

Subject Licensure of massage therapists and Asian bodywork therapists

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Article 1: Massage Therapy and Asian Bodywork Therapy

Massage therapists and Asian bodywork therapists are not licensed or registered by the state. Under current law, the commissioner of health may regulate individuals performing massage, massage therapy, or bodywork as unlicensed complementary and alternative health care practitioners. This article requires massage therapists and Asian bodywork therapists to be licensed by the commissioner of health in order to engage in massage therapy or Asian bodywork therapy or use protected titles, establishes requirements for licensure, and preempts municipal licensure of massage therapists and Asian bodywork therapists.

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1 Citation.

Adds § 148.636. Provides sections 148.636 to 148.6377 may be cited as the Minnesota Massage Therapy and Asian Bodywork Therapy Act.

2 Definitions.

Adds § 148.6361. Defines terms: advisory council, applicant, Asian bodywork therapy, client, commissioner, contact hours, credentialing examination, licensed Asian bodywork therapist, licensed massage therapist, licensee, massage therapy, and municipality.

3 Duties of the commissioner.

Adds § 148.6362. Directs the commissioner of health to issue licenses to practice massage therapy or Asian bodywork therapy, adopt rules to implement licensure of massage therapists and Asian bodywork therapists, assign duties to the advisory council, approve a credentialing examination, enforce the licensure laws, impose discipline, maintain records of licensees, and distribute information on massage therapy and Asian bodywork therapy standards.

4 Limitations on practice.

Adds § 148.6363. Lists actions that are not included in the practice of massage therapy or Asian bodywork therapy. Requires a massage therapist or Asian bodywork therapist to refer a client to a licensed health care provider if the therapist finds the

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client's medical condition is beyond the massage therapist's or Asian bodywork therapist's scope of practice.

5 Unlicensed practice prohibited; protected titles and restrictions on use.

Adds § 148.6364. Provides that, effective January 1, 2028, no person shall practice or attempt to practice massage therapy or Asian bodywork therapy or use a protected title unless the person is licensed under sections 148.636 to 148.6377 as a massage therapist or Asian bodywork therapist.

6 Exemptions; other health care providers.

Adds § 148.6365. Provides that sections 148.636 to 148.6377 do not:

- regulate the practice of an individual licensed or registered in Minnesota to practice another profession or occupation;
- regulate an individual providing complementary and alternative health care practices according to chapter 146A, as long as the individual does not communicate that the individual is a licensed massage therapist or Asian bodywork therapist or does not designate the practices as massage therapy or Asian bodywork therapy; or
- regulate services provided by massage therapy emergency response teams, services provided by out-of-state therapists as part of a specific event, instruction in a massage therapy or Asian bodywork therapy education course, services provided by employees of the federal government, services provided by massage therapy or Asian bodywork therapy students practicing under supervision, or services provided without remuneration to family members.

7 Requirements for licensure.

Adds § 148.6366. Lists what an applicant for licensure as a massage therapist or Asian bodywork therapist must submit to the commissioner of health. Specifies education requirements for applicants applying for licensure before July 1, 2031, and for applicants applying for licensure on or after July 1, 2031. Specifies requirements for licensure by endorsement and for licensure by prior experience for applications received before July 1, 2031. Allows the commissioner to issue a temporary permit to practice to an applicant whose application is complete, to be valid until the commissioner takes action on the applicant's application or for 90 days.

8 License renewal.

Adds § 148.6367. Provides massage therapy and Asian bodywork therapy licenses expire two years from the date of issuance, and lists what an applicant for license renewal must submit to the commissioner of health. Requires massage therapists and Asian bodywork therapists to obtain continuing education each licensing period.

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Requires licensees and applicants to provide notice to the commissioner of a change of address. Requires the commissioner to send out a renewal notice at least 60 days before a licensee's license expires. Requires renewal applications and fees to be received by the commissioner or postmarked before the license expires. Allows the commissioner to place a license on inactive status, specifies requirements to return a license to active status and to regain active licensure for a license that lapsed for two years or less, and requires an individual whose license has lapsed for more than two years to apply for initial licensure if the individual wants to return to practice as a massage therapist or Asian bodywork therapist.

9 Commissioner action on applications.

Adds § 148.6368. Specifies processes for the commissioner to review and act on applications for licensure and license renewal, requires the commissioner to notify applicants in writing of action taken on applications, and allows an applicant denied licensure to request review by the advisory council of the commissioner's decision on an application. Lists grounds on which the commissioner must deny licensure to an applicant, but allows the commissioner to establish criteria for exceptions.

10 Grounds for disciplinary action.

Adds § 148.6369. Lists grounds on which the commissioner may take licensing or disciplinary action against a massage therapist or Asian bodywork therapist. Specifies a judgment or proceeding under the seal of the court administrator or an administrative agency is prima facie evidence of a ground for disciplinary action. Allows the commissioner to direct applicants or licensees to submit to a mental or physical examination or substance use disorder evaluation and to obtain medical data and health records relating to a massage therapist, Asian bodywork therapist, or applicant for licensure, if the commissioner believes the applicant or licensee is unable to practice with reasonable skill and safety due to mental or physical illness or the use of alcohol or drugs.

