

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 7

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MASSAGE THERAPISTS; AMENDING SECTION 54-4002, IDAHO CODE, TO RE-  
2 VISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
3 54-4007, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE BOARD OF MASSAGE  
4 THERAPY SHALL HAVE THE POWER AND DUTY TO REVIEW AND APPROVE CERTAIN EDU-  
5 CATIONAL CURRICULA AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
6 54-4009, IDAHO CODE, TO REVISE TERMINOLOGY; AND DECLARING AN EMERGENCY.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 54-4002, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 54-4002. DEFINITIONS. As used in this chapter, the following terms  
12 have the following meanings:

13 (1) "Advertise" means, but is not limited to, the issuing or causing  
14 to be distributed of any card, sign, direct mail piece or other device, or  
15 causing or permitting any sign or marking on or in any building or structure,  
16 or in any newspaper, magazine or directory, or announcement on radio or an-  
17 nouncement or display on television, computer network or electronic or tele-  
18 phonic medium.

19 (2) "Board" means the Idaho state board of massage therapy created pur-  
20 suant to section 54-4006, Idaho Code.

21 (3) "Compensation" means the payment, loan, advance, donation, contri-  
22 bution, deposit or gift of money or anything of value, except "compensation"  
23 shall not include a student tuition credit program where such program has  
24 been established by a massage therapy ~~establishment~~ school.

25 (4) "Massage therapy school" means a massage therapy educational pro-  
26 gram that is registered by the state board of education in accordance with  
27 chapter 24, title 33, Idaho Code, or comparable authority in another state,  
28 and whose curriculum standards are reviewed by the Idaho state board of mas-  
29 sage therapy and approved pursuant to rule.

30 (5) "Massage therapist" means a person who is licensed under this chap-  
31 ter and who engages in the practice of massage therapy.

32 (6) "Massage therapy" means the care and services provided by a massage  
33 therapist.

34 (7) "Practice of massage therapy" means the application of a system of  
35 structured touch, pressure, movement and holding of the soft tissues of the  
36 human body. The application may include:

37 (a) Pressure, friction, stroking, rocking, kneading, percussion, or  
38 passive or active stretching within the normal anatomical range of  
39 movement;

40 (b) Complementary methods, including the external application of wa-  
41 ter, heat, cold, lubricants and other topical preparations; or

1 (c) The use of mechanical devices that mimic or enhance actions that may  
2 be done by the hands.

3 SECTION 2. That Section 54-4007, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 54-4007. POWERS AND DUTIES OF THE BOARD. The board shall have the au-  
6 thority to:

7 (1) Determine the qualifications of persons applying for licensure  
8 pursuant to this chapter and to define, by rule, the appropriate scope of  
9 massage therapy in this state, provided however, that the scope of practice  
10 may not exceed that defined in section 54-4002 (7), Idaho Code;

11 (2) Authorize, by written agreement, the bureau of occupational li-  
12 censes as agent to act in its interest;

13 (3) Promulgate such rules as are necessary for the administration of  
14 this chapter, including standards of professional conduct;

15 (4) Conduct investigations and hold hearings and compel the attendance  
16 of witnesses and the production of papers at such investigations or hear-  
17 ings;

18 (5) Collect fees and other funds as prescribed by this chapter;

19 (6) Contract and pursue other matters lawful in this state relating to  
20 massage therapy;

21 (7) Provide such other services and perform such other functions as are  
22 necessary and desirable to fulfill its purposes;

23 (8) Establish requirements for renewal of license and approval of con-  
24 tinuing education courses as set forth in section 67-2614, Idaho Code;

25 (9) Review and approve the curriculum of massage therapy educational  
26 programs that seek registration by the state board of education pursuant to  
27 chapter 24, title 33, Idaho Code.

28 (10) Establish rules for the approval of massage therapy entry-level  
29 educational standards but must remain consistent with curriculum require-  
30 ments in this chapter, or rules promulgated pursuant thereto;

31 (10~~1~~) Establish requirements for a student tuition credit program; and

32 (11~~2~~) Establish requirements for a temporary license and provisional  
33 permit.

34 The registration of massage therapy schools shall remain with the state  
35 board of education in accordance with chapter 24, title 33, Idaho Code.

36 SECTION 3. That Section 54-4009, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 54-4009. REQUIREMENTS FOR ISSUANCE OF LICENSE. Upon application to  
39 the board and the payment of the required fees, an applicant may be licensed  
40 as a massage therapist if the applicant meets all the requirements of this  
41 chapter and provides documentation acceptable to the board that he or she:

42 (1) Has obtained a high school diploma or equivalent;

43 (2) Is eighteen (18) years of age or older;

44 (3) Is of good moral character;

45 (4) Has successfully completed a massage therapy educational program  
46 registered pursuant to chapter 24, title 33, Idaho Code, or a comparable au-

1     thority in another state that consists of the minimum of five hundred (500)  
2     in-class supervised hours of coursework and clinic work; and

3             (5) Has successfully passed a nationally recognized competency exami-  
4     nation in massage therapy that is approved by the board. The passage of this  
5     exam may have occurred prior to the effective date of this chapter.

6             SECTION 4. An emergency existing therefor, which emergency is hereby  
7     declared to exist, this act shall be in full force and effect on and after its  
8     passage and approval.