

MASSAGE THERAPY PRACTICE ACT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Massage Therapy Practice Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a license classification for a certified massage practitioner;
- ▶ establishes the qualifications and scope of practice for a certified massage practitioner;
- ▶ modifies massage therapist and massage apprentice exam requirements;
- ▶ allows a massage therapist to supervise up to six massage apprentices; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-47b-102, as last amended by Laws of Utah 2012, Chapter 34

58-47b-301, as last amended by Laws of Utah 2013, Chapter 278

58-47b-302, as last amended by Laws of Utah 2020, Chapter 339



28 **58-47b-304**, as last amended by Laws of Utah 2021, Chapter 403



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **58-47b-102** is amended to read:

32 **58-47b-102. Definitions.**

33 In addition to the definitions in Section **58-1-102**, as used in this chapter:

34 (1) "Board" means the Board of Massage Therapy created in Section **58-47b-201**.

35 (2) "Breast" means the female mammary gland and does not include the muscles,
36 connective tissue, or other soft tissue of the upper chest.

37 (3) "Certified massage practitioner" means an individual licensed under this chapter as
38 a certified massage practitioner to engage in the practice of limited massage therapy while
39 working under the direct supervision of:

40 (a) a massage therapist;

41 (b) a physician licensed under Chapter 67, Utah Medical Practice Act;

42 (c) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical
43 Practice Act;

44 (d) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
45 Act;

46 (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or

47 (f) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act.

48 [~~3~~] (4) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the
49 muscular system.

50 [~~4~~] (5) "Massage apprentice" means an individual licensed under this chapter as a
51 massage apprentice to work under the direct supervision of a licensed massage therapist.

52 [~~5~~] (6) "Massage therapist" means an individual licensed under this chapter as a
53 massage therapist.

54 (7) "Practice of limited massage therapy" means:

55 (a) the systematic manual or mechanical manipulation of the soft tissue of the body for
56 the purpose of:

57 (i) promoting the therapeutic health and well-being of a client;

58 (ii) enhancing the circulation of the blood and lymph;

- 59 (iii) relaxing and lengthening muscles;
- 60 (iv) relieving pain;
- 61 (v) restoring metabolic balance;
- 62 (vi) achieving homeostasis; or
- 63 (vii) other purposes;
- 64 (b) seated chair massage;
- 65 (c) body scrubs and body wraps;
- 66 (d) foot treatments and foot wraps;
- 67 (e) aromatherapy;
- 68 (f) reflexology;
- 69 (g) functional stretching; or
- 70 (h) in connection with an activity described in this Subsection (7), the use of:
- 71 (i) the hands;
- 72 (ii) a towel;
- 73 (iii) a stone;
- 74 (iv) a shell;
- 75 (v) a bamboo stick; or
- 76 (vi) an herbal ball compress.
- 77 ~~[(6)]~~ (8) "Practice of massage therapy" means:
- 78 (a) the examination, assessment, and evaluation of the soft tissue structures of the body
- 79 for the purpose of devising a treatment plan to promote homeostasis;
- 80 (b) the systematic manual or mechanical manipulation of the soft tissue of the body for
- 81 the purpose of:
- 82 (i) promoting the therapeutic health and well-being of a client;
- 83 (ii) enhancing the circulation of the blood and lymph;
- 84 (iii) relaxing and lengthening muscles;
- 85 (iv) relieving pain;
- 86 (v) restoring metabolic balance;
- 87 (vi) achieving homeostasis; or
- 88 (vii) other purposes;
- 89 (c) the use of the hands or a mechanical or electrical apparatus in connection with this

90 Subsection [~~(6)~~] (8);

91 (d) the use of rehabilitative procedures involving the soft tissue of the body;

92 (e) range of motion or movements without spinal adjustment as set forth in Section
93 58-73-102;

94 (f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and
95 cabinet baths;

96 (g) manual traction and stretching exercise;

97 (h) correction of muscular distortion by treatment of the soft tissues of the body;

98 (i) counseling, education, and other advisory services to reduce the incidence and
99 severity of physical disability, movement dysfunction, and pain;

100 (j) similar or related activities and modality techniques;

101 (k) the practice described in this Subsection [~~(6)~~] (8) on an animal to the extent
102 permitted by:

103 (i) Subsection 58-28-307(12);

104 (ii) the provisions of this chapter; and

105 (iii) division rule; or

106 (l) providing, offering, or advertising a paid service using the term massage or a
107 derivative of the word massage, regardless of whether the service includes physical contact.