11 Disciplinary actions.

Adds § 148.6370. Lists licensing and disciplinary actions the commissioner may take upon a finding that grounds for disciplinary action exist: denying, revoking, or suspending the license; imposing limits on practice or conditions on the license; imposing a civil penalty; ordering the provision of free services; censure or reprimand; automatic suspension; and temporary suspension. Permits the licensee to request a hearing before the commissioner imposes disciplinary action. Allows the commissioner to reissue a license to practice but impose disciplinary or corrective actions that might have originally been imposed.

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12 Reporting obligations.

Adds § 148.6371. Allows persons with knowledge of conduct constituting grounds for disciplinary action regarding massage therapy or Asian bodywork therapy to report the violation to the commissioner. Requires political subdivisions and health care institutions and organizations to report any actions taken on the therapist's privilege to practice or treat clients. Requires professional societies for massage therapy or Asian bodywork therapy to report termination, revocation, or suspension of a therapist's membership or other disciplinary action taken, and to report complaints that might be grounds for disciplinary action. Requires licensed health professionals to report conduct by a therapist reasonably believed to constitute grounds for disciplinary action. Requires insurers to report malpractice settlements or awards against massage therapists or Asian bodywork therapists. Requires courts to report judgments that a therapist is mentally ill, mentally incompetent, or guilty of certain crimes. Requires a therapist to self-report certain actions.

13 Immunity.

Adds § 148.6372. Provides immunity from civil liability and criminal prosecution to reporters, other than the massage therapist or Asian bodywork therapist who committed the violation, for submitting a report to the commissioner regarding a violation of the licensing statutes or for cooperating with investigations. Also provides immunity to the commissioner, employees of the Department of Health, and other persons investigating violations, for the performance of their duties.

14 Cooperation.

Adds § 148.6373. Requires massage therapists and Asian bodywork therapists who are being investigated by the commissioner to cooperate fully with the investigation. Specifies what cooperation includes. Requires the commissioner to pay for copies requested, requires massage therapists to delete data identifying clients before providing records to the commissioner in certain cases, classifies records obtained by the commissioner as investigative data, and provides massage therapists and Asian bodywork therapists are not excused on the ground of self-incrimination from providing testimony or documents.

15 Disciplinary record on judicial review.

Adds § 148.6374. Upon judicial review of disciplinary action taken by the commissioner, requires the reviewing court to seal the administrative record, except the commissioner's final decision.

16 Effect on municipal ordinances.

Adds § 148.6375. Effective July 1, 2028, provides sections 148.636 to 148.6377 preempt the licensure and regulation of massage therapists and Asian bodywork therapists by municipalities. Allows municipalities to require a massage therapy or

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- Asian bodywork therapy establishment to obtain a business license or permit to conduct business, and to regulate other professions or occupations.
- 17 **Massage Therapy Advisory Council.**
Adds § 148.6376. Creates a Massage Therapy Advisory Council composed of five members appointed by the commissioner. Specifies advisory council membership, and directs the advisory council to be administered under section 15.059. Requires the advisory council to elect a chair from among its members, and specifies duties of the advisory council. Specifies the advisory council does not expire.
- 18 **Fees.**
Adds § 148.6377. Specifies amounts the fees for initial licensure and license renewal must not exceed. Establishes fee amounts for the late fee, for annual inactive status, to reactivate a license from inactive to active status, for a temporary permit, and for a returned check. Requires an application for license renewal that is late to be accompanied by a late fee. Provides fees are nonrefundable, and requires fees to be deposited into the state government special revenue fund.
- 19 **Initial Massage Therapy Advisory Council.**
Requires the commissioner of health to make initial appointments to the advisory council by January 1, 2027, and specifies qualification requirements for the initial appointees. Directs the commissioner to designate one member of the advisory council to call the first meeting, requires the first meeting to be convened by May 15, 2027, and requires the advisory council to elect a chair from among its members at the first meeting.
- 20 **Appropriation.**
Makes blank appropriations in fiscal year 2027 from the state government special revenue fund to the commissioner of health to implement licensure of massage therapists and Asian bodywork therapists.

Article 2: Conforming Amendments

This article amends statutes to conform with licensure of massage therapists and Asian bodywork therapists in article 1.

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- 1 **Criminal history background check requirements.**
Amends § 144.0572. Requires an applicant for initial licensure or relicensure after a lapse in licensure as a massage therapist or Asian bodywork therapist to submit to a

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- criminal history records check by the BCA and to a national criminal history records check.
- 2 **Complementary and alternative health care practices.**
Amends § 146A.01, subd. 4. Effective July 1, 2028, removes massage and massage therapy from the definition of complementary and alternative health care practices, and adds to the definition, somatic movement therapy and movement education, structural integration practices, and reflexology.
- 3 **Exchanging information.**
Amends § 146A.06, subd. 3. Effective July 1, 2028, requires the Office of Unlicensed Complementary and Alternative Health Care Practice at the Department of Health to report to the commissioner of health, final disciplinary actions taken by the office against individuals practicing massage therapy or Asian bodywork therapy as unlicensed complementary and alternative health care practitioners.
- 4 **Licensed massage therapists and Asian bodywork therapists.**
Adds subd. 8 to § 146A.09. Effective July 1, 2028, prohibits an individual whose license to practice as a massage therapist or Asian bodywork therapist has been revoked or suspended from practicing as an unlicensed complementary and alternative health care practitioner during the period of suspension or revocation.



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