo a criminal  
19 background check. Such persons shall apply to the bureau of criminal identification of the state  
20 police or local police department for a nationwide criminal records check. Fingerprinting shall be  
21 required. Upon the discovery of any disqualifying information as defined in subsection (g), the  
22 bureau of criminal identification of the state police or the local police department shall inform the  
23 applicant, in writing, of the nature of the disqualifying information and, without disclosing the  
24 nature of the disqualifying information, shall notify the board, in writing, that disqualifying  
25 information has been found. In those situations in which no disqualifying information has been  
26 found, the bureau of criminal identification shall inform the applicant and the board in writing of  
27 this fact. An applicant against whom disqualifying information has been found may request that a  
28 copy of the criminal background report be sent to the board, which shall make a judgment  
29 regarding the licensure of the applicant. The applicant shall be responsible for payment of the  
30 costs of the criminal records check.

31 (g) "Disqualifying information" means those offenses, including, but not limited to,  
32 those offenses defined in ~~sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.~~  
33 [chapters 34, 34.1, and 37 of title 11, and §23-17-37.](#)

34 [\(h\) Notwithstanding the above, any city or town may, by ordinance, regulate the opening,](#)

1 [the presence, the location, and the operation of any body works business or any business](#)  
2 [providing body works services. Provided, however, no ordinance may impose additional](#)  
3 [qualifications beyond those adopted by the department of health pursuant to this chapter](#)  
4 [respecting criminal background checks for persons applying for a license.](#)

5 **23-20.8-6. Suspension and revocation of licenses.** -- Whenever the board, or board  
6 designee, [or any city or town licensing authority](#) shall have reason to believe or that any person  
7 licensed under this chapter to practice massage therapy has been convicted of any sexual offense,  
8 or that any person is practicing massage in violation of this chapter or regulations promulgated  
9 under this chapter, the board, or board designee, [or any city or town licensing authority](#) may,  
10 pending an investigation and hearing, suspend for a period not exceeding ninety (90) days any  
11 license issued under authority of this chapter and may, after due notice and hearing, revoke the  
12 license if he or she finds that the person practicing massage is in violation of those rules and  
13 regulations or any provision of this chapter. The holder of a license shall upon its revocation  
14 promptly surrender it to the board, or board designee [or any city or town licensing authority](#).

15 **23-20.8-7. Judicial review of license action.** -- Any person aggrieved by a decision of  
16 the board, or board designee [or any city or town licensing authority](#) refusing to grant an  
17 application for a license under this chapter or suspending or revoking any license already issued  
18 may, within thirty (30) days, exclusive of Sundays and holidays, after receiving notice of that  
19 decision or order of the boards, administrator of professional regulation or director department of  
20 health may be taken by an aggrieved party to the superior court in the manner provided for in  
21 chapter 35 of title 42.

22 **23-20.8-10. Enforcement.** -- Except for the provisions of § 23-20.8-11 this chapter shall  
23 be enforced by the director of health [or any city or town licensing authority](#).

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- BODY WORKS SERVICES  
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1           This act would enable any city or town by ordinance to regulate the opening of, the  
2 presence of, the location, and the operation of any body works business or any business providing  
3 body works services, within the municipality.

4           This act would take effect upon passage.

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