



Senate

General Assembly

File No. 332

February Session, 2018

Substitute Senate Bill No. 301

Senate, April 9, 2018

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist. and SEN. SOMERS of the 18th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MASSAGE THERAPISTS.

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 Section 20-206b of the general statutes is repealed and the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, 2019*):

3 (a) (1) No person shall engage in the practice of massage therapy
4 unless the person has obtained a license from the department pursuant
5 to this section. Each person seeking licensure as a massage therapist
6 shall make application on forms prescribed by the department, pay an
7 application fee of three hundred seventy-five dollars and present to the
8 department satisfactory evidence that the applicant: [(1)] (A) Has
9 graduated from a school of massage therapy offering a course of study
10 of not less than five hundred classroom hours, with the instructor
11 present, that, at the time of the applicant's graduation, had a current
12 school code assigned by the National Certification Board for
13 Therapeutic Massage and Bodywork and was either [(A)] (i) accredited
14 by an agency recognized by the United States Department of

15 Education or by a state board of postsecondary technical trade and
16 business schools, or [(B)] (ii) accredited by the Commission on
17 Massage Therapy Accreditation, and [(2)] (B) has passed an
18 examination prescribed by the department. The National Certification
19 Board for Therapeutic Massage and Bodywork's national examination
20 for state licensing option shall not satisfy the examination
21 requirements for a person seeking licensure pursuant to this section.

22 (2) Each person seeking licensure as a massage therapist on and
23 after October 1, 2019, shall (A) notwithstanding the provisions of
24 subparagraph (A) of subdivision (1) of this section, have graduated
25 from a school of massage therapy offering a course of study of not less
26 than seven hundred fifty classroom hours, with the instructor present,
27 that, at the time of the applicant's graduation, has a current school
28 code assigned by the National Certification Board for Therapeutic
29 Massage and Bodywork and was either (i) accredited by an agency
30 recognized by the United States Department of Education or by a state
31 board of postsecondary technical trade and business schools, or (ii)
32 accredited by the Commission on Massage Therapy Accreditation, and
33 (B) in addition to the requirement set forth in subparagraph (B) of
34 subdivision (1) of this subsection, have completed not less than sixty
35 hours of unpaid and supervised clinical or internship experience.

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

44 (c) (1) Notwithstanding the provisions of subsection (a) of this
45 section, the department may issue a license to an applicant whose
46 school of massage therapy does not satisfy the requirement of
47 subparagraph (A) or (B) of subdivision (1) or (2) of said subsection (a),

48 provided the school held, at the time of the applicant's graduation, a
49 certificate issued by the Commissioner of Education pursuant to
50 section 10-7b and provided the applicant graduated within thirty-three
51 months of the date such school first offered the curriculum completed
52 by the applicant. No license shall be issued under this subsection to a
53 graduate of a school that fails to apply for and obtain accreditation by
54 (A) an accrediting agency recognized by the United States Department
55 of Education, or (B) the Commission on Massage Therapy
56 Accreditation within thirty-three months of the date such school first
57 offered the curriculum.

58 (2) Notwithstanding the provisions of subsection (a) of this section
59 and subdivision (1) of this subsection, the department may issue a
60 license to an applicant who submits evidence satisfactory to the
61 commissioner that the applicant (A) was enrolled, on or before July 1,
62 2005, in a school of massage therapy that was approved or accredited
63 by a state board of postsecondary technical trade and business schools
64 or a state agency recognized as such state's board of postsecondary
65 technical trade and business schools, (B) graduated from a school of
66 massage therapy with a course of study of not less than five hundred
67 classroom hours, with the instructor present, that at the time of the
68 applicant's graduation was approved or accredited by a state board of
69 postsecondary technical trade and business schools or a state agency
70 recognized as such state's board of postsecondary technical trade and
71 business schools, and (C) has passed an examination prescribed by the
72 department.

