

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1341 Massage Therapy
SPONSOR(S): Health & Human Services Committee, Goff-Marcil
TIED BILLS: **IDEN./SIM. BILLS:** SB 390

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	15 Y, 0 N	Siples	McElroy
2) Health Care Appropriations Subcommittee	12 Y, 0 N	Mielke	Clark
3) Health & Human Services Committee	15 Y, 0 N, As CS	Siples	Calamas

SUMMARY ANALYSIS

Massage practice is the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, and may be aided by hydrotherapy, including colonic irrigation or thermal therapy, or any electrical or mechanical device, or the application of a chemical or herbal preparation to the human body. The Board of Massage Therapy (Board), within the Department of Health (DOH), regulates massage practice in this state.

CS/HB 1341 expands the scope of practice for massage therapy by authorizing a massage therapist to perform a massage therapy assessment to determine the course of massage therapy treatment.

Currently, there are two paths to licensure as a massage therapist: completion of a board-approved education program or completion of an apprenticeship. The bill eliminates a massage apprenticeship as a path to licensure. However, the bill grandfathers those individuals who have been issued a license as a massage apprentice before July 1, 2020, so that these apprentices may apply for licensure if the apprenticeship is completed before July 1, 2023.

Currently, DOH is statutorily required to administer a licensure examination. The bill authorizes the Board to designate a national examination for licensure and repeals provisions requiring DOH to administer a licensure examination.

The bill changes the term “massage” to “massage therapy” throughout statutes to standardize terminology. The bill also changes the term “colonic irrigation” to “colon therapy” to reflect current industry terminology.

The bill has an insignificant, negative fiscal impact on DOH, which current resources are adequate to absorb. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Massage Therapy

Massage practice is the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation or thermal therapy, or any electrical or mechanical device, or the application of a chemical or herbal preparation to the human body.¹ Massage is therapeutic and a massage therapist must know anatomy and physiology and understand the relationship between the structure and function of the tissues being treated and the total function of the body.²

Chapter 480, F.S., entitled the "Massage Practice Act" governs the practice of massage therapy in Florida. The Board of Massage Therapy (Board), within the Department of Health (DOH), regulates massage practice, including massage therapists and massage establishments.³

Massage Therapist Licensure

A massage therapist is a person who administers massage for compensation.⁴ To qualify for licensure as a massage therapist, an applicant must:⁵

- Be at least 18 years of age or have received a high school diploma or graduate equivalency diploma;
- Complete a course of study at a Board-approved massage school or apprentice program;
- Pass a background screening; and
- Pass an examination administered by DOH.

Current law requires DOH to administer a licensure examination. However, DOH does not administer the examination. Instead, the Board chose to approve the use of several licensure examinations administered by private entities,⁶

- Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards;
- National Certification Board for Therapeutic Massage and Bodywork Examination administered by the National Certification Board fo Therapeutic Massage and Bodywork;
- National Certification Examination for Therapeutic Massage dministered by the National Certification Board fo Therapeutic Massage and Bodywork;
- National Exam for State Licensure administered by the National Certification Board for Therapeutic Massage and Bodywork; and
- National Board for Colon Hydrotherapy Examination for colonic irrigation.

Massage Schools

A person seeking licensure as a massage therapist may complete a course of study at a Board-approved massage school. The Board requires the course of study comprised of at least 500

¹ Section 480.033(3), F.S.

² Section 480.032, F.S.

³ Section 480.035, F.S.

⁴ Section 480.033(4), F.S.

⁵ Section 480.041, F.S. DOH must deny an application if the applicant has been convicted or found guilty of, or entered a plea of nolo contedere to a crime related to prostitution or a felony offense related to certain other crimes.

⁶ Rule 64B27-25.001(3), F.A.C.

classroom hours, completed at a rate of no more than six hours per day and no more than 30 classroom hours per calendar week.⁷ Classroom education must include:⁸

- 150 hours of anatomy and physiology;
- 100 hours of basic massage theory and history;
- 125 hours of clinical practicum;
- 76 hours of allied modalities;
- 15 hours of business;
- 15 hours of theory and practice of hydrotherapy;
- 10 hours of Florida laws and rules;
- 4 hours of professional ethics;
- 3 hours of HIV/AIDS education; and
- 2 hours of medical errors.

A massage therapy student may also complete a course of study in colonic training in addition to the training above. Such course of study must include a minimum of 100 classroom hours, consisting of 50 hours in theory, anatomy, physiology, pathology of the colon and digestive system and principles of colon hygiene, 45 hours of clinical practicum that includes 20 treatments, and five hours in sterilization techniques.⁹

Massage Apprenticeship Programs

Currently, a person seeking licensure as a massage therapist may complete a massage apprenticeship in lieu of attending massage school. A massage apprenticeship must be completed at a qualified establishment¹⁰ and must be completed within 12 months, in four quarters.¹¹ A massage therapist must complete training of no more than 500 hours per quarter. The training must include:¹²

- 300 hours of anatomy;
- 300 hours of physiology;
- 20 basic massage theory and history;
- 50 hours of theory and practice of hydrotherapy;
- 25 hours of Florida laws and rules;
- 50 hours of allied modalities;
- 700 hours of clinical practicum; and
- 3 hours of HIV/AIDS instruction.

The massage apprentice must complete 100 hours of anatomy, 100 hours of physiology, and 15 hours of Florida laws and rules regulating the practice of massage therapy during the first quarter of the apprenticeship.¹³

In the 2017-2018 fiscal year, 3,380 individuals were granted licensure as massage therapists, 13 of which qualified for licensure by completing an approved massage apprenticeship program.¹⁴ Florida is one of a very small number of states that continue to allow apprenticeship as an acceptable course of study for licensure as a massage therapist.¹⁵ Massage therapy education has become more formalized and massage therapists are trained in licensed massage schools.

