

SENATE FILE NO. SF0086

Massage therapists licensing.

Sponsored by: Senator(s) Peterson and Representative(s) Harvey

A BILL

for

1 AN ACT relating to professions and occupations; providing  
2 for the licensure of massage therapists as specified;  
3 creating a licensing board as specified; requiring a  
4 license for massage therapists as specified; providing  
5 exceptions as specified; providing licensure requirements  
6 as specified; providing definitions as specified; providing  
7 for revocation of license as specified; providing penalties  
8 as specified; and providing for effective dates

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-49-101 through 33-49-117 are  
13 created to read:

14

15

CHAPTER 49

1                                   MESSAGE THERAPY PRACTICE ACT

2

3                   **33-49-101. Short title.**

4

5       This act shall be known and may be cited as the "Massage  
6       Therapy Practice Act."

7

8                   **33-49-102. Definitions.**

9

10           (a) As used in this act:

11

12                   (i) "Board" means the board of massage therapy;

13

14                   (ii) "Department" means the department of  
15       administration and information;

16

17                   (iii) "Massage" or "bodywork" means manual soft  
18       tissue manipulation and includes holding, causing movement  
19       or applying pressure to the body using the hands or body;

20

21                   (iv) "Massage Practitioner" means a person who  
22       practices massage therapy as defined in W.S. 33-49-103.

1 Massage practitioners shall use the titles outlined in W.S.  
2 33-49-115(a) (ii);

3

4 (v) "Massage therapist" means a person who  
5 practices massage therapy for compensation as defined in  
6 W.S. 33-49-103. Massage therapists shall use the titles  
7 outlined in W.S. 33-49-115(a) (i);

8

9 (vi) "Massage therapy" means the practical  
10 application of massage bodywork techniques as further  
11 defined in W.S. 33-49-103;

12

13 (vii) "Therapy" is a series of actions aimed at  
14 achieving or increasing health and well being;

15

16 (viii) "This act" means W.S. 33-49-101 through  
17 33-49-117.

18

19 **33-49-103. Massage therapy defined.**

20

21 (a) Massage therapy is a health care profession that  
22 uses the practical application of massage or bodywork  
23 techniques, specifically the systematic treatment of soft

1 tissues and structures of the body through touch, for  
2 therapeutic purposes, among which are comfort, relief of  
3 pain, facilitation of natural body processes and the  
4 enhancement or restoration of health and well being.

5

6 (b) Massage therapy includes but is not limited to  
7 effleurage, petrissage, tapotement, compression, friction,  
8 vibration, nerve strokes, specific and nonspecific  
9 stretching and passive articulation.

10

11 (c) Massage therapy may include the use of oils,  
12 lotions, mineral salts, hot or cold compresses,  
13 hydrotherapy or the use of mechanical, nonmechanical,  
14 electrical or electronic devices to assist or enhance the  
15 manual application of therapeutic massage or bodywork  
16 techniques.

17

18 (d) Massage therapy, as well as the terms "therapy,"  
19 "therapeutic massage" and "therapeutic bodywork", does not  
20 include the diagnosis of any specific illness or  
21 disease but may include the treatment of a specific  
22 illness or disease in conjunction with a service or

1 procedure prescribed by a licensed practitioner of medicine  
2 or chiropractic.

3

4 **33-49-104. Exceptions.**

5

6 (a) Except as provided in this act, nothing in this  
7 act shall be construed to prevent or restrict:

8

9 (i) The practice of massage therapy by persons  
10 duly licensed, registered or certified in another state,  
11 territory, the District of Columbia or a foreign country  
12 when temporarily teaching a course related to massage  
13 therapy or consulting with a person licensed under this  
14 act;

15

16 (ii) Students performing massage therapy  
17 services while enrolled in a board approved course of  
18 instruction and while completing a clinical requirement or  
19 fieldwork for academic credit and performed under the  
20 supervision of a person licensed under this act, provided  
21 the student is not represented or held out as a licensed  
22 massage therapist and does not receive compensation for  
23 services performed, other than possible gratuities;

