

2020 -- H 7120

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO HEALTH AND SAFETY -- LICENSING OF MASSAGE THERAPISTS

Introduced By: Representatives Bennett, McNamara, Edwards, Cassar, and Corvese

Date Introduced: January 16, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled
2 "Licensing of Massage Therapists" is hereby amended to read as follows:

3 **23-20.8-3. Practice of massage therapy -- License required -- Use of title limited --**
4 **Qualifications for licenses continuing education -- Fees.**

5 (a) A person shall not practice, or hold himself or herself out to others as practicing
6 massage therapy, or as a massage therapist, without first receiving from the board a license to
7 engage in that practice.

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

12 (c) It shall be unlawful to advertise the practice of massage therapy using the term
13 massage therapy, or any other term that implies a massage technique or method, in any public or
14 private publication or communication by a person not licensed by the state of Rhode Island
15 department of health as a massage therapist. Any person who holds a license to practice as a
16 massage therapist in this state may use the title "licensed massage therapist" and the abbreviation
17 "LMT." No other persons may assume this title or use such abbreviation or any other word,
18 letters, signs, or figures to indicate that the person using the title is a licensed massage therapist.
19 A massage therapist's name and license number must conspicuously appear on all of the massage

1 therapist's print and electronic material. A massage therapist licensed under this chapter must
2 have available his or her license in all places of business practice.

3 (d)(1) The board shall, by rule, establish requirements for continuing education. The
4 board may establish such requirements to be completed and verified annually. The board shall
5 require no more than six (6) continuing education units annually.

6 (2) Applicants for annual licensure renewal shall meet continuing education requirements
7 as prescribed by the board. On application for renewal of license, massage therapists shall attest
8 to completion of six (6) continuing education units annually that may include, but not be limited
9 to:

10 (i) Formal presentations;

11 (ii) Conferences;

12 (iii) Coursework from a massage school or program, accredited college/university; and/or

13 (iv) Self-study or online coursework.

14 The programs or offerings shall be approved or sponsored by a board-approved
15 organization.

16 (3) A licensee who fails to complete the continuing education requirements described
17 herein may be subject to disciplinary action pursuant to ~~§ 5-40-13~~ [this chapter](#).

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

20 (5) The board may waive the requirement for continuing education if the board is
21 satisfied that the applicant has suffered hardship that may have prevented meeting the educational
22 requirements.

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

26 (f) Any person applying for a license under this chapter shall undergo a national criminal
27 background check. Such persons shall apply to the bureau of criminal identification of the state
28 police or local police department for a national criminal background check. Fingerprinting shall
29 be required. Upon the discovery of any disqualifying information as defined in subsection (g), the
30 bureau of criminal identification of the state police or the local police department shall inform the
31 applicant, in writing, of the nature of the disqualifying information and, without disclosing the
32 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
33 information has been found. In those situations in which no disqualifying information has been
34 found, the bureau of criminal identification shall inform the applicant and the board in writing of

1 this fact. An applicant against whom disqualifying information has been found may request that a
2 copy of the national criminal background report be sent to the board, which shall make a
3 judgment regarding the licensure of the applicant. The applicant shall be responsible for payment
4 of the costs of the national criminal background check.

5 (g) "Disqualifying information" means those offenses, including, but not limited to, those
6 defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.

7 (h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening,
8 the presence, the location, and the operation of any body-works business or any business
9 providing body-works services. Provided, however, no ordinance may impose additional
10 qualifications beyond those adopted by the department of health pursuant to this chapter
11 respecting national criminal background checks for persons applying for a license.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would move the disciplinary process for massage therapists from the board of
- 2 physical therapy to the board of massage therapists.
- 3 This act would take effect upon passage.

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