108 [~~(7)~~] (9) "Soft tissue" means the muscles and related connective tissue.

109 [~~(8)~~] (10) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.

110 [~~(9)~~] (11) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502
111 and as may be further defined by division rule.

112 Section 2. Section 58-47b-301 is amended to read:

113 **58-47b-301. Licensure required.**

114 (1) An individual shall hold a license issued under this chapter in order to engage in the
115 practice of massage therapy or the practice of limited massage therapy, except as specifically
116 provided in Section 58-1-307 or 58-47b-304.

117 (2) An individual shall have a license in order to:

118 (a) represent [~~himself~~] oneself as a massage therapist [~~or~~], massage apprentice, or
119 certified massage practitioner;

120 (b) represent [~~himself~~] oneself as providing a service that is within the practice of

121 massage therapy or the practice of limited massage therapy or use the word massage or any
122 other word to describe [~~such~~] the services; or

123 (c) charge or receive a fee or any consideration for providing a service that is within the
124 practice of massage therapy or the practice of limited massage therapy.

125 Section 3. Section **58-47b-302** is amended to read:

126 **58-47b-302. License classifications -- Qualifications for licensure.**

127 (1) The division shall issue licenses under this chapter in the classifications of:

128 (a) massage therapist; [~~and~~]

129 (b) massage apprentice[~~:-~~]; and

130 (c) certified massage practitioner.

131 (2) Each applicant for licensure as a massage therapist shall:

132 (a) submit an application in a form prescribed by the division;

133 (b) pay a fee determined by the department under Section [63J-1-504](#);

134 (c) be 18 years [~~of age~~] old or older;

135 (d) have either:

136 (i) (A) graduated from a school of massage having a curriculum which meets standards
137 established by division rule made in collaboration with the board; or

138 (B) completed equivalent education and training in compliance with division rule; or

139 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
140 hours of supervised training over a minimum of 12 months and in accordance with standards

141 established by the division by rule made in collaboration with the board; and

142 (e) pass [~~examinations~~]:

143 (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing
144 Examination, taken with an in-person or online proctor; or

145 (ii) any other examination established by rule by the division in collaboration with the
146 board.

147 (3) Each applicant for licensure as a massage apprentice shall:

148 (a) submit an application in a form prescribed by the division;

149 (b) pay a fee determined by the department under Section [63J-1-504](#);

150 (c) be 18 years [~~of age~~] old or older;

151 (d) provide satisfactory evidence to the division that the individual will practice as a

152 massage apprentice only under the direct supervision of a licensed massage therapist in good
153 standing and who has engaged in the lawful practice of massage therapy as a licensed massage
154 therapist for not less than 6,000 hours; and

155 (e) successfully complete [am]:

156 (i) the Federation of Massage Therapy Boards Massage and Bodywork Licensing
157 Examination, taken with an in-person or online proctor; or

158 (ii) any other examination as required by division rule.

159 (4) Each applicant for licensure as a certified massage practitioner shall:

160 (a) submit an application in a form prescribed by the division;

161 (b) pay a fee determined by the department in accordance with Section 63J-1-504;

162 (c) be 18 years old or older; and

163 (d) provide satisfactory evidence to the division that the individual will practice as a
164 certified massage practitioner only under the supervision of an individual described in
165 Subsections 58-47b-102(3)(a) through (f) who has:

166 (i) at least three years of experience as a licensee; and

167 (ii) engaged in the lawful practice of massage therapy for at least 3,000 hours.

