

**Representative Brian M. Greene** proposes the following substitute bill:

**1                   MESSAGE THERAPY PRACTICE ACT AMENDMENTS**

**2   2014 GENERAL SESSION**

**3   STATE OF UTAH**

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

**5                                   Senate Sponsor: Margaret Dayton**

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**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**None

**24   Utah Code Sections Affected:**

**25   AMENDS:**



26 58-47b-304, as last amended by Laws of Utah 2009, Chapter 220

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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 Act;

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

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

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

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

62 (m) an individual certified by or through, and in good standing with, a nationally  
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 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.