1

2 (iii) Any person performing massage therapy  
3 services in the state, if those services are performed  
4 without compensation and are performed in cooperation with  
5 a charitable organization or as part of an emergency  
6 response team working in conjunction with disaster relief  
7 officials;

8

9 (iv) Any person providing massage therapy to  
10 members of the person's immediate or extended family  
11 without compensation;

12

13 (v) Native American healers using traditional or  
14 Native American healing practices, provided that healers  
15 who use these practices but apply for a license or  
16 registration pursuant to this act shall comply with all  
17 licensure requirements under this act;

18

19 (vi) The practice of any person in this state  
20 who uses touch, words and directed movement to deepen  
21 awareness of existing patterns of movement in the body as  
22 well as to suggest new possibilities of movement while  
23 engaged within the scope of practice of a profession with

1 established standards and ethics, provided that the  
2 services are not designated or implied to be massage or  
3 massage therapy. Practices authorized under this paragraph  
4 may include, but are not limited to, the Feldenkrais method  
5 of somatic education, the Rolf Institute's Rolf movement  
6 integration, the Trager approach to movement education and  
7 body-mind centering. Practitioners must be recognized by or  
8 meet the established standards of either a professional  
9 organization or credentialing agency that represents or  
10 certifies the respective practice based on a required  
11 minimal level of training, demonstration of competency and  
12 adherence to ethical standards;

13

14 (vii) The practice of any person in this state  
15 who uses touch to affect the energy systems, acupoints or  
16 Qi meridians (channels of energy) of the human body while  
17 engaged within the scope of practice of a profession with  
18 established standards and ethics, provided that the  
19 services are not designated or implied to be massage or  
20 massage therapy. These practices include, but are not  
21 limited to, polarity, polarity therapy, polarity bodywork  
22 therapy, Asian bodywork therapy, acupressure, jin shin do,  
23 Qi gong, reiki and shiatsu;

1

2 (viii) The practice of other forms of bodywork  
3 that limit manipulation of soft tissues to feet, hands and  
4 ears and whose clients remain clothed during the practice;

5

6 (ix) Qualified members of other professions who  
7 are licensed or regulated under the laws of this state  
8 while rendering services within the scope of their  
9 professional license or regulation, provided they do not  
10 represent themselves as massage therapists.

11

12 **33-49-105. License required.**

13

14 Except as provided in W.S. 33-49-104(a), no person shall  
15 practice massage therapy or purport to be a massage  
16 therapist without a license. A person purports to be a  
17 massage therapist when the person adopts or uses any title  
18 or description including "massage therapist," "body  
19 therapist," "body worker," "massage technician," "massage  
20 practitioner," or any derivation of those terms that  
21 implies the practice of massage therapy.

22

23 **33-49-106. Board created; membership.**

1

2 (a) The board of massage therapy is created.

3

4 (b) The members of the board shall be appointed by  
5 the governor and serve at the pleasure of the governor.

6

7 (c) The board shall consist of seven (7) members,  
8 five (5) of whom shall be licensed pursuant to this act and  
9 two (2) of whom shall be members of the public with an  
10 interest in the rights of the consumers of massage therapy  
11 services. At no time shall more than one (1) board member  
12 be an owner of, an instructor of or otherwise affiliated  
13 with a board approved course of instruction or any other  
14 massage therapy school or course of instruction.

15

16 (d) Professional massage therapy associations or any  
17 resident of the state of Wyoming may provide nominations  
18 for board membership to the governor.

19

20 (e) All members of the board shall be residents of  
21 the state of Wyoming for the duration of their appointment  
22 and shall have been residents of the state of Wyoming for  
23 at least three (3) years immediately preceding appointment.

1

2 (f) Each member of the board shall hold office until  
3 the expiration of the term for which appointed or until a  
4 successor has been appointed.

5

6 (g) No board member shall serve more than two (2)  
7 consecutive three (3) year terms.

