

LEGISLATIVE BILL 48

Approved by the Governor March 8, 1993

Introduced by Schimek, 27

AN ACT relating to massage therapy; to amend sections 71-101 and 71-1,278, Revised Statutes Supplement, 1992; to provide for issuance and revocation of a temporary license; to provide a fee; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 71-101, Revised Statutes Supplement, 1992, be amended to read as follows:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,294, 71-1325 to 71-1354, and 71-2801 to 71-2822 and section 3 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health;

(5) Whenever the masculine gender is used, it shall be construed to include the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so.

Sec. 2. That section 71-1,278, Revised Statutes Supplement, 1992, be amended to read as follows:

71-1,278. (1) For purposes of sections 71-1,278 to 71-1,283 and section 3 of this act, unless the context otherwise requires:

(a) An approved massage therapy school shall be (i) one which is approved by the department upon the recommendation of the Board of Examiners in Massage Therapy, (ii) one which requires for admission a diploma from an accredited high school or its equivalent, (iii) one which has attached to its staff a regularly licensed physician and employs one or more competent massage therapists as instructors, and (iv) one which has a minimum requirement of a continuous course of study and training of not less than one thousand hours distributed over a term of not less than nine months. Such study and training shall consist of one hundred hours of each of the following: Physiology; anatomy; massage; pathology; hydrotherapy; hygiene and practical demonstration; and health service management. The remaining three hundred hours shall be obtained in subject areas related to the clinical practice of massage therapy;

(b) Massage therapist shall mean a person licensed to practice massage therapy;

(c) Massage therapy shall mean the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of oil, salt glows, heat lamps, and hydrotherapy. Massage therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments; and

(d) Massage therapy establishment shall mean any duly licensed place in which a massage therapist practices his or her profession of massage therapy.

(2) The department shall adopt and promulgate rules and regulations as it may deem necessary with reference to the conditions under which the practice of massage therapy shall be carried on and the precautions necessary to be employed to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce sections 71-1,278 to 71-1,283 and section 3 of this act and all necessary inspections in connection therewith.

Sec. 3. A temporary license to practice massage therapy may be granted to any person who meets all the requirements for a license except passage of the licensure examination required by section 71-1,281. A temporary licensee shall be supervised in his or her practice by a licensed massage therapist. A temporary license shall be valid only until the results of the next examination are available to the department. In the event a temporary licensee fails the examination required by such section, the temporary license shall be revoked, except that the department upon

recommendation of the Board of Examiners in Massage Therapy may extend the temporary license upon a showing of good cause why such license should be extended. A temporary license may not be extended beyond one year. A temporary license shall not be issued to any person failing the examination if such person did not hold a valid temporary license prior to his or her failure to pass the examination.

The department shall establish and collect a fee of not less than ten dollars or more than fifty dollars for issuance or extension of a temporary license. The department shall have the power to deny or revoke a temporary license to practice massage therapy upon the grounds and in accordance with the Uniform Licensing Law.

Sec. 4. That original sections 71-101 and 71-1,278, Revised Statutes Supplement, 1992, are repealed.