

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 245 Massage Therapy
SPONSOR(S): Chaney
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee	18 Y, 0 N	Guzzo	McElroy
2) Insurance & Banking Subcommittee	16 Y, 0 N	Rowley	Luczynski
3) Health & Human Services Committee			

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.

The bill 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.

Current law authorizes a massage therapist to use his or her hand, foot, arm, or elbow during the course of massage therapy treatment. The bill authorizes a massage therapist to also use his or her knee during the course of massage therapy treatment.

The bill also changes the term "massage" to "massage therapy" throughout statutes to standardize terminology.

The bill has no fiscal impact on state or local government.

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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:

- 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;
- Undergo background screening; and
- Pass an examination.⁵

A massage therapist is required to renew his or her license every two years and must complete 24 hours of continuing education for each renewal period.⁶

As of February 24, 2021, there are 38,875 actively licensed massage therapists in Florida.⁷

Massage Schools

A person seeking licensure as a massage therapist is required to complete a course of study at a Board-approved massage school. The Board requires the course of study to be comprised of at least 500 hours, completed at a rate of no more than six hours per day and no more than 30 hours per week.

¹ S. 480.033(3), F.S.

² S. 480.032, F.S.

³ S. 480.035, F.S.

⁴ S. 480.033(4), F.S.

⁵ S. 480.041(1), F.S.

⁶ S. 480.0415, F.S., and rule 64B7-28.009, F.A.C.

⁷ Department of Health, FLHealthSource.gov, Public Data Portal (search by Board/Council “Board of Massage Therapy”, then by Profession “massage therapist”, then by license status “practicing statuses only”), available at <https://mqa-internet.doh.state.fl.us/MQASearchServices/HealthCareProviders>, (last visited Mar. 5, 2021).

The education must include:

- 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.⁸

In addition to the training above, a massage therapy student seeking to provide colonic irrigation⁹ services must be certified by the Board to provide such services. Prior to passing an exam, the student must complete a course of study in colonic irrigation, which 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
- 5 hours in sterilization techniques and equipment training.¹⁰

Colonic Irrigation Apprenticeship Training Programs

As an alternative to completing a course of study in colonic irrigation, a licensed massage therapist may be certified to provide colonic irrigation services upon completing a colonic irrigation apprenticeship training program.¹¹ An apprentice must act under the direct supervision of a sponsor who is a licensed massage therapist, certified to practice colonic irrigation, and have practiced colonic irrigation for at least three years.¹²

The apprenticeship must be completed within 12 months of commencement and must consist of at least 1,448 hours of training, including:

- 300 hours of anatomy;
- 300 hours of physiology;
- 20 hours of basic massage theory and history;
- 50 hours of theory and the practice of hydrotherapy;
- 25 hours of Florida Laws and Rules regulating the practice of massage therapy;
- 50 hours of allied modalities;
- 700 hours of clinical practicum; and
- 3 hours of HIV/AIDS instruction.¹³

Upon completion of the above training, the apprentice must pass a Board-approved exam.¹⁴

Effect of the Bill

⁸ Rule 64B7-32.003(1), F.A.C.

⁹ 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.).

¹⁰ Rule 64B7-32.005(1), F.A.C.

¹¹ S. 480.041(5)(b), F.S., and rule 64B7-29, F.A.C.

¹² Rule 64B7-29.001, F.A.C.

¹³ Rule 64B7-29.003, F.A.C.

¹⁴ Rule 64B7-25.001(2)(d), F.A.C.

The bill expands the scope of practice for massage therapy to include performing 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, but there is no specific statutory authority for a massage therapist to assess the patient to determine the course of treatment.

Current law authorizes a massage therapist to use his or her hand, foot, arm, or elbow during the course of massage therapy treatment. The bill authorizes a massage therapist to also use his or her knee during the course of massage therapy treatment.

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.”

B. SECTION DIRECTORY:

Section 1: Renames ch. 480, F.S.

Section 2: Amends s. 480.031, F.S., relating to the “Massage Practice Act.”

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. 477.013, F.S., relating to definitions.

Section 6: Amends s. 477.0135, F.S., relating to exemptions.

Section 7: Amends s. 477.0265, F.S., relating to prohibited acts.

Section 8: Amends s. 480.034, F.S., relating to exemptions.

Section 9: Amends s. 480.035, F.S., relating to Board of Massage Therapy.

Section 10: Amends s. 480.041, F.S., relating to massage therapists; qualifications; licensure; endorsement.

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: Amends s. 823.05, F.S., relating to places and groups engaged in certain activities declared a nuisance; abatement and enjoyment.

Section 22: Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

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:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES