

HOUSE BILL No. 5651

January 22, 2008, Introduced by Rep. Condino and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16334 and part
179A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16334. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE AS A MASSAGE THERAPIST UNDER PART 179A ARE AS FOLLOWS:

3	(A) APPLICATION PROCESSING FEE.....	\$ 20.00
4	(B) LICENSE FEE, PER YEAR.....	75.00

5 PART 179A. MASSAGE THERAPY

6 SEC. 17951. (1) AS USED IN THIS PART:

7 (A) "FELDENKRAIS METHOD" MEANS A SYSTEM OF SOMATIC EDUCATION

1 IN WHICH TOUCH AND WORDS ARE USED TO ELIMINATE FAULTY HABITS,
2 LEARN NEW PATTERNS OF SELF-ORGANIZATION AND ACTION, AND IMPROVE A
3 PERSON'S OWN FUNCTIONAL MOVEMENT PATTERNS. FELDENKRAIS METHOD IS
4 BASED ON PRINCIPLES OF PHYSICS, BIOMECHANICS, AND AN
5 UNDERSTANDING OF, OR LEARNING ABOUT, HUMAN DEVELOPMENT.

6 (B) "MASSAGE THERAPIST" MEANS AN INDIVIDUAL ENGAGED IN THE
7 PRACTICE OF MASSAGE THERAPY.

8 (C) "POLARITY THERAPY" MEANS DIVERSE APPLICATIONS AFFECTING
9 THE HUMAN ENERGY SYSTEM AND INCLUDES ENERGETIC APPROACHES TO
10 SOMATIC CONTACT, VERBAL FACILITATION, NUTRITION, EXERCISE, AND
11 HEALTH EDUCATION. POLARITY THERAPY DOES NOT MAKE MEDICAL CLAIMS,
12 DIAGNOSE PHYSICAL AILMENTS, OR ALLOW PRESCRIPTION OF MEDICATIONS.

13 (D) "PRACTICE OF MASSAGE THERAPY" MEANS THE APPLICATION OF A
14 SYSTEM OF STRUCTURED TOUCH, PRESSURE, MOVEMENT, AND HOLDING TO
15 THE SOFT TISSUE OF THE HUMAN BODY IN WHICH THE PRIMARY INTENT IS
16 TO ENHANCE OR RESTORE THE HEALTH AND WELL-BEING OF THE CLIENT.
17 PRACTICE OF MASSAGE THERAPY INCLUDES COMPLEMENTARY METHODS,
18 INCLUDING THE EXTERNAL APPLICATION OF WATER, HEAT, COLD,
19 LUBRICATION, SALT SCRUBS, BODY WRAPS, OR OTHER TOPICAL
20 PREPARATIONS; AND ELECTROMECHANICAL DEVICES THAT MIMIC OR ENHANCE
21 THE ACTIONS POSSIBLE BY THE HANDS. PRACTICE OF MASSAGE THERAPY
22 DOES NOT INCLUDE MEDICAL DIAGNOSIS; HIGH-VELOCITY, LOW-AMPLITUDE
23 THRUST TO A JOINT; ELECTRICAL STIMULATION; APPLICATION OF
24 ULTRASOUND; OR PRESCRIPTION OF MEDICINES.

25 (E) "SCHOOL" MEANS AN ACCREDITED OR LICENSED FACILITY
26 MEETING THE MINIMUM STANDARDS AND CURRICULUM AND APPROVED BY THE
27 BOARD, IN COMPLIANCE WITH SECTION 16148.

(F) "TRAGER APPROACH" MEANS A FORM OF MOVEMENT EDUCATION THAT USES SUBTLE DIRECTED MOVEMENTS AND THE SKILLED TOUCH OF A PRACTITIONER. THE TRAGER APPROACH COMBINES PHYSICAL MOVEMENT WITH SENSORY AWARENESS AND INTERNAL IMAGERY DESIGNED TO INCREASE THE CLIENT'S SELF-AWARENESS AND GENERATE PHYSIOLOGICAL CHANGES IN THE BODY TISSUES SO AS TO ALLOW THE CLIENT TO EXPERIENCE A NEW WAY OF MOVING HIS OR HER BODY.

(2) IN ADDITION TO THE DEFINITIONS IN THIS PART, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS DEFINITIONS APPLICABLE TO THIS PART.

