

HOUSE BILL NO. HB0084

Massage Therapy Practice Act.

Sponsored by: Representative(s) Pedersen

A BILL

for

1 AN ACT relating to professions and occupations; providing
2 for licensure and registration of massage therapists as
3 specified; prohibiting the practice of massage therapy by
4 unlicensed persons as specified; providing definitions;
5 establishing the board of massage therapy; providing
6 regulatory authority; providing for fees; providing
7 penalties; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-48-101 through 33-48-116 are
12 created to read:

13

14

CHAPTER 48

15

MESSAGE THERAPY PRACTICE ACT

16

17 **33-48-101. Short title.**

1

2 This chapter shall be known and may be cited as the
3 "Massage Therapy Practice Act."

4

5 **33-48-102. Definitions.**

6

7 (a) As used in this chapter:

8

9 (i) "Board" means the board of massage therapy;

10

11 (ii) "Department" means the department of
12 administration and information;

13

14 (iii) "Massage therapist" means a person who
15 uses the title of massage therapist or massage
16 practitioner, is licensed under this chapter and
17 administers or instructs massage therapy for compensation;

18

19 (iv) "Massage therapy" means the practical
20 application of massage and bodywork techniques through the
21 systematic treatment of soft tissues and structures of the
22 body through touch for therapeutic purposes including
23 comfort, relief of pain, facilitation of natural body
24 processes and the enhancement or restoration of health and

1 well-being. "Massage therapy" includes, without limitation,
2 effleurage, petrissage, tapotment, compression, friction,
3 vibration, nerve strokes, specific and nonspecific
4 stretching and passive articulation and may include the use
5 of oils, lotions, mineral salts, hot or cold compresses,
6 hydrotherapy or additional devices to assist or enhance the
7 manual application of therapeutic massage and bodywork
8 techniques. "Massage therapy" does not include the
9 diagnosis or treatment of any specific illness or disease
10 or any service or procedure for which a license to practice
11 medicine, nursing, chiropractic, physical therapy,
12 occupational therapy or podiatry is required by law.

13

14 **33-48-103. Board of massage therapy established;**
15 **compensation.**

16

17 (a) There is established a board of massage therapy
18 within the department of administration and information.
19 The board shall consist of five (5) members appointed by
20 the governor, who are residents of Wyoming. Three (3)
21 board members shall be licensed massage therapists who have
22 been engaged in providing massage therapy services for at
23 least five (5) years immediately preceding their

1 appointments. Two (2) members shall be members of the
2 public.

3

4 (b) Not later than July 1, 2012 the governor shall
5 appoint two (2) board members for a term of one (1) year,
6 two (2) board members for a term of two (2) years and one
7 (1) for a term of three (3) years. Appointments made
8 thereafter shall be for three (3) year terms. The initial
9 three (3) professional members appointed by the governor
10 shall not be required to be licensed in this state prior to
11 their appointment but shall otherwise be qualified to
12 provide massage therapy under this chapter. No person
13 shall serve more than two (2) consecutive terms. Terms
14 shall begin on March 1 and end on the last day of February
15 or until successors are appointed, except for the first
16 appointed members who shall serve through the last day of
17 February in the year that the term ends under this section.
18 Vacancies in the membership of the board shall be filled
19 for the unexpired term by the governor. The governor may
20 remove any board member as provided by W.S. 9-1-202. Any
21 member may be recommended for removal after failing to
22 attend, after proper notice, three (3) consecutive meetings
23 of the board.

24

1 (c) The board shall annually elect a chairman and
2 other officers as it deems necessary. The board shall meet
3 as often as necessary to conduct business, but not less
4 than two (2) times each year. Other meetings may be
5 convened at the call of the chairman or the written request
6 of any three (3) board members. A majority of the members
7 of the board shall constitute a quorum for all purposes.
8 All meetings of the board shall be governed in accordance
9 with W.S. 16-4-403.

10

11 (d) Members of the board shall receive per diem and
12 mileage as provided in W.S. 9-3-102.

13

14 **33-48-104. Board of massage therapy; powers and**
15 **duties.**

16

17 (a) The board shall administer the provisions of this
18 act and may investigate allegations of practices violating
19 the provisions of this act.

