

HOUSE RESEARCH

Bill Summary

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Article 1: Massage and Bodywork Therapy Registration

Overview

This article provides for the regulation of massage and bodywork therapists by registration with the Minnesota Board of Nursing.

- 1 **Citation.** Creates § 148.981. Provides that §§ 148.891 to 148.9885 may be cited as the Minnesota Massage and Bodywork Therapy Act.
- 2 **Definitions.** Creates § 148.982. Defines the following terms: “advertise,” “advisory council,” “applicant,” “board,” “client,” “competency exam,” “contact hour,” “credential,” “health care provider,” “massage and bodywork therapy,” “municipality,” “physical agent modality,” “practice of massage and bodywork therapy,” “professional organization,” “registered massage and bodywork therapist or registrant,” and “state.”
- 3 **Massage and bodywork therapy.** Creates § 148.983. Provides that this section applies to massage and bodywork therapy performed by individuals who are registered with the Board of Nursing.

Paragraph (a) lists the permitted massage and bodywork techniques and substances that can be applied to and used on the client.

Paragraph (b) lists the prohibited practices. These practices include diagnosing illness or disease; changing prescribed therapies issued by a credentialed health care provider; prescribing drugs or medicines; performing chiropractic techniques; applying physical agent modalities; needles that puncture the skin; or injection therapy.

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- 4** **Limitations on practice; referrals.** Creates § 148.984. Requires a massage and bodywork therapist to refer a client to a health care provider if the client’s medical condition is beyond the scope of practice established by this chapter or the rules of the board.
- 5** **Protected titles and restrictions on use.** Creates § 148.985.
- Subd. 1. Designation.** Provides that an individual registered under this act is designated as a “registered massage and bodywork therapist” or “RMBT.”
- Subd. 2. Title protection.** Prohibits the use “registered massage and bodywork therapist” or “RMBT” to indicate an individual is a registered as a massage and bodywork therapist unless the individual is registered with the board.
- Subd. 3. Identification of registrants.** Paragraph (a) requires a registrant to identify oneself as a “registered massage and bodywork therapist” or “RMBT.”
- Paragraph (b) requires the board to adopt rules to implement this section.
- Paragraph (c) permits a practitioner who is credentialed in another state or who holds certifications from professional agencies or educational providers to so indicate in advertising. Requires the name of the state and credentialing body to be identified.
- Subd. 4. Other health care providers.** Permits health care providers to use massage and bodywork therapy techniques within their scope of practice. Prohibits providers from advertising or implying they are registered unless they are registered under sections 148.981 to 148.9885.
- Permits the continued practice of all complementary and alternative natural health practices under chapter 146A including massage and bodywork therapy techniques. Prohibits practitioners from advertising or implying they are registered as a massage and bodywork therapist unless they are registered under sections 148.981 to 148.9885.
- 6** **Powers of the board.** Creates § 148.986. Instructs the board, with the advice of the Registered Massage and Bodywork Therapist Advisory Council, to issue registrations. Lists the powers and duties of the board related to regulation of this profession.
- 7** **Registered massage and bodywork therapy advisory council.** Creates § 148.9861.
- Subd. 1. Creation; membership.** Creates a five member advisory council with two public members and three registered massage therapists. Limits member to two consecutive terms. Provides that no more than one member can be the owner or operator of a massage and bodywork therapy education provider.
- Subd. 2. Vacancies.** Provides process for filling vacancies on the council.
- Subd. 3. Administration.** Requires the council to be organized under section 15.059 (Advisory Councils and Committees).
- Subd. 4. Duties.** Lists the duties of the council.

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8 Registration requirements. Creates § 148.987.

Subd. 1. Registration. Requires an applicant to pay the required fees and to file a written application. Lists the items that must be included on the application form. Requires a criminal history check.

Subd. 2. Registration prohibited. Permits the board to deny an application for registration if an applicant has been convicted of one of the listed sexual conduct crimes or a specified crime of violence; is a registered sex offender; has had the ability to practice under chapter 146A revoked, suspended, or limited; or is under investigation for complaints related to the practice of massage and bodywork therapy in this or another state. Prohibits registration if disciplinary action is pending until the proceeding is resolved in the applicant's favor.

Subd. 3. Registration by endorsement. Lists the requirements, including proof of a current and unrestricted massage therapy credential in another state.

Subd. 4. Registration by grandfathering. Lists the requirements. Permits application for registration by this method for two years after the first date applications for registration are available. The applicant must pay the required fees, have a criminal background check, file a written application, and provide proof that the applicant is qualified to practice.