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

79 (e) No person shall use the title "massage therapist", "licensed
80 massage therapist", "massage practitioner", "massagist", "masseur" or

81 "masseuse", unless the person holds a license issued in accordance
82 with this section or other applicable law.

83 (f) Notwithstanding the provisions of subsection (a) of this section,
84 the commissioner may issue a license to an out-of-state applicant who
85 submits evidence satisfactory to the commissioner of either: (1) (A) A
86 current license to practice therapeutic massage from another state or
87 jurisdiction, (B) documentation of practice for at least one year
88 immediately preceding application, and (C) successful completion of
89 the examination prescribed pursuant to subsection (a) of this section;
90 or (2) (A) (i) on or before October 1, 2019, graduation from a school of
91 massage therapy offering a course of study of not less than five
92 hundred classroom hours, with the instructor present, and, at the time
93 of the applicant's graduation, was either [(i)] (I) accredited by an
94 agency recognized by the United States Department of Education or by
95 a state board of postsecondary technical trade and business schools, or
96 [(ii)] (II) accredited by the Commission on Massage Therapy
97 Accreditation, or (ii) on and after October 1, 2019, graduation from a
98 school of massage therapy offering a course of study of not less than
99 seven hundred fifty classroom hours, with the instructor present, and,
100 at the time of the applicant's graduation, was either (I) accredited by an
101 agency recognized by the United States Department of Education or by
102 a state board of postsecondary technical trade and business schools, or
103 (II) accredited by the Commission on Massage Therapy, and (B)
104 successful completion of the examination prescribed pursuant to
105 subsection (a) of this section.

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

108 (h) Any employer who knowingly and wilfully employs a person
109 who is in violation of the provisions of subsection (a) or (e) of this
110 section to engage in massage therapy shall be guilty of a class C
111 misdemeanor.

112 Sec. 2. Subsection (c) of section 20-206d of the general statutes is
113 repealed and the following is substituted in lieu thereof (*Effective*

114 October 1, 2018):

115 (c) No provision of this chapter shall be construed to prohibit an
116 out-of-state massage therapist who (1) is licensed or certified in
117 another state whose standards for licensure or certification are
118 equivalent to or greater than those required in this state, or (2) if
119 licensure or certification is not required in such other state, is a
120 member in good standing of the American Massage Therapy
121 Association, from providing uncompensated massage therapy services
122 (A) to persons with disabilities during the Special Olympics or similar
123 athletic competitions for persons with disabilities, or (B) at the
124 invitation of the Connecticut chapter of said association, with the
125 emergency division of said chapter's Community Service Massage
126 Team, provided such out-of-state massage therapist [(A)] (i) does not
127 represent himself or herself to be a massage therapist [; (B)] licensed in
128 this state; and (ii) provides massage therapy under the supervision of a
129 massage therapist. [; and (C) only provides massage therapy to
130 persons participating in the Special Olympics or similar athletic
131 competitions for persons with disabilities.]

132 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) A person licensed to
133 practice massage therapy pursuant to this chapter who provides direct
134 patient care services shall maintain professional liability insurance or
135 other indemnity against liability for professional malpractice. The
136 amount of insurance that each such person shall carry as insurance or
137 indemnity against claims for injury or death for professional
138 malpractice shall not be less than five hundred thousand dollars for
139 one person, per occurrence, with an aggregate of not less than one
140 million dollars.

141 (b) Each insurance company that issues professional liability
142 insurance, as defined in section 38a-393 of the general statutes, as
143 amended by this act, shall render, on and after January 1, 2019, to the
144 Commissioner of Public Health a true record of the names and
145 addresses, according to the classification, of cancellations of and
146 refusals to renew professional liability insurance policies and the

147 reasons for such cancellations or refusals to renew said policies for the
148 year ending on the thirty-first day of December next preceding.