168 (5) A licensed massage therapist may supervise up to six licensed massage apprentices
169 at one time.

170 [~~4~~] (6) (a) [~~Any~~] Each new massage therapist [or], massage apprentice, or certified
171 massage practitioner applicant shall submit fingerprint cards in a form acceptable to the
172 division at the time the license application is filed and shall consent to a fingerprint background
173 check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation
174 regarding the application.

175 (b) The division shall request the Department of Public Safety to complete a Federal
176 Bureau of Investigation criminal background check for each new massage therapist [or],
177 massage apprentice, or certified massage practitioner applicant through the national criminal
178 history system (NCIC) or any successor system.

179 (c) The cost of the background check and the fingerprinting shall be borne by the
180 applicant.

181 [~~5~~] (7) (a) [~~Any~~] A new massage therapist [or], massage apprentice, or certified
182 massage practitioner license issued under this section shall be conditional, pending completion

183 of the criminal background check. If the criminal background check discloses the applicant has
 184 failed to accurately disclose a criminal history, the license shall be immediately and
 185 automatically revoked.

186 (b) ~~[Any]~~ A person whose conditional license has been revoked under Subsection ~~[(5)]~~
 187 (7)(a) shall be entitled to a post-revocation hearing to challenge the revocation. The hearing
 188 shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

189 ~~[(6)]~~ (8) An applicant who successfully completes a fingerprint background check
 190 under Subsection ~~[(4)]~~ (6) may not be required by any other state or local government body to
 191 submit to a second fingerprint background check as a condition of lawfully practicing massage
 192 therapy or limited massage therapy in this state.

193 Section 4. Section **58-47b-304** is amended to read:

194 **58-47b-304. Exemptions from licensure.**

195 (1) In addition to the exemptions from licensure in Section **58-1-307**, the following
 196 individuals may engage in the practice of massage therapy or the practice of limited massage
 197 therapy as defined under this chapter, subject to the stated circumstances and limitations,
 198 without being licensed, but may not represent themselves as a massage therapist ~~[or]~~, massage
 199 apprentice, or certified massage practitioner:

200 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;

201 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;

202 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a,
 203 Nurse Midwife Practice Act;

204 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

205 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice
 206 Act, while under the general supervision of a physical therapist;

207 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic
 208 Medical Practice Act;

209 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
 210 Act;

211 (h) a hospital staff member employed by a hospital, who practices massage as part of
 212 the staff member's responsibilities;

213 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;

214 (j) a student in training enrolled in a massage therapy school approved by the division;

215 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician

216 Practice Act;

217 (l) (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy

218 Practice Act; and

219 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational

220 Therapy Practice Act, while under the general supervision of an occupational therapist;

221 (m) an individual performing gratuitous massage; and

222 (n) an individual:

223 (i) certified by or through, and in good standing with, an industry organization that is

224 recognized by the division and that represents a profession with established standards and

225 ethics:

226 (A) who is certified to practice reflexology and whose practice is limited to the scope

227 of practice of reflexology;

228 (B) who is certified to practice a type of zone therapy, including foot zone therapy, and

229 whose practice is limited to the scope of practice for which the individual is certified;

230 (C) who is certified to practice ortho-bionomy and whose practice is limited to the

231 scope of practice of ortho-bionomy;

232 (D) who is certified to practice bowerwork and whose practice is limited to the scope

233 of practice of bowerwork; or

234 (E) who is certified to practice a type of brain integration and whose practice is limited

235 to the scope of practice for which the individual is certified;

236 (ii) whose clients remain fully clothed from the shoulders to the knees; and

237 (iii) whose clients do not receive gratuitous massage from the individual.

238 (2) This chapter may not be construed to authorize any individual licensed under this
239 chapter to engage in any manner in the practice of medicine as defined by the laws of this state.

240 (3) This chapter may not be construed to:

241 (a) require insurance coverage or reimbursement for massage therapy or limited

242 massage therapy from third party payors; or

243 (b) prevent an insurance carrier from offering coverage for massage therapy or limited

244 massage therapy.