

**Proposed Substitute
Bill No. 301**

LCO No. 2809

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 Section 20-206b of the general statutes is repealed and the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) 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 seventy-five dollars and present to the
8 department satisfactory evidence that the applicant: (1) Has graduated
9 from a school of massage therapy offering a course of study of not less
10 than ~~[five]~~ seven hundred ~~fifty~~ 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) accredited by
14 an agency recognized by the United States Department of Education or
15 by a state board of postsecondary technical trade and business schools,
16 or (B) accredited by the Commission on Massage Therapy
17 Accreditation, (2) has completed not less than sixty hours of unpaid
18 and supervised clinical or internship experience, and ~~[(2)]~~ (3) has
19 passed an examination prescribed by the department. The National
20 Certification Board for Therapeutic Massage and Bodywork's national
21 examination for state licensing option shall not satisfy the examination
22 requirements for a person seeking licensure pursuant to this section.

23 (b) Licenses shall be renewed once every two years in accordance

24 with the provisions of section 19a-88. The fee for renewal shall be two
25 hundred fifty-five dollars. No license shall be issued under this section
26 to any applicant against whom professional disciplinary action is
27 pending or who is the subject of an unresolved complaint in this or any
28 other state or jurisdiction. Any certificate granted by the department
29 prior to June 1, 1993, shall be deemed a valid license permitting
30 continuance of profession subject to the provisions of this chapter.

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

45 (2) Notwithstanding the provisions of subsection (a) of this section
46 and subdivision (1) of this subsection, the department may issue a
47 license to an applicant who submits evidence satisfactory to the
48 commissioner that the applicant (A) was enrolled, on or before July 1,
49 2005, in a school of massage therapy that was approved or accredited
50 by a state board of postsecondary technical trade and business schools
51 or a state agency recognized as such state's board of postsecondary
52 technical trade and business schools, (B) graduated from a school of
53 massage therapy with a course of study of not less than five hundred
54 classroom hours, with the instructor present, that at the time of the
55 applicant's graduation was approved or accredited by a state board of
56 postsecondary technical trade and business schools or a state agency
57 recognized as such state's board of postsecondary technical trade and

58 business schools, and (C) has passed an examination prescribed by the
59 department.

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

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

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

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

88 (h) Any employer who knowingly and wilfully employs a person
89 who is in violation of the provisions of subsection (a) or (e) of this

90 section to engage in massage therapy shall be guilty of a class C
91 misdemeanor.

92 Sec. 2. Subsection (c) of section 20-206d of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective*
94 *October 1, 2018*):

95 (c) No provision of this chapter shall be construed to prohibit an
96 out-of-state massage therapist who (1) is licensed or certified in
97 another state whose standards for licensure or certification are
98 equivalent to or greater than those required in this state, or (2) if
99 licensure or certification is not required in such other state, is a
100 member in good standing of the American Massage Therapy
101 Association, from providing uncompensated massage therapy services
102 (A) to persons with disabilities during the Special Olympics or similar
103 athletic competitions for persons with disabilities, or, (B) at the
104 invitation of the Connecticut chapter of said association, with the
105 emergency division of said chapter's Community Service Massage
106 Team, provided such out-of-state massage therapist [(A)] (i) does not
107 represent himself or herself to be a massage therapist [; (B)] licensed in
108 this state; and (ii) provides massage therapy under the supervision of a
109 massage therapist. [; and (C) only provides massage therapy to
110 persons participating in the Special Olympics or similar athletic
111 competitions for persons with disabilities.]

112 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) A person licensed to
113 practice massage therapy pursuant to this chapter who provides direct
114 patient care services shall maintain professional liability insurance or
115 other indemnity against liability for professional malpractice. The
116 amount of insurance that each such person shall carry as insurance or
117 indemnity against claims for injury or death for professional
118 malpractice shall not be less than two million dollars for one person,
119 one occurrence, with an aggregate of not less than six million dollars.

120 (b) Each insurance company that issues professional liability
121 insurance, as defined in section 38a-393 of the general statutes, as
122 amended by this act, shall render, on and after January 1, 2019, to the

123 Commissioner of Public Health a true record of the names and
124 addresses, according to the classification, of cancellations of and
125 refusals to renew professional liability insurance policies and the
126 reasons for such cancellations or refusals to renew said policies for the
127 year ending on the thirty-first day of December next preceding.

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

131 (b) For purposes of sections 38a-393 to 38a-395, inclusive,
132 "professional liability insurance" means professional liability contracts
133 for: (1) Physicians and surgeons, (2) hospitals, (3) lawyers, (4) dentists,
134 (5) architects and engineers, (6) chiropractors, (7) licensed naturopaths,
135 (8) podiatrists, (9) advanced practice registered nurses, [and] (10)
136 physical therapists, and (11) massage therapists and such other
137 categories as the Insurance Commissioner, in the commissioner's
138 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)