149 Sec. 4. Subsection (b) of section 38a-393 of the general statutes is
150 repealed and the following is substituted in lieu thereof (*Effective*
151 *October 1, 2019*):

152 (b) For purposes of sections 38a-393 to 38a-395, inclusive,
153 "professional liability insurance" means professional liability contracts
154 for: (1) Physicians and surgeons, (2) hospitals, (3) lawyers, (4) dentists,
155 (5) architects and engineers, (6) chiropractors, (7) licensed naturopaths,
156 (8) podiatrists, (9) advanced practice registered nurses, [and] (10)
157 physical therapists, and (11) massage therapists and such other
158 categories as the Insurance Commissioner, in the commissioner's
159 discretion, shall adopt by regulations in accordance with chapter 54.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	20-206b
Sec. 2	<i>October 1, 2018</i>	20-206d(c)
Sec. 3	<i>October 1, 2019</i>	New section
Sec. 4	<i>October 1, 2019</i>	38a-393(b)

Statement of Legislative Commissioners:

In Section 1(a), subdivision (2) was added and the changes to Subdiv. (1) were deleted for clarity, and in Section 1(f) Subdiv. (2)(A)(ii) was added and the changes to Subdiv. (2)(A)(i) were deleted for clarity.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes various changes affecting licensed massage therapists, does not result in a fiscal impact to the state or municipalities. These changes are not anticipated to affect the number of individuals licensed by the Department of Public Health.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 301*****AN ACT CONCERNING MASSAGE THERAPISTS.*****SUMMARY**

This bill makes various changes affecting licensed massage therapists. It:

1. starting October 1, 2019, (a) increases, from 500 to 750, the number of required classroom hours for licensure applicants and (b) requires initial licensure applicants to complete at least 60 hours of unpaid, supervised clinical or internship experience;
2. establishes (a) minimum professional liability insurance requirements for massage therapists who provide direct patient care and (b) related reporting requirements for insurers who issue the policies; and
3. generally allows out-of-state massage therapists to provide voluntary, supervised massage therapy services at the invitation of the emergency division of the American Massage Therapy Association (AMTA) Connecticut Chapter's Community Service Massage Team.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2019, except that the provision on voluntary services by out-of-state massage therapists takes effect October 1, 2018.

§ 1 — MASSAGE THERAPIST LICENSURE

Starting October 1, 2019, the bill increases, from 500 to 750, the number of classroom hours an applicant for an initial license or a license by endorsement (i.e., a person licensed by another state) must

complete upon graduating from an accredited massage therapy school.

It also requires an applicant for an initial license to complete at least 60 hours of unpaid, supervised clinical or internship experience.

Existing law, unchanged by the bill, also requires licensure applicants to (1) pass a national examination prescribed by the Department of Public Health (DPH) and (2) pay a \$375 application fee.

§§ 3 & 4 — PROFESSIONAL LIABILITY INSURANCE

The bill requires licensed massage therapists who provide direct patient care to maintain professional liability insurance of at least \$500,000 million per person per occurrence, and \$1 million aggregate.

Starting January 1, 2019, insurers who provide such policies must annually report to DPH the names and addresses of massage therapists who, in the prior year, cancel or refuse to renew their professional liability insurance policies, as well as their reasons for doing so. The bill also requires such insurers to annually provide similar information to the Department of Insurance by March 1.

§ 2 — VOLUNTEER SERVICES BY OUT-OF-STATE MASSAGE THERAPISTS

The bill allows massage therapists licensed in other states to provide voluntary, supervised massage therapy services if they:

1. are (a) licensed or certified in another state whose standards are equivalent to or greater than Connecticut's or (b) if the state does not require such licensure or certification, AMTA members in good standing;
2. are invited by the emergency division of the AMTA Connecticut Chapter's Community Service Massage Team; and
3. do not hold themselves out to be licensed in Connecticut.

Current law already allows out-of-state massage therapists to provide such services to participants in the Special Olympics or other

athletic competitions for individuals with disabilities. The bill limits such services only to the individuals with disabilities at these events.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/19/2018)