SEC. 17953. BEGINNING THE EFFECTIVE DATE OF THIS PART, AN INDIVIDUAL SHALL NOT USE THE TITLES "LICENSED MASSAGE THERAPIST", "MASSAGE THERAPIST", "MASSEUR", "MASSAGIST", "CERTIFIED MASSAGE THERAPIST", "CLINICAL MASSAGE THERAPIST", "MEDICAL MASSAGE THERAPIST", "MANUAL MASSAGE THERAPIST", "BOARD CERTIFIED MASSAGE THERAPIST", "MASSAGE TECHNICIAN", "MYOMASSOLOGIST", "MASSEUSE", "L.M.T.", "M.M.T.", AND "C.M.T.", OR SIMILAR WORDS OR INITIALS THAT INDICATE THAT THE INDIVIDUAL IS A MASSAGE THERAPIST, UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS ARTICLE AS A MASSAGE THERAPIST. THIS SECTION DOES NOT PREVENT THE USE OF A NAME, TITLE, OR INITIALS THAT ARE REGISTERED OR OTHERWISE PROTECTED UNDER LAW AND USED BY A PERSON CERTIFIED OR OTHERWISE APPROVED BY A PRIVATE ORGANIZATION.

SEC. 17955. (1) THE MICHIGAN BOARD OF MASSAGE THERAPY IS CREATED IN THE DEPARTMENT AND CONSISTS OF THE FOLLOWING 9 MEMBERS APPOINTED BY THE GOVERNOR WHO MEET THE REQUIREMENTS OF PART 161:

(A) FIVE INDIVIDUALS WHO MEET THE REQUIREMENTS OF SECTION 16135(2).

(B) FOUR PUBLIC MEMBERS.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE TERMS OF OFFICE OF INDIVIDUAL MEMBERS OF THE BOARD CREATED UNDER SUBSECTION (1) EXPIRE 4 YEARS AFTER APPOINTMENT ON DECEMBER 31 OF THE YEAR IN WHICH THE TERM WILL EXPIRE. OF THE MEMBERS FIRST APPOINTED TO THE BOARD UNDER SUBSECTION (1), 3 SHALL BE APPOINTED FOR TERMS OF 4 YEARS, 3 SHALL BE APPOINTED FOR TERMS OF 3 YEARS, AND 3 SHALL BE APPOINTED FOR TERMS OF 2 YEARS. THE TERM OF OFFICE OF AN INDIVIDUAL APPOINTED TO FILL A VACANCY EXPIRES AT THE END OF THE TERM OF THE VACANCY BEING FILLED.

SEC. 17957. (1) AN INDIVIDUAL SHALL NOT ENGAGE IN THE PRACTICE OF MASSAGE THERAPY UNLESS LICENSED UNDER THIS PART. THE PRACTICES FOR WHICH A LICENSE IS NOT REQUIRED UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) THE USE OF TOUCH, WORDS, OR DIRECTED MOVEMENT TO DEEPEN AWARENESS OF PATTERNS OF MOVEMENT IN THE BODY AS LONG AS THOSE SERVICES ARE NOT DESIGNATED OR IMPLIED TO BE MASSAGE OR MASSAGE THERAPY. THESE PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

(i) THE FELDENKRAIS METHOD.

(ii) THE TRAGER APPROACH.

(B) THE AFFECTATION OF THE HUMAN ENERGY SYSTEM OR ACUPOINTS OR QI MERIDIANS OF THE HUMAN BODY WHILE ENGAGED WITHIN THE SCOPE OF PRACTICE OF A PROFESSION WITH ESTABLISHED STANDARDS AND ETHICS AND AS LONG AS THOSE SERVICES ARE NOT DESIGNATED OR IMPLIED TO BE

1 MASSAGE OR MASSAGE THERAPY. THESE PRACTICES INCLUDE, BUT ARE NOT
2 LIMITED TO, ALL OF THE FOLLOWING:

3 (i) POLARITY OR POLARITY THERAPY.

4 (ii) POLARITY THERAPY BODYWORK.

5 (iii) REFLEXOLOGY.

6 (iv) ROLF STRUCTURAL INTEGRATION.

7 (v) REIKI.

8 (vi) SHIATSU.

9 (2) THE DEPARTMENT SHALL PROVIDE FOR A 3-YEAR LICENSE CYCLE.

10 (3) SUBSECTION (1) DOES NOT PREVENT ANY OF THE FOLLOWING:

11 (A) AN INDIVIDUAL LICENSED UNDER ANY OTHER PART OR ACT FROM
12 PERFORMING ACTIVITIES THAT ARE CONSIDERED MASSAGE THERAPY
13 SERVICES IF THOSE ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF
14 PRACTICE AND IF THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED
15 UNDER SECTION 17953.

16 (B) THE PRACTICE OF MASSAGE THERAPY THAT IS AN INTEGRAL PART
17 OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN A SCHOOL LICENSED
18 BY THE STATE BOARD OF EDUCATION UNDER 1943 PA 148, MCL 395.101 TO
19 395.103, PROVIDED THAT THEY ARE IDENTIFIED AS STUDENTS AND
20 PROVIDE MASSAGE THERAPY SERVICES ONLY WHILE UNDER THE SUPERVISION
21 OF A LICENSED MASSAGE THERAPIST.