⁷ Rule 64B7-32.003, F.A.C.

⁸ Id.

⁹ Rule 64B7-32.005, F.A.C.

¹⁰ A "qualified establishment" is one that meets the requirements for licensure, complies with board rules for massage establishments, and is equipped with massage tables, linens and linen storage areas, hydrotherapy equipment, textbooks and teaching materials. If the apprenticeship include colonic irrigation, the establishment must also have colonic irrigation equipment, sterilization equipment if non-disposable colonic attachments are use, and textbooks and teaching materials on colonic irrigation. See r. 64B7-29.001(6), F.A.C.

¹¹ Rule 64B7-29.003, F.A.C.

¹² Id.

¹³ Id.

¹⁴ Department of Health, *2020 Agency Legislative Analysis for HB 713*, (Nov. 19, 2019), on file with the Health Quality Subcommittee. HB 713 has substantively similar provisions.

¹⁵ Department of Health, *2019 Agency Legislative Analysis for HB 7031*, on file with the Health Quality Subcommittee.

Colonic Irrigation Apprenticeship Programs

A massage therapist, a massage apprentice, or a student in a board-approved massage therapy school may study colonic irrigation¹⁶ under the direct supervision of a sponsor.¹⁷ The sponsor must be licensed to practice massage, authorized to practice colonic irrigation, and have practiced colonic irrigation for at least three years.¹⁸ The apprenticeship must be completed within 12 months of commencement¹⁹ and must consist of at least 100 hours of training, including 45 hours of clinical practicum with a minimum of 20 treatments given.²⁰ Few schools in Florida offer a colonic irrigation program so apprenticeships are the primary method of training. Currently, there are 21 licensed apprentices in Florida.²¹

Effect of Proposed Changes

CS/HB 1341 expands the scope of massage therapy practice to include performing a massage therapy assessment. The bill defines “massage therapy assessment” as the determination of the course of massage therapy treatment by a massage therapist. Currently, a massage therapist may perform a massage on a patient, there is no specific statutory authority for a massage therapist to assess the patient to determine the course of treatment.

The bill eliminates massage therapy apprenticeship as a path to licensure. However, if an individual has been issued a license as a massage therapy apprentice before July 1, 2020, he or she may continue the apprenticeship until the license expires. A massage therapist apprentice must apply for full licensure before July 1, 2023. The bill maintains apprenticeships for colon hydrotherapy, but requires a licensed massage therapist practicing colon hydrotherapy to supervise a colon hydrotherapy apprentice.

The bill also requires licensure applicants to obtain a passing score on a national examination designated by the Board and repeals provisions requiring DOH to administer a licensure examination. This will align statute with the Board’s current practice.

The bill changes the term “massage” to “massage therapy” throughout statutes to standardize terminology, including revising the title of ch. 480, F.S., from “Massage Practice” to “Massage Therapy Practice.” The bill also revises the term “colon irrigation” to “colon hydrotherapy” to reflect current industry terminology.

The bill provides an effective date of July 1, 2020.

B. SECTION DIRECTORY:

- Section 1:** Changes the title of ch. 490, F.S., from “Massage Practice” to “Massage Therapy Practice.”
- Section 2:** Amends s. 480.031, F.S., relating to short title.
- Section 3:** Amends s. 480.032, F.S., relating to purpose.
- Section 4:** Amends s. 480.033, F.S., relating to definitions.
- Section 5:** Amends s. 480.041, F.S., relating to massage therapists; qualifications; licensure; endorsement.
- Section 6:** Repeals s. 480.042, F.S., relating to examinations.
- Section 7:** Amends s. 477.013, F.S., relating to definitions.
- Section 8:** Amends s. 477.1035, F.S., relating to exemptions.
- Section 9:** Amends s. 480.034, F.S., relating to exemptions.
- Section 10:** Amends s. 480.035, F.S., relating to Board of Massage Therapy.

¹⁶ Colonic irrigation is a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water (s. 480.033(6), F.S.).

¹⁷ Rule 64B7-29.001, F.A.C.

¹⁸ *Id.*

¹⁹ Rule 64B7-29.007, F.A.C.

²⁰ Rule 64B7-25.001, F.A.C.

²¹ *Supra* note 14.

- Section 11:** Amends s. 480.043, F.S., relating to massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies.
- Section 12:** Amends s. 480.046, F.S., relating to grounds for disciplinary action by the board.
- Section 13:** Amends s. 480.0465, F.S., relating to advertisement.
- Section 14:** Amends s. 480.047, F.S., relating to penalties.
- Section 15:** Amends s. 480.052, F.S., relating to power of county or municipality to regulate massage.
- Section 16:** Amends s. 480.0535, F.S., relating to documents required while working in a massage establishment.
- Section 17:** Amends s. 627.6407, F.S., relating to massage.
- Section 18:** Amends s. 627.6619, F.S., relating to massage.
- Section 19:** Amends s. 627.736, F.S., relating to required personal injury protection benefits; exclusions; priority; claims.
- Section 20:** Amends s. 641.31, F.S., relating to health maintenance contracts.
- Section 21:** Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOH will incur insignificant costs related to adopting rules to expand the scope of practice for massage therapy and repealing rules on massage apprenticeships. Current resources can absorb these costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board has sufficient rulemaking authority to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 26, 2020, the Health and Human Services committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed the bill's authority for a massage therapist to apply certain topical agents.
- Revised the term "colonic irrigation" to "colon hydrotherapy".
- Defined massage therapy assessment as the determination of the course of massage therapy treatment.
- Extended provision grandfathering massage therapy apprentices to July 1, 2023.

This analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.