



House of Representatives

General Assembly

File No. 628

January Session, 2009

Substitute House Bill No. 5883

House of Representatives, April 15, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE UNLICENSED PRACTICE OF MASSAGE THERAPY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-206b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) No person shall engage in the practice of massage therapy unless
4 the person has obtained a license from the department pursuant to this
5 section. Each person seeking licensure as a massage therapist shall
6 make application on forms prescribed by the department, pay an
7 application fee of three hundred dollars and present to the department
8 satisfactory evidence that the applicant: (1) Has graduated from a
9 school of massage therapy offering a course of study of not less than
10 five hundred classroom hours, with the instructor present, and, at the
11 time of the applicant's graduation, was either (A) accredited by an
12 agency recognized by the United States Department of Education or by
13 a state board of postsecondary technical trade and business schools, or
14 (B) accredited by the Commission on Massage Therapy Accreditation,

15 and (2) has passed the National Certification Examination for
16 Therapeutic Massage and Bodywork. Passing scores on the
17 examination shall be prescribed by the department.

18 (b) Licenses shall be renewed once every two years in accordance
19 with the provisions of section 19a-88. The fee for renewal shall be two
20 hundred dollars. No license shall be issued under this section to any
21 applicant against whom professional disciplinary action is pending or
22 who is the subject of an unresolved complaint in this or any other state
23 or jurisdiction. Any certificate granted by the department prior to June
24 1, 1993, shall be deemed a valid license permitting continuance of
25 profession subject to the provisions of this chapter.

26 (c) (1) Notwithstanding the provisions of subsection (a) of this
27 section, the department may issue a license to an applicant whose
28 school of massage therapy does not satisfy the requirement of
29 subparagraph (A) or (B) of subdivision (1) of said subsection (a),
30 provided the school held, at the time of the applicant's graduation, a
31 certificate issued by the Commissioner of Education pursuant to
32 section 10-7b and provided the applicant graduated within thirty-three
33 months of the date such school first offered the curriculum completed
34 by the applicant. No license shall be issued under this subsection to a
35 graduate of a school that fails to apply for and obtain accreditation by
36 (A) an accrediting agency recognized by the United States Department
37 of Education, or (B) the Commission on Massage Therapy
38 Accreditation within thirty-three months of the date such school first
39 offered the curriculum.

40 (2) Notwithstanding the provisions of subsection (a) of this section
41 and subdivision (1) of this subsection, the department may issue a
42 license to an applicant who submits evidence satisfactory to the
43 commissioner that the applicant (A) was enrolled, on or before July 1,
44 2005, in a school of massage therapy that was approved or accredited
45 by a state board of postsecondary technical trade and business schools
46 or a state agency recognized as such state's board of postsecondary
47 technical trade and business schools, (B) graduated from a school of

48 massage therapy with a course of study of not less than five hundred
49 classroom hours, with the instructor present, that at the time of the
50 applicant's graduation was approved or accredited by a state board of
51 postsecondary technical trade and business schools or a state agency
52 recognized as such state's board of postsecondary technical trade and
53 business schools, and (C) has passed the National Certification
54 Examination for Therapeutic Massage and Bodywork. Passing scores
55 on the examination shall be prescribed by the department.

56 (d) Each person licensed pursuant to this section has an affirmative
57 duty to make a written referral to a licensed healing arts practitioner,
58 as defined in section 20-1, of any client who has any physical or
59 medical condition that would constitute a contraindication for massage
60 therapy or that may require evaluation or treatment beyond the scope
61 of massage therapy.

62 (e) No person shall use the title "massage therapist", "licensed
63 massage therapist", "massage practitioner", "massagist", "masseur" or
64 "masseuse", unless the person holds a license issued in accordance
65 with this section or other applicable law.

66 (f) Notwithstanding the provisions of subsection (a) of this section,
67 the commissioner may issue a license to an out-of-state applicant who
68 submits evidence satisfactory to the commissioner of either: (1) (A) A
69 current license to practice therapeutic massage from another state or
70 jurisdiction, (B) documentation of practice for at least one year
71 immediately preceding application, and (C) successful completion of
72 the National Certification Examination for Therapeutic Massage and
73 Bodywork; or (2) (A) graduation from a school of massage therapy
74 offering a course of study of not less than five hundred classroom
75 hours, with the instructor present, and, at the time of the applicant's
76 graduation, was either (i) accredited by an agency recognized by the
77 United States Department of Education or by a state board of
78 postsecondary technical trade and business schools, or (ii) accredited
79 by the Commission on Massage Therapy Accreditation, and (B)
80 successful completion of the National Certification Examination for

81 Therapeutic Massage and Bodywork.

82 (g) Any person who violates the provisions of subsection (a) or (e) of
83 this section shall be guilty of a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	20-206b

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes it a violation of state law, punishable by imprisonment for up to 3 months and/or a fine of up to \$500, for any person to engage in the practice of massage therapy or use certain titles implying professional certification as such without a license from the Department of Public Health.

To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. Few offenses are anticipated under the bill and therefore any costs associated with incarceration and/or probation supervision and revenue from criminal fines are anticipated to be minimal (i.e., less than \$50,000) on an annual basis.

The Out Years

The annualized ongoing potential costs for incarceration and/or probation identified above would continue into the future subject to inflation; the annualized potential revenue from criminal fines would remain constant since fine amounts are set by statute.

OLR Bill Analysis

sHB 5883

***AN ACT CONCERNING THE UNLICENSED PRACTICE OF
MASSAGE THERAPY.***

SUMMARY:

This bill makes it a class C misdemeanor for anyone to engage in the practice of massage therapy or use the title “massage therapist”, “licensed massage therapist”, “massage practitioner”, “massagist”, “masseur”, or “masseuse” without a license from the Department of Public Health.

A class C misdemeanor is punishable by imprisonment for up to three months, a fine of up to \$500, or both.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/27/2009)