8

9 (h) The board shall meet as often as necessary for  
10 the conduct of business, but not less than two (2) times  
11 each year. Meetings shall be called by the chairman or  
12 upon the written request of three (3) members of the board.

13

14 (j) The governor may remove any member of the board  
15 as provided by W.S. 9-1-202. Any board member may be  
16 recommended for removal as a member of the board for  
17 failing to attend, after proper notice, three (3)  
18 consecutive board meetings.

19

20 (k) The board, within thirty (30) days after its  
21 initial appointment and annually thereafter, shall hold a  
22 meeting and elect a chairman. The board may appoint

1 advisory committees as it considers necessary. A majority  
2 of the members of the board shall constitute a quorum.

3

4 (m) Members of the board shall receive per diem in  
5 the same manner and amount as provided in W.S. 33-1-302  
6 (a)(vii) and shall receive no other compensation.

7

8 (n) For the purpose of this section the initial five  
9 (5) professional members of the board shall not be required  
10 to be licensed pursuant to this act, but shall be otherwise  
11 qualified to be licensed pursuant to this act.

12

13 **33-49-107. Board duties.**

14

15 (a) The board shall have authority to:

16

17 (i) Adopt rules not inconsistent with this act  
18 or the laws of this state that are reasonable and necessary  
19 to administer this act;

20

21 (ii) Provide for the evaluation of the  
22 qualifications of applicants for licensure pursuant to this  
23 act;

1

2 (iii) Provide for the issuance of licenses to  
3 applicants who meet the requirements of this act;

4

5 (iv) Recognize training, educational standards  
6 and continuing education for licensure;

7

8 (v) Establish a process for recognizing and  
9 accepting training and educational programs of massage  
10 schools from this state and other states or jurisdictions;

11

12 (vi) Establish a process for recognizing and  
13 accepting massage therapy competency examinations;

14

15 (vii) Provide for the reasonable investigation  
16 of persons engaging in practices that may violate the  
17 provisions of this act;

18

19 (viii) Revoke, suspend, place on probation or  
20 deny a license or registration in accordance with the  
21 provisions of the Wyoming Administrative Procedure Act;

22

1           (ix) Adopt a reasonable code of ethics and  
2 provide for the reasonable investigation of complaints  
3 against licensees;

4  
5           (x) Establish a process for granting temporary  
6 exemptions for special events and emergencies;

7  
8           (xi) Maintain a roster of the names and  
9 addresses of all licensees and all persons whose licenses  
10 have been suspended, revoked or denied renewal for cause.  
11 The roster shall be available upon written request and  
12 payment of the required fee;

13  
14           (xii) Prescribe reasonable fees in accordance  
15 with W.S. 33-1-201 for the implementation of this act.

16  
17           (b) The board may:

18  
19           (i) Establish standards and requirements for  
20 continuing education. The standards and requirements shall  
21 not exceed twelve (12) hours per renewal period specified  
22 in W.S. 33-49-111;

23

1           (ii) Establish standards and requirements for  
2 professional liability insurance;

3

4           (iii) Establish guidelines concerning practical  
5 business standards of practice for persons licensed  
6 pursuant to this act.

7

8           (c) The board shall not issue any licenses pursuant  
9 to this act until after the adoption of final regular rules  
10 as provided in this section.

11

12           **33-49-108. Requirements for initial licensure;  
13 display; transfer or assignment prohibited.**

14

15           (a) Upon application to the board and the payment of  
16 the required fees, an applicant may be licensed as a  
17 massage therapist if the applicant meets all the  
18 requirements of this act and provides documentation  
19 acceptable to the board that the applicant:

20

21           (i) Has obtained a high school diploma or  
22 equivalent;

23

1           (ii) Is eighteen (18) years of age or older;

2

3           (iii) Is of good moral character. In determining  
4 good moral character, the board shall only take into  
5 consideration conviction of any crime directly related to  
6 the ability to practice massage therapy committed within  
7 seven (7) years before application for licensure. A  
8 conviction shall not operate automatically as a complete  
9 bar to licensure, except in the case of any conviction for  
10 rape, sexual misconduct or a conviction requiring the  
11 applicant to register as a sexual offender;

