Representative Brian M. Greene proposes the following substitute bill:

| 1 | MASSAGE THERAPY PRACTICE ACT AMENDMENTS |
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| 2 | 2014 GENERAL SESSION |
| 3 | STATE OF UTAH |
| 4 | Chief Sponsor: Brian M. Greene |
| 5 | Senate Sponsor: Margaret Dayton |
| 6 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 | 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 | Ŝ→ [None] <u>This bill coordinates with H.B. 324, Ortho-Bionomy Exemption</u> |
| 23a | Amendments, by providing substantive and technical amendments. ←Ŝ |
| 24 | Utah Code Sections Affected: |
| 25 | AMENDS: |

1st Sub. (Buff) H.B. 207

| 26 | 58-47b-304, as last amended by Laws of Utah 2009, Chapter 220 |
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| 26a | Ŝ→ <u>Utah Code Sections Affected by Coordination Clause:</u> |
| 26b | <u>58-47b-304, as last amended by Laws of Utah 2009, Chapter 220</u> + Ŝ |
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| 28 | Be it enacted by the Legislature of the state of Utah: |
| 29 | Section 1. Section 58-47b-304 is amended to read: |
| 30 | 58-47b-304. Exemptions from licensure. |
| 31 | (1) In addition to the exemptions from licensure in Section 58-1-307, the following |
| 32 | individuals may engage in the practice of massage therapy as defined under this chapter, |
| 33 | subject to the stated circumstances and limitations, without being licensed, but may not |
| 34 | represent themselves as a massage therapist or massage apprentice: |
| 35 | (a) [physicians and surgeons] a physician or surgeon licensed under Title 58, Chapter |
| 36 | 67, Utah Medical Practice Act; |
| 37 | (b) [nurses] a nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or under |
| 38 | Title 58, Chapter 44a, Nurse Midwife Practice Act; |
| 39 | (c) [physical therapists] a physical therapist licensed under Title 58, Chapter 24b, |
| 40 | Physical Therapy Practice Act; |
| 41 | (d) [physical therapist assistants] a physical therapist assistant licensed under Title 58, |
| 42 | Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical |
| 43 | therapist; |
| 44 | (e) [osteopathic physicians and surgeons] an osteopathic physician or surgeon licensed |
| 45 | under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; |
| 46 | (f) [chiropractic physicians] a chiropractic physician licensed under Title 58, Chapter |
| 47 | 73, Chiropractic Physician Practice Act; |
| 48 | (g) [hospital staff members] a hospital staff member employed by a hospital, who |
| 49 | [practice] practices massage as part of [their] the staff member's responsibilities; |
| 50 | [(h) athletic trainers who practice massage as part of their responsibilities while |
| 51 | employed by an educational institution or an athletic team that participates in organized sports |
| 52 | competition;] |
| 53 | (h) an athletic trainer licensed under Title 58, Chapter 40a, Athletic Trainer Licensing |
| 54 | <u>Act;</u> |
| 55 | (i) [students] <u>a student</u> in training enrolled in a massage therapy school approved by the |
| 56 | division; |

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| 57 | (j) [naturopathic physicians] a naturopathic physician licensed under Title 58, Chapter |
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| 58 | 71, Naturopathic Physician Practice Act; |
| 59 | (k) an occupational therapist licensed under Title 58, Chapter 42a, Occupational |
| 60 | Therapy Practice Act; [and] |
| 61 | (1) [persons] an individual performing gratuitous massage[-]; and |
| 62 | (m) an individual certified by or through, and in good standing with, |
| 62a | Ĥ→ [<u>a nationally</u>] <u>an industry</u> ←Ĥ |
| 63 | recognized organization that represents a profession with established standards and ethics: |
| 64 | (i) who engages in the manipulation of the soft tissues of the body to the hands, feet, |
| 65 | and $\hat{H} \rightarrow outer \leftarrow \hat{H}$ ears only, including the practice of reflexology and foot zone therapy; |
| 66 | (ii) whose clients remain fully clothed from the shoulders to the knees; and |
| 67 | (iii) whose clients do not receive gratuitous massage from the individual. |
| 68 | (2) This chapter may not be construed to authorize any individual licensed under this |
| 69 | chapter to engage in any manner in the practice of medicine as defined by the laws of this state. |
| 70 | (3) This chapter may not be construed to: |
| 71 | (a) [create or] require insurance coverage or reimbursement for massage therapy from |
| 72 | third party payors [if this type of coverage did not exist on or before February 15, 1990]; or |
| 73 | (b) prevent [any] an insurance carrier from offering coverage for massage therapy. |
| 73a | Ŝ→ <u>Section 2.</u> Coordinating H.B. 207 with H.B. 324 Substantive and technical amendments. |
| 73b | If this H.B. 207 and H.B. 324, Ortho-Bionomy Exemption Amendments, both pass and |
| 73c | become law, the Legislature intends that: |
| 73d | (1) this coordinating clause supersedes the coordinating clause contained in H.B. 324; and |
| 73e | (2) the Office of Legislative Research and General Counsel, in preparing the Utah Code |
| 73f | database for publication, modify Subsection 58-47b-304(1)(m) to read: |
| 73g | <u>"(m) an individual:</u> |
| 73h | <u>(i) certified by or through, and in good standing with, an industry organization that is</u> |
| 73i | recognized by the division, and that represents a profession with established standards and |
| 73j | <u>ethics:</u> |
| 73k | (ii) (A) who limits the manipulation of the soft tissues of the body to the hands, feet, and |
| 731 | <u>outer ears only, including the practice of reflexology and foot zone therapy; or</u> |
| 73m | (B) who is certified to practice ortho-bionomy and whose practice is limited to the scope |
| 73n | of practice of ortho-bionomy; |
| 730 | (iii) whose clients remain fully clothed from the shoulders to the knees; and |
| 73p | <u>(iv) whose clients do not receive gratuitous massage from the individual."</u> ←Ŝ |

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Senate 3rd Reading Amendments 3-13-2014 cm/pla House Committee Amendments 2-19-2014 le/pla