22 (C) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
23 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
24 HERSELF OUT TO BE A LICENSED MASSAGE THERAPIST.

25 SEC. 17959. (1) THE DEPARTMENT SHALL, UPON SUBMISSION OF A
26 COMPLETED APPLICATION AND PAYMENT OF THE APPROPRIATE APPLICATION
27 PROCESSING AND LICENSE FEE, ISSUE A RENEWABLE LICENSE UNDER THIS

1 PART TO AN INDIVIDUAL WHO FULFILLS ALL OF THE FOLLOWING
2 REQUIREMENTS:

3 (A) HAS A HIGH SCHOOL DIPLOMA OR THE EQUIVALENT AS
4 DETERMINED BY THE BOARD.

5 (B) IS OF GOOD MORAL CHARACTER.

6 (C) IS AT LEAST 18 YEARS OF AGE.

7 (D) HAS SUCCESSFULLY PASSED AN EXAMINATION MEETING THE
8 REQUIREMENTS OF SECTION 17961.

9 (E) HAS SUCCESSFULLY COMPLETED AT LEAST 1 OF THE FOLLOWING:

10 (i) A SUPERVISED CURRICULUM IN A SCHOOL LICENSED UNDER 1943
11 PA 148, MCL 395.101 TO 395.103, THAT HAS NOT LESS THAN 500
12 CONTACT HOURS OF INSTRUCTION IN THE PRESENCE OF A FACULTY MEMBER.

13 (ii) AT LEAST 500 HOURS OF COURSE AND CLINICAL MASSAGE
14 EDUCATION IN A SUBSTANTIALLY EQUIVALENT PROGRAM IN ANOTHER STATE,
15 COUNTRY, JURISDICTION, TERRITORY, OR PROVINCE THAT, ON A CASE-BY-
16 CASE REVIEW, IS FOUND BY THE BOARD TO BE SUFFICIENT.

17 (2) THE DEPARTMENT SHALL ISSUE A RENEWABLE LICENSE TO AN
18 APPLICANT WHO MEETS THE REQUIREMENTS OF SUBSECTION (1) (A), (B),
19 AND (C) AND WHO IS CURRENTLY LICENSED AS A MASSAGE THERAPIST IN
20 ANOTHER STATE, COUNTRY, JURISDICTION, TERRITORY, OR PROVINCE THAT
21 REQUIRES STANDARDS FOR LICENSURE THAT ARE SUBSTANTIALLY
22 EQUIVALENT TO THE REQUIREMENTS FOR LICENSURE UNDER THIS PART, AS
23 DETERMINED BY THE BOARD.

24 (3) UNTIL 2 YEARS AFTER THE EFFECTIVE DATE OF THIS PART, THE
25 BOARD MAY ISSUE A RENEWABLE LICENSE TO AN APPLICANT WHO MEETS THE
26 REQUIREMENTS OF SUBSECTION (1) (A), (B), AND (C) AND PRESENTS
27 PROOF ACCEPTABLE TO THE BOARD THAT HE OR SHE HAS FULFILLED 1 OF

1 THE FOLLOWING REQUIREMENTS:

2 (A) FOR AT LEAST 1 YEAR BEFORE THE EFFECTIVE DATE OF THIS
3 ACT, HAS BEEN AN ACTIVE MEMBER, AS A MASSAGE THERAPIST, OF A
4 NATIONAL PROFESSIONAL MASSAGE THERAPY ASSOCIATION THAT WAS
5 ESTABLISHED BEFORE THE YEAR 2000, THAT OFFERS PROFESSIONAL
6 LIABILITY INSURANCE AS A BENEFIT OF MEMBERSHIP, AND THAT HAS AN
7 ESTABLISHED CODE OF PROFESSIONAL ETHICS.

8 (B) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
9 10 HOURS PER WEEK FOR 10 OR MORE YEARS, AS ESTABLISHED BY
10 AFFIDAVIT OF THE APPLICANT.

11 (C) HAS PRACTICED MASSAGE THERAPY FOR AN AVERAGE OF AT LEAST
12 10 HOURS PER WEEK FOR AT LEAST 3 YEARS, AS ESTABLISHED BY
13 AFFIDAVIT OF THE APPLICANT, AND HAS SUCCESSFULLY COMPLETED AT
14 LEAST 300 HOURS OF FORMAL TRAINING IN MASSAGE THERAPY ACCEPTABLE
15 TO THE BOARD, AS ESTABLISHED BY EVIDENCE FROM THE SCHOOL OR
16 SCHOOLS ATTENDED.

17 (D) HAS PASSED THE NATIONAL CERTIFICATION EXAM PROMULGATED
18 BY THE NATIONAL CERTIFICATION BOARD FOR THERAPEUTIC MASSAGE AND
19 BODYWORK.