12

13           (iv) Satisfies one (1) of the following  
14 requirements:

15

16           (A) The applicant shall have successfully  
17 passed a board approved examination such as the massage and  
18 bodywork licensing examination or the national  
19 certification board for therapeutic massage and bodywork  
20 examination. The passage of the exam may have occurred  
21 prior to the effective date of this act; or

22

1           (B) The applicant shall have successfully  
2 completed a board recognized and accepted massage therapy  
3 educational program of not less than five hundred (500)  
4 hours of classroom supervised course and clinical work.

5

6           **33-49-109. Requirements for licensure; grandfather**  
7 **provisions.**

8

9           (a) Before January 1, 2017, the board may issue a  
10 license to any individual who meets the requirements of  
11 paragraphs (a)(i) through (iii) of this section and who  
12 meets one (1) or more of the following requirements:

13

14           (i) The applicant has completed and can  
15 satisfactorily document a minimum of five hundred (500)  
16 hours of supervised classroom and hands on instruction  
17 relating to massage therapy as determined by the board;

18

19           (ii) The applicant has completed and can  
20 satisfactorily document a minimum of three hundred (300)  
21 hours of formal training in massage therapy as determined  
22 by the board and has practiced massage therapy for at least

1 five (5) hours per week on average for at least three (3)  
2 years prior to the date of application;

3

4 (iii) The applicant can satisfactorily document  
5 that the applicant has practiced massage therapy at least  
6 five (5) hours per week on average for at least five (5)  
7 years prior to the date of application.

8

9 **33-49-110. Licensure by endorsement.**

10

11 The board may grant a license without examination to any  
12 person who, at the time of application, is licensed or  
13 certified in good standing by a board of massage therapy of  
14 another state, provided the requirements for certification  
15 or licensure are substantially equivalent to the  
16 requirements of this act, and upon payment of a fee to be  
17 determined by the board.

18

19 **33-49-111. License renewal; grace period.**

20

21 (a) Licenses shall expire two (2) years from date of  
22 issuance.

23

1           (b) A license may be renewed upon submission of a  
2 renewal application by the licensee on a form provided by  
3 the board, payment of a renewal fee and satisfactory  
4 documentation of any applicable continuing education  
5 requirements.

6

7           (c) A sixty (60) day grace period shall be allowed  
8 each licensee after the end of the renewal period, during  
9 which time a license may be renewed upon payment of the  
10 renewal fee and a late fee as determined by the board.

11

12           (d) A license which has not been renewed is not  
13 valid.

14

15           **33-49-112. Inactive status.**

16

17           (a) Any license not renewed by the end of the sixty  
18 (60) day grace period shall be placed on inactive status  
19 for a period not to exceed two (2) years. At the end of  
20 two (2) years, if the license has not been reactivated, it  
21 shall expire.

22

1           (b) If, within a period of two (2) years from the  
2 date the license was placed on inactive status, the holder  
3 intends to reactivate the license, the licensee shall  
4 notify the board in writing. The license shall be restored  
5 in full upon proof of completion of any continuing  
6 education or refresher courses prescribed by regulation of  
7 the board and payment of any fees established by the board  
8 in lieu of all lapsed renewal and late fees.

9

10           **33-49-113. License fees.**

11

12 The board shall establish a schedule of reasonable fees for  
13 applications, licenses, renewals, reactivations, late  
14 renewals, reactivations and necessary miscellaneous  
15 administrative fees in accordance with W.S. 33-1-201.

16

17           **33-49-114. Advertising.**

18

19           (a) Except as otherwise provided by this act, it  
20 shall be unlawful for any person to advertise massage  
21 therapy services unless the services are administered by a  
22 person licensed pursuant to this act.