20

21 (b) The board shall establish rules and regulations
22 according to the Wyoming Administrative Procedure Act to
23 carry out the purpose of this act, including establishing
24 rules for professional conduct, for professional licensure

1 and to establish ethical standards of practice for persons
2 licensed to practice massage therapy in Wyoming.

3

4 **33-48-105. License required.**

5

6 No person shall practice massage therapy for compensation,
7 offer services as a massage therapist for compensation or
8 purport to be a massage therapist unless that person
9 possesses a license to practice massage therapy under the
10 provisions of this chapter.

11

12 **33-48-106. Persons and practices not affected.**

13

14 (a) Nothing in this act shall be construed as
15 preventing or restricting the practice, services or
16 activities of:

17

18 (i) Qualified members of other professions that
19 are licensed or regulated under the laws of this state that
20 are rendering services within the scope of their license or
21 regulation, provided they do not represent themselves as
22 massage therapists;

23

1 (ii) A student of an approved or recognized
2 massage school or program who is performing massage as a
3 part of the program, provided the student does not
4 represent himself as a licensed massage therapist and does
5 not receive compensation other than gratuities for the
6 massage therapy services;

7

8 (iii) Visiting instructors from another state or
9 jurisdiction who are teaching massage therapy or a related
10 subject provided the instructor is duly licensed,
11 registered or otherwise qualified in his place of residence
12 to administer or instruct in the subject. The board shall
13 establish by rule and regulation the qualifications,
14 conditions and duration of stay for visiting instructors;

15

16 (iv) Resident instructors teaching any subject
17 directly related to the practice of massage therapy if the
18 instructor is duly licensed, registered or otherwise
19 qualified to instruct the subject. The board shall
20 establish by rule and regulation the qualifications and
21 conditions for resident instructors;

22

23 (v) Native American healers using traditional or
24 tribal healing practices. Healers who use these practices

1 but apply for a license under this chapter shall comply
2 with all requirements under this chapter;

3

4 (vi) The practice of bodywork methods that
5 involve energy techniques without intentional soft tissue
6 manipulations. The board shall establish by rule and
7 regulation the qualifications and conditions for exempted
8 bodywork methods;

9

10 (vii) The practice of bodywork methods that
11 limit manipulation of soft tissues to feet, hands and ears
12 and where the client remains clothed;

13

14 (viii) A nonresident who administers massage
15 therapy for compensation for not more than ninety (90) days
16 during a one (1) year period for the treatment of
17 sojourners or for the treatment of guests or clients of
18 established spas, resorts or hotels under contractual
19 arrangement, provided the nonresident is duly licensed or
20 otherwise qualified to administer massage therapy in the
21 state or jurisdiction of his residence. The board shall
22 establish by rule and regulation the qualifications and
23 conditions for nonresident massage therapists.

24

1 **33-48-107. Requirements for licensure; registered**
2 **instructors.**

3

4 (a) The board shall issue a license to practice
5 massage therapy to any person who files a completed
6 application, accompanied by the required fees, and who
7 submits satisfactory evidence that:

8

9 (i) The applicant has reached the age of
10 majority;

11

12 (ii) The applicant is of good moral character.
13 In determining good moral character, the department shall
14 only consider conviction of any crime in the United States
15 or territory thereof that is a felony or misdemeanor or any
16 crime that is directly related to the practice of massage
17 therapy within the seven (7) years immediately preceding
18 application for licensure. No conviction shall operate as
19 an automatic bar to licensure except in the case of a
20 conviction for rape, sexual misconduct or if the applicant
21 is required to register as a sex offender;

22

23 (iii) The applicant has met one (1) of the
24 following requirements:

1

2 (A) The applicant has successfully
3 completed a board recognized or accepted massage therapy
4 educational program of not less than five hundred (500)
5 hours of course and clinical work;

6

7 (B) The applicant holds a current license
8 to practice massage therapy in another state or
9 jurisdiction where the licensure requirements meet or
10 exceed the licensure requirements defined within this
11 chapter;

12

13 (C) The applicant holds a current license
14 to practice massage therapy in another state or
15 jurisdiction where the licensure requirements do not meet
16 or exceed the licensure requirements defined within this
17 chapter and, at the time of application, the applicant has
18 passed a board recognized or accepted massage therapy
19 competency examination;

20

21 (D) Not more than one (1) year prior to
22 application, the applicant moved to this state from a state
23 or jurisdiction which has no licensure requirements and
24 provides satisfactory documentation that the applicant

1 practiced massage therapy for not less than five (5) years
2 immediately prior to moving to this state and, at the time
3 of application, the applicant has passed a board recognized
4 or accepted massage therapy competency examination; or

5

6 (E) The applicant holds current
7 certification from the national certification board for
8 therapeutic massage and bodywork or a similar national
9 certification which is accepted by the board.