Subd. 5. Temporary permit. Allows the board to issue a temporary permit to an applicant eligible for registration that remains valid until the board makes a decision on the registration application.

9 Expiration and renewal. Creates § 148.9871.

Subd. 1. Registration expiration. States that registrations expire annually.

Subd. 2. Renewal. Requires the registrant to complete a renewal application, submit the renewal fee, and provide any other information requested by the board.

Subd. 3. Change of address. Requires the registrant to inform the board within 30 days of a change of address.

Subd. 4. Registration renewal notice. Requires the board to send a renewal notice to the registrant at least 60 days before the registration renewal date.

Subd. 5. Renewal deadline. Provides that the renewal application and fee must be postmarked on or before the renewal deadline date, but if the postmark is illegible, then the application is considered timely if it is received by the third working day after the deadline.

Subd. 6. Inactive status and return to active status. Allows a registrant to place a registration on inactive status and sets the criteria for reactivating the registration.

Subd. 7. Registration following lapse of registration status for two years or less. Requires an individual to apply for registration renewal and pay the required fees.

Subd. 8. Cancellation due to nonrenewal. Prohibits the board from renewing, restoring, or reissuing a registration that has not been renewed for two years. Requires a

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former registrant to apply and meet the requirements then in existence for initial registration.

Subd. 9. Cancellation of registration in good standing. Allows a registrant to request registration cancellation. Requires the individual, seeking to re-register, to complete an application for registration and to meet requirements then in existence for initial registration.

10 Board action on applications. Creates § 148.9881. Instructs the board to take action on all applications for registration and determine if an applicant meets the requirements for registration or renewal. Permits the board to investigate the information submitted by the applicant. Requires the board to provide written notification to the applicant on action taken on the application. Provides an appeal process for the applicant.

11 Grounds for disciplinary action. Creates § 148.9882.

Subd. 1. Grounds listed. Provides a list of the grounds for disciplinary action. Disciplinary actions may include registration, denial, revocation, suspension, or limitation.

Subd. 2. Evidence. Provides that judgments or proceedings under seal are admissible evidence in disciplinary proceedings without further authentication.

Subd. 3. Examination; access to medical data. Grants the board the authority to apply the provisions section 148.261, subdivision 5, of the Nurse Practice Act when the board believes a registrant is unable to practice due to mental illness, physical illness, or substance misuse.

12 Discipline; reporting. Creates § 148.9883. Requires registrants and applicants to comply with the reporting requirements and disciplinary process in the nurse practice act, sections 148.262 to 148.266.

13 Effect on municipal ordinance. Creates § 148.9884.

Subd. 1. License authority. Provides that this act preempts the licensure and regulation of registered massage and bodywork therapists by a municipality, including conducting criminal background checks.

Subd. 2. Municipal regulation. Provides that a municipality can require a massage and bodywork establishment to obtain a business license in order to transact business, enforce the provisions of the health code, and otherwise regulate the establishment. Does not limit the municipality's authority to require a criminal background check for any unregistered massage and bodywork therapist.

Subd. 3. Prosecuting authority. Allows a municipality to prosecute violations of this act, any local ordinance, or any other law by a registered or unregistered massage and bodywork therapist.

14 Fees. Establishes fees and requires the board to deposit fees in the state government special revenue account.

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- 15** **Exchanging information.** Creates § 148.9986. Requires the board to report all revocations or suspensions of registered massage and bodywork therapists to the commissioner of health. Allows the board to share investigatory data with the commissioner.
- 16** **Effective date.** Makes this article effective August 1, 2016.

Article 2: Conforming Amendments

- 1** **Exchanging information.** Amends § 146A.06, subd. 3. Requires the commissioner to report all final disciplinary actions against individuals practicing massage and bodywork therapy under chapter 146A to the board. Allows the commissioner to share investigatory data with the commissioner.
- 2** **Registered massage and bodywork therapists.** Amends § 146A.09, by adding subd. 8. Provides that no individual who has had their registration suspended or revoked by the board may practice as an unlicensed complementary and alternative health care practitioner under chapter 146A during a period of suspension or revocation.
- 3** **Municipal or city business license; massage.** Creates § 325F.816. Provides that an individual who has a municipal license to practice massage is prohibited from advertising as a licensed massage and bodywork therapist unless the individual has a valid professional credential from another state.
- 4** **Effective date.** Makes this article effective August 1, 2016.