23

1           (b) It shall be unlawful for any person or business  
2 entity or its' employees, agents or representatives to  
3 practice massage therapy as defined in this act or to use  
4 in connection with its name or business activity the terms  
5 "massage therapy," "massage therapist," "licensed massage  
6 therapist," "massage practitioner," "licensed massage  
7 practitioner," "LMT," "LMP" or any other word, letters,  
8 abbreviations or insignia indicating or implying directly  
9 or indirectly that massage therapy is provided or supplied  
10 unless the massage therapy is administered by a person  
11 licensed pursuant to this act.

12

13           **33-49-115. Titles recognized.**

14

15           (a) Certain professional titles and abbreviations  
16 shall be recognized for persons licensed pursuant to this  
17 act. These titles and abbreviations are:

18

19                   (i) Massage therapist, licensed massage  
20 therapist or LMT;

21

22                   (ii) Massage practitioner, licensed massage  
23 practitioner or LMP.

1

2           **33-49-116. Denial, suspension, revocation and**  
3 **reinstatement of license.**

4

5           (a) The board may place on probation, refuse to issue  
6 or renew, or may deny, suspend or revoke any license held  
7 or applied for under this act in accordance with the  
8 Wyoming Administrative Procedure Act upon finding by the  
9 board that the licensee or applicant has committed any one  
10 (1) or more of the following:

11

12                   (i) Has practiced fraud, deceit or  
13 misrepresentation in procuring or maintaining a license  
14 pursuant to this act;

15

16                   (ii) Has attempted to use the license of  
17 another;

18

19                   (iii) Has allowed the use of the licensee's  
20 license by another;

21

22                   (iv) Has been adjudicated mentally incompetent  
23 by a court of competent jurisdiction;

1

2 (v) Has been convicted of a crime, as specified  
3 in W.S. 33-49-108(a)(iii), in any jurisdiction that  
4 directly relates to the ability to practice massage therapy  
5 pursuant to this act;

6

7 (vi) Has acted in an extremely unprofessional or  
8 unethical manner, as determined by the board, in violation  
9 of the code of ethics adopted by the board pursuant to W.S.  
10 33-49-107(c)(ix);

11

12 (vii) Has practiced false, deceptive or  
13 misleading advertising;

14

15 (viii) Has aided, assisted or advertised any  
16 unlicensed person in the practice of massage therapy;

17

18 (ix) Has acted with extreme negligence or  
19 incompetence in the practice of massage therapy;

20

21 (x) Has had a license to practice massage  
22 therapy revoked, suspended or denied in any jurisdiction of

1 the United States or another country for acts of the  
2 licensee similar to acts described in this section;

3

4 (xi) Has actively provided therapeutic services  
5 beyond the scope of practice authorized by this act and  
6 regulations adopted by the board.

7

8 (b) Disciplinary proceedings may be instituted by  
9 sworn complaint of any three (3) members of the board and  
10 shall be conducted as provided in the Wyoming  
11 Administrative Procedure Act.

12

13 (c) The board shall establish guidelines for the  
14 disposition of disciplinary cases. The guidelines may  
15 include periods of probation, conditions of probation and  
16 reissuance of a license.

17

18 (d) A licensee who has been found to have violated  
19 this act and sanctioned by the board may be assessed costs  
20 of the disciplinary proceedings.

21

22 **33-49-117. Penalties.**

23

1 The board may assess an applicant or licensee found to have  
2 intentionally violated any provision of this act an  
3 administrative penalty not to exceed one thousand dollars  
4 (\$1,000.00) for each violation. Any civil penalties  
5 collected pursuant to this section shall be paid to the  
6 state treasurer and credited as provided in W.S. 8-1-109.

7

8 **Section 2.**

9

10 (a) W.S. 33-49-106 and 33-49-107 created by this act  
11 are effective immediately upon completion of all acts  
12 necessary for a bill to become law as provided by Article  
13 4, Section 8 of the Wyoming Constitution.

14

15 (b) Except as provided in subsection (a) of this  
16 section, this act is effective July 1, 2015.

17

18 (END)