10

11 (b) Notwithstanding the requirements of paragraph
12 (a)(iii) of this section, for the period of July 1, 2012
13 through June 30, 2013, the board shall issue a license to
14 practice massage therapy to any person who files a
15 completed application, accompanied by the required fees,
16 and who submits satisfactory evidence that the applicant
17 meets the requirements of paragraphs (a)(i) and (ii) of
18 this section and has met one (1) of the following
19 requirements prior to the effective date of this act:

20

21 (i) For at least one (1) year prior to the date
22 of application, the applicant was an active member of a
23 national professional massage therapy organization that

1 offers professional liability insurance and maintains a
2 code of ethics;

3

4 (ii) The applicant has actively practiced
5 massage therapy for an average of at least ten (10) hours
6 per week for at least ten (10) years immediately preceding
7 the date of application;

8

9 (iii) The applicant has actively practiced
10 massage therapy for an average of at least ten (10) hours
11 per week for at least one (1) year immediately preceding
12 the date of application and:

13

14 (A) At the time of application, has passed
15 a board recognized or accepted massage therapy competency
16 examination; or

17

18 (B) At the time of application has
19 completed not less than one hundred (100) hours of formal
20 training in massage therapy. As used in this subparagraph,
21 "formal training" means a massage therapy course or program
22 approved by the Wyoming state board of education, the
23 University of Wyoming board of trustees, the Wyoming
24 community college commission or an equivalent authority in

1 another state or jurisdiction, or a massage therapy course
2 or program provided by a continuing education provider
3 recognized or accepted by the board or an equivalent
4 authority in another state or jurisdiction.

5

6 (c) The board shall register a person as a massage
7 therapy instructor if the person files a completed
8 application, accompanied by the required fees, meets the
9 requirements of paragraphs (a)(i) and (ii) of this section
10 and has one (1) of the following requirements:

11

12 (i) The applicant is currently credentialed as a
13 massage therapy instructor by another state or jurisdiction
14 or by a nationally recognized massage therapy organization;
15 or

16

17 (ii) The applicant is licensed to practice
18 massage therapy under this chapter and provides
19 satisfactory documentation that the applicant has at least
20 two (2) years of practical experience in the area of
21 instruction and satisfactory documentation supporting the
22 applicant's qualifications in that area of instruction.

23

1 (d) The board shall establish by rule and regulation
2 a licensing process consistent with this section including
3 establishing a definition of what the board will accept as
4 "satisfactory documentation" and appropriate qualification
5 requirements for massage therapy instructors.

6

7 **33-48-108. Display of license.**

8

9 A massage therapy license or registration issued pursuant
10 to this chapter shall at all times be posted in a
11 conspicuous place in the holder's principal place of
12 business.

13

14 **33-48-109. Transfer of license or registration.**

15

16 A license or registration issued pursuant to this chapter
17 is not assignable or transferable.

18

19 **33-48-110. License or registration renewal;**
20 **continuing education; grace period.**

21

22 (a) Any license or registration under this chapter
23 shall expire annually on a date as established by rule and
24 regulation of the board. The board may establish one (1)

1 day each quarter on which licenses issued in that quarter
2 in the previous year shall expire.

3

4 (b) A licensee may renew his license or registration
5 by submitting a renewal application on a form provided by
6 the board and by payment of a renewal fee.

7

8 (c) The board may establish by rule and regulation
9 the continuing education requirements for renewal of a
10 license or registration under this section, provided that
11 the continuing education requirements shall not exceed
12 twelve (12) hours of continuing education each year.

13

14 (d) The board shall provide for a sixty (60) day
15 grace period after the expiration of the time to renew a
16 license as determined by the board. During the grace
17 period, a license or registration may be renewed upon
18 compliance with subsections (b) and (c) of this section and
19 the payment of a late fee as determined by the board in
20 accordance with W.S. 33-1-201.