20 (E) HAS FULFILLED THE REQUIREMENT UNDER SUBSECTION (1) (E).

21 SEC. 17961. (1) THE BOARD SHALL PROVIDE THAT APPLICANTS PASS
22 AN EXAMINATION BEFORE ISSUANCE OF A LICENSE UNDER THIS PART.
23 SUBJECT TO SUBSECTION (2), THE BOARD MAY DEVELOP ITS OWN
24 EXAMINATION AND MAY PROMULGATE RULES TO ESTABLISH STANDARDS FOR
25 THAT EXAMINATION OR FOR THE ADOPTION BY REFERENCE OF AN
26 EXAMINATION, OR PARTS OF AN EXAMINATION, DEVELOPED BY AN OUTSIDE
27 ENTITY THAT IT DETERMINES OFFERS AN APPROPRIATE EXAMINATION. IF

1 THE BOARD ADOPTS ALL OR PART OF AN EXAMINATION DEVELOPED BY AN
2 OUTSIDE ENTITY, THE BOARD MAY PROMULGATE RULES TO ADOPT BY
3 REFERENCE ANY SUPPLEMENT OR UPDATE TO THE EXAMINATION.

4 (2) FOR LICENSURE PURPOSES UNDER THIS PART, THE BOARD SHALL
5 DEVELOP OR ADOPT UNDER SUBSECTION (1) ONLY THOSE EXAMINATIONS
6 THAT ARE STATISTICALLY VALIDATED THROUGH A JOB ANALYSIS UNDER
7 CURRENT STANDARDS FOR EDUCATIONAL AND PROFESSIONAL TESTING, WHICH
8 STANDARDS COMPLY WITH PERTINENT STATE AND FEDERAL EQUAL
9 EMPLOYMENT OPPORTUNITY GUIDELINES AND ARE NOT CONFINED TO ANY
10 SPECIFIC SYSTEM OR METHOD OF MASSAGE OR BODYWORK. AN EXAMINATION
11 UNDER THIS PART MAY BE ADMINISTERED BY AN ACCREDITED CERTIFYING
12 AGENCY. AS USED IN THIS SUBSECTION, "ACCREDITED CERTIFYING
13 AGENCY" MEANS A CERTIFYING AGENCY THAT MEETS ALL OF THE FOLLOWING
14 REQUIREMENTS:

15 (A) IS ACCREDITED BY THE NATIONAL COMMISSION FOR CERTIFYING
16 AGENCIES OR SUCCESSOR COMMISSION.

17 (B) IS IN GOOD STANDING WITH THE COMMISSION DESCRIBED IN
18 SUBDIVISION (A).

19 (C) IS IN GOOD STANDING WITH THE NATIONAL ORGANIZATION OF
20 COMPETENCY ASSURANCE.

21 SEC. 17963. (1) THE BOARD SHALL PROMULGATE RULES TO ADOPT A
22 CODE OF PROFESSIONAL ETHICS.

23 (2) A LICENSEE SHALL MAKE A WRITTEN REFERRAL OF A CLIENT TO
24 AN APPROPRIATE HEALTH PROFESSIONAL IF THE CLIENT'S PHYSICAL OR
25 MEDICAL CONDITION APPEARS TO CONSTITUTE A CONTRAINDICATION FOR
26 MASSAGE THERAPY.

27 (3) THE BOARD AND DEPARTMENT SHALL NOT, BY RULE OR

1 OTHERWISE, RESTRICT THE RIGHT OF A LICENSEE TO PARTICIPATE IN AND
2 BECOME A MEMBER OF ANY NATIONALLY RECOGNIZED TRADE OR
3 PROFESSIONAL ASSOCIATION.

4 SEC. 17965. SUBJECT TO SECTION 16204, THE BOARD SHALL, BY
5 RULE, REQUIRE AS A CONDITION OF RENEWAL OF A LICENSE THE
6 FURNISHING OF EVIDENCE OF AT LEAST 6 HOURS, OR THE EQUIVALENT
7 ACCEPTABLE TO THE BOARD, OF CONTINUING EDUCATION FOR EACH YEAR OF
8 THE LICENSE CYCLE. THE COURSES SHALL BE APPROVED BY THE BOARD AND
9 SHALL INCLUDE SUBJECTS RELATED TO THE PRACTICE OF MASSAGE
10 THERAPY.

11 SEC. 17967. BEGINNING THE EFFECTIVE DATE OF THIS PART, A
12 LOCAL UNIT OF GOVERNMENT SHALL NOT ESTABLISH OR MAINTAIN
13 LICENSING REQUIREMENTS FOR A MASSAGE THERAPIST LICENSED UNDER
14 THIS PART.

15 SEC. 17969. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
16 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
17 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
18 THIS PART.