



General Assembly

February Session, 2012

Raised Bill No. 5455

LCO No. 1880

01880_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING PENALTIES FOR AND THE INVESTIGATION
OF THE OPERATION OF ILLEGAL MASSAGE ESTABLISHMENTS.**

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 Section 20-206b of the general statutes is repealed and the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, 2012*):

3 (a) No person shall engage in, and no employer shall employ a
4 person to engage in, the practice of massage therapy unless the person
5 has obtained a license from the department pursuant to this section.
6 Each person seeking licensure as a massage therapist shall make
7 application on forms prescribed by the department, pay an application
8 fee of three hundred seventy-five dollars and present to the
9 department satisfactory evidence that the applicant: (1) Has graduated
10 from a school of massage therapy offering a course of study of not less
11 than five hundred classroom hours, with the instructor present, and, at
12 the time of the applicant's graduation, was either (A) accredited by an
13 agency recognized by the United States Department of Education or by
14 a state board of postsecondary technical trade and business schools, or
15 (B) accredited by the Commission on Massage Therapy Accreditation,
16 and (2) has passed the National Certification Examination for

17 Therapeutic Massage and Bodywork. Passing scores on the
18 examination shall be prescribed by the department.

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

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

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

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

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

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

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

81 successful completion of the National Certification Examination for
82 Therapeutic Massage and Bodywork.

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

85 (h) Any person who employs a person to perform massage therapy
86 in violation of subsection (a) or (e) of this section shall be guilty of a
87 class C misdemeanor.

88 Sec. 2. Section 20-206g of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2012*):

90 (a) As used in this section, "advertise" includes, but is not limited to,
91 the issuance of any card, sign or device to any person; causing,
92 permitting or allowing any sign or marking on or in any building,
93 vehicle or structure; advertising in any newspaper or magazine, or the
94 placement of any listing or advertisement in any directory under a
95 classification or heading that includes the words "massage", "massage
96 therapist", "massage therapy", [or] "massage therapy establishment",
97 "shiatsu", "acupressure" or "Thai massage".

98 (b) No person, firm, partnership or corporation shall advertise any
99 of the services included in the definition of massage therapy in any
100 manner using the term or title "massage", "shiatsu", "acupressure" or
101 "Thai massage" unless such services are performed by a massage
102 therapist.

103 (c) Each person who holds a license as a massage therapist shall
104 include his or her license number in any advertisement for such
105 person's massage therapy services that appears in a newspaper,
106 telephone directory or other advertising medium.

107 (d) It shall be a violation of this section for any person who does not
108 hold a current license as a massage therapist to advertise massage
109 therapy services by using the term "massage", "massage therapist",
110 "licensed massage therapist", "massage practitioner", "massagist",

111 "masseur" or "masseuse", "shiatsu", "acupressure" or "Thai massage".

112 Sec. 3. Section 20-206h of the general statutes is repealed and the
113 following is substituted in lieu thereof (*Effective October 1, 2012*):

114 (a) The Commissioner of Public Health shall carry out the
115 commissioner's responsibilities with respect to enforcement of the
116 provisions of sections 20-206b, as amended by this act, 20-206d and 20-
117 206g, as amended by this act, within available appropriations.

118 (b) If the commissioner has cause to believe, based upon credible
119 information or complaint, that any person has violated the provisions
120 of section 20-206b, as amended by this act, 20-206d or 20-206g, as
121 amended by this act, the commissioner shall, not later than thirty days
122 after receiving such information or complaint, begin a formal
123 investigation or cause the local health department that serves the
124 municipality in which the alleged violation occurred to begin a formal
125 investigation of the alleged violation. In the course of such formal
126 investigation, the commissioner or local health department shall
127 inquire as to whether a person under investigation obtained a license
128 from the department legally by comparing the photograph on such
129 person's license with a photograph of such person obtained from the
130 National Certification Board for Therapeutic Massage and Bodywork.
131 Photographs that do not match shall constitute prima facie evidence
132 that such person is engaging in the practice of massage therapy
133 without a license, in violation of section 20-206b, as amended by this
134 act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	20-206b
Sec. 2	<i>October 1, 2012</i>	20-206g
Sec. 3	<i>October 1, 2012</i>	20-206h

Statement of Purpose:

To add "shiatsu", "acupressure" and "Thai massage" to the list of services that may not be advertised without a license to engage in massage therapy; to provide that employers who employ unlicensed persons as massage therapists are guilty of a class C misdemeanor; and to require the Commissioner of Public Health and local health departments to investigate complaints that persons are engaging in the practice of massage therapy without a license within thirty days of receiving such complaint.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]