21

22 **33-48-111. Inactive status.**

23

1 (a) Any license or registration which is not renewed
2 prior to the expiration of the grace period as provided in
3 W.S. 33-40-110(d) shall be placed on inactive status for a
4 period not to exceed two (2) years. An inactive license or
5 registration shall expire if it is not reactivated under
6 subsection (b) of this section within two (2) years of
7 being placed on inactive status.

8
9 (b) An inactive license or registration may be
10 reactivated by the board if, not more than two (2) years
11 after a license or registration is placed on inactive
12 status, the holder of the license notifies the board in
13 writing of his intent to reactivate the license or
14 registration, provides proof of compliance with all
15 continuing education requirements as specified by rule and
16 regulation of the board and pays any fees established by
17 the board in lieu of all lapsed renewal and late fees.

18

19 **33-48-112. Fees.**

20

21 The board, pursuant to W.S. 33-1-201, shall prescribe fees
22 for implementing this chapter.

23

24 **33-48-113. Advertising.**

1

2 (a) It shall be unlawful for any person to advertise
3 massage therapy services unless the services are
4 administered by a person licensed or registered under this
5 chapter.

6

7 (b) It shall be unlawful for any person or business
8 or any employees, agents or representatives to practice
9 massage therapy or to use in connection with a business
10 name or activity the terms "massage therapy", "massage
11 therapist", "licensed massage therapist", "massage
12 practitioner", "licensed massage practitioner", "LMT" or
13 any other word, letter, abbreviation or insignia indicating
14 or implying directly or indirectly that massage therapy is
15 provided or supplied unless the massage therapy is
16 administered by a person licensed or registered under this
17 chapter.

18

19 **33-48-114. Titles recognized.**

20

21 Pursuant to rule and regulation of the board, a person
22 licensed or registered under this chapter may use titles or
23 abbreviations including "massage therapist", "licensed
24 massage therapist", "LMT", "massage practitioner",

1 "licensed massage practitioner" or "registered massage
2 practitioner".

3

4 **33-48-115. Denial, suspension, revocation and**
5 **reinstatement of license.**

6

7 (a) The board may place a license or registrant on
8 probation, refuse to issue or renew a license or
9 registration or deny, suspend or revoke a license or
10 registration under this chapter in accordance with the
11 Wyoming Administrative Procedure Act upon a finding by the
12 board that a licensee, registrant or applicant:

13

14 (i) Practiced fraud, deceit or misrepresentation
15 in procuring or maintaining a license or registration under
16 this chapter;

17

18 (ii) Used or attempted to use the license or
19 registration of another person;

20

21 (iii) Allowed another person to use his license
22 or registration;

23

1 (iv) Has been adjudicated as mentally
2 incompetent under law;

3
4 (v) Has been convicted or found guilty of a
5 crime in any jurisdiction that directly relates to the
6 practice of massage therapy or the ability to practice
7 massage, provided that a denial of an application shall be
8 done in compliance with the provisions of W.S.
9 33-48-107(a)(ii);

10
11 (vi) Has acted in an unprofessional or unethical
12 manner, as determined by the board, in violation of a
13 nationally recognized code of ethics adopted by the board;

14
15 (vii) Practiced false or misleading advertising;

16
17 (viii) Has aided, assisted or advertised any
18 unlicensed or unregistered person in the practice of
19 massage therapy;

20
21 (ix) Has acted with extreme negligence or
22 incompetence, as determined by the board, in the practice
23 of massage therapy;

24

1 (x) Has had a license or registration to
2 practice or instruct massage therapy revoked, suspended or
3 denied in another state or jurisdiction for acts similar to
4 acts set out in this section;

5

6 (xi) Actively provided therapeutic services
7 beyond the scope of practice or regulation under this
8 chapter without appropriate license or registration.

9

10 (b) All disciplinary actions, denials of applications
11 and hearings shall be conducted in accordance with the
12 provisions of the Wyoming Administrative Procedure Act.

13

14 **33-48-116. Penalties.**

15

16 Any person who violates W.S. 33-48-105 or 33-48-113 is
17 guilty of a misdemeanor punishable by imprisonment of not
18 more than six (6) months, a fine of not more than seven
19 hundred fifty dollars (\$750.00), or both.

20

21 **Section 2.** This act is effective July 1, 2012.

22

23

(END)