

BILL ANALYSIS

C.S.H.B. 1842
By: Delisi
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

To become a registered massage therapist in Texas today, an individual must complete a mandated 300 hour curriculum. Texas graduates are prohibited from qualifying for national certification under the present 300 hour state mandated curriculum, because a minimum of 500 hours is required for national recognition. Additionally, most other states require a minimum of 500 hours of massage therapy instruction for the licensing, certification, or registration of massage therapists, making it difficult for Texas-trained registered massage therapists to take advantage of reciprocity arrangements with other states and the District of Columbia if they move.

C.S.H.B. 1842 increases the minimum total number of hours required by massage therapy students to 500 hours, and requires that massage therapists completing the new curriculum be licensed by the state of Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5, SECTION 11, and SECTION 33 of this bill.

ANALYSIS

C.S.H.B. 1842 amends Section 455 of the Occupations Code by replacing all references to the Texas Board of Health with the Department of State Health Services and the executive commissioner of the Health and Human Services Commission. This bill also deletes all references to "registered" and "certificate of registration" and replaces them with "licensed" and "licensee," eliminating registered massage therapists as a class and creating licensed therapists instead. It also adds to the definition of massage therapy to include hydrotherapy and the use of temperature.

C.S.H.B. 1842 amends the Occupations Code to change the requirements for a person who wishes to obtain a license for massage therapy by increasing the mandated hours of coursework from 300 hours to 500 hours at a licensed massage school. The bill also changes some of the specific requirements for coursework, including the internship program. The bill requires a person to pass the state-approved examination and be at least 18 years old. A massage school or instructor is prohibited from awarding a diploma to a student who has not completed at least the minimum number of hours required for licensing. As soon as possible after this act takes effect, the executive commissioner of the HHSC is required to adopt relevant rules. The changes in this act apply only to applications filed on or after September 1, 2007. For applications filed before this date, or for people already registered before the date, the old requirements will still apply for licensure and renewal.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1842 modifies the original by eliminating the dual classification of massage therapists that the original created. Instead, the substitute eliminates registered massage therapists and

C.S.H.B. 1842 79(R)

creates requirements for licensed massage therapists. The specific coursework required under the 500 hours is also changed. C.S.H.B. 1842 is made prospective, and a grandfather clause has been provided for massage therapists who are already registered under current law. The substitute also removed the state jail felony from the original bill.