

1 **MASSAGE THERAPY PRACTICE ACT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian M. Greene**

5 Senate Sponsor: Margaret Dayton

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies Title 58, Chapter 47b, Massage Therapy Practice Act, by exempting
10 certain individuals from licensure under the act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ exempts an individual from licensure as a massage therapist if the individual is
14 certified by, and in good standing with, a nationally recognized association that
15 represents a profession with established standards and ethics and:
 - 16 • engages in the manipulation of the soft tissues of the body to the hands, feet, and
17 outer ears only, including the practice of reflexology and foot zone therapy; and
 - 18 • the individual's clients remain fully clothed from the shoulders to the knees; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill coordinates with H.B. 324, Ortho-Bionomy Exemption Amendments, by
24 providing substantive and technical amendments.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **58-47b-304**, as last amended by Laws of Utah 2009, Chapter 220

28 **Utah Code Sections Affected by Coordination Clause:**

29 **58-47b-304**, as last amended by Laws of Utah 2009, Chapter 220

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

Section 1. Section **58-47b-304** is amended to read:

58-47b-304. Exemptions from licensure.

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

(a) ~~[physicians and surgeons]~~ a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(b) ~~[nurses]~~ a nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act;

(c) ~~[physical therapists]~~ a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;

(d) ~~[physical therapist assistants]~~ a physical therapist assistant licensed under Title 58, Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;

(e) ~~[osteopathic physicians and surgeons]~~ an osteopathic physician or surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(f) ~~[chiropractic physicians]~~ a chiropractic physician licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act;

(g) ~~[hospital staff members]~~ a hospital staff member employed by a hospital, who ~~[practice]~~ practices massage as part of ~~[their]~~ the staff member's responsibilities;

~~[(h) athletic trainers who practice massage as part of their responsibilities while employed by an educational institution or an athletic team that participates in organized sports competition;]~~

(h) an athletic trainer licensed under Title 58, Chapter 40a, Athletic Trainer Licensing Act;

58 (i) ~~[students]~~ a student in training enrolled in a massage therapy school approved by the
59 division;

60 (j) ~~[naturopathic physicians]~~ a naturopathic physician licensed under Title 58, Chapter
61 71, Naturopathic Physician Practice Act;

62 (k) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
63 Therapy Practice Act; ~~[and]~~

64 (l) ~~[persons]~~ an individual performing gratuitous massage[-]; and

65 (m) an individual certified by or through, and in good standing with, an industry
66 recognized organization that represents a profession with established standards and ethics:

67 (i) who engages in the manipulation of the soft tissues of the body to the hands, feet,
68 and outer ears only, including the practice of reflexology and foot zone therapy;

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

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

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

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

74 (a) ~~[create or]~~ require insurance coverage or reimbursement for massage therapy from
75 third party payors ~~[if this type of coverage did not exist on or before February 15, 1990];~~ or

76 (b) prevent ~~[any]~~ an insurance carrier from offering coverage for massage therapy.

77 Section 2. **Coordinating H.B. 207 with H.B. 324 -- Substantive and technical**
78 **amendments.**

79 If this H.B. 207 and H.B. 324, Ortho-Bionomy Exemption Amendments, both pass and
80 become law, the Legislature intends that:

81 (1) this coordinating clause supersedes the coordinating clause contained in H.B. 324;
82 and

83 (2) the Office of Legislative Research and General Counsel, in preparing the Utah
84 Code database for publication, modify Subsection [58-47b-304\(1\)\(m\)](#) to read:

85 "(m) an individual:

86 (i) certified by or through, and in good standing with, an industry organization that is
87 recognized by the division, and that represents a profession with established standards and
88 ethics;

89 (ii) (A) who limits the manipulation of the soft tissues of the body to the hands, feet,
90 and outer ears only, including the practice of reflexology and foot zone therapy; or

91 (B) who is certified to practice ortho-bionomy and whose practice is limited to the
92 scope of practice of ortho-bionomy;

93 (iii) whose clients remain fully clothed from the shoulders to the knees; and

94 (iv) whose clients do not receive gratuitous massage from the individual."