

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 519

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO MASSAGE THERAPY; AMENDING SECTION 54-4002, IDAHO CODE, TO PRO-
2 VIDE AN EXCEPTION FROM THE DEFINITION OF "COMPENSATION"; AMENDING SEC-
3 TION 54-4007, IDAHO CODE, TO AUTHORIZE THE BOARD OF MASSAGE THERAPY TO
4 ESTABLISH REQUIREMENTS FOR A STUDENT TUITION CREDIT PROGRAM, TO ESTAB-
5 LISH REQUIREMENTS FOR A TEMPORARY LICENSE AND PROVISIONAL PERMIT AND TO
6 MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 54-4002, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-4002. DEFINITIONS. As used in this chapter, the following terms
12 have the following meanings:

13 (1) "Advertise" means, but is not limited to, the issuing or causing to
14 be distributed of any card, sign, direct mail piece or other device or caus-
15 ing or permitting any sign or marking on or in any building or structure,
16 or in any newspaper, magazine or directory, or announcement on radio or an-
17 nouncement or display on television, computer network or electronic or tele-
18 phonic medium.

19 (2) "Board" means the Idaho state board of massage therapy created pur-
20 suant to section 54-4006, Idaho Code.

21 (3) "Compensation" means the payment, loan, advance, donation, contri-
22 bution, deposit or gift of money or anything of value, except "compensation"
23 shall not include a student tuition credit program where such program has
24 been established by a massage therapy establishment.

25 (4) "Massage school" means a massage therapy educational program that
26 is registered by the state board of education in accordance with chapter 24,
27 title 33, Idaho Code, or comparable authority in another state.

28 (5) "Massage therapist" means a person who is licensed under this chap-
29 ter and who engages in the practice of massage therapy.

30 (6) "Massage therapy" means the care and services provided by a massage
31 therapist.

32 (7) "Practice of massage therapy" means the application of a system of
33 structured touch, pressure, movement and holding of the soft tissues of the
34 human body. The application may include:

35 (a) Pressure, friction, stroking, rocking, kneading, percussion, or
36 passive or active stretching within the normal anatomical range of
37 movement;

38 (b) Complementary methods, including the external application of wa-
39 ter, heat, cold, lubricants and other topical preparations; or

40 (c) The use of mechanical devices that mimic or enhance actions that may
41 be done by the hands.

1 SECTION 2. That Section 54-4007, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-4007. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
4 thority to:

5 (1) Determine the qualifications of persons applying for licensure
6 pursuant to this chapter and to define, by rule, the appropriate scope of
7 massage therapy in this state, provided however, that the scope of practice
8 may not exceed that defined in section 54-4002(7), Idaho Code;

9 (2) Authorize, by written agreement, the bureau of occupational li-
10 censes as agent to act in its interest;

11 (3) Promulgate such rules as are necessary for the administration of
12 this chapter, including standards of professional conduct;

13 (4) Conduct investigations and hold hearings and compel the attendance
14 of witnesses and the production of papers at such investigations or hear-
15 ings;

16 (5) Collect fees and other funds as prescribed by this chapter;

17 (6) Contract and pursue other matters lawful in this state relating to
18 massage therapy;

19 (7) Provide such other services and perform such other functions as are
20 necessary and desirable to fulfill its purposes;

21 (8) Establish requirements for renewal of license and approval of con-
22 tinuing education courses as set forth in section 67-2614, Idaho Code; ~~and~~

23 (9) Establish rules for the approval of massage therapy entry-level ed-
24 ucational standards but must remain consistent with curriculum requirements
25 in this chapter, or rules promulgated pursuant thereto;

26 (10) Establish requirements for a student tuition credit program; and

27 (11) Establish requirements for a temporary license and provisional
28 permit.

29 The registration of massage schools shall remain with the state board of edu-
30 cation in accordance with chapter 24, title 33, Idaho Code.

31 SECTION 3. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.