86R6840 SOS-D

By:  Hernandez H.B. No. 2464

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage schools and the issuance of a permit to massage school students and student interns; requiring an occupational permit; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 455.053, Occupations Code, is amended to read as follows:

Sec. 455.053.  RULES REGARDING MASSAGE SCHOOLS. (a) Rules adopted under this chapter relating to a massage school must contain minimum standards for:

(1)  the issuance, denial, renewal, suspension, revocation, or probation of a license under this chapter;

(2)  the qualifications of professional personnel;

(3)  the supervision of professional personnel;

(4)  the equipment essential to the education, health, and safety of students, massage school personnel, and the public;

(5)  the sanitary and hygienic conditions of a massage school;

(6)  the provision of massage therapy or other massage services by a massage school or student;

(7)  the maximum number of hours a student may accumulate in a massage school's internship program before the student is required to be licensed under this chapter;

(8)  the educational and clinical records kept by a massage school;

(9)  the organizational structure of a massage school, including the lines of authority and the delegation of responsibility;

(10)  fire prevention and safety in a massage school;

(11)  the massage school's curriculum and educational material;

(12)  massage school inspections; and

(13)  any other aspect of the operation of a massage school that the commission considers necessary to protect students, massage school personnel, or the public.

(b)  The commission may adopt rules to:

(1)  authorize a massage school to account for any hours of instruction completed under this chapter on the basis of clock hours or course hours; and

(2)  establish standards for determining the equivalency and conversion of clock hours to course hours and course hours to clock hours.

SECTION 2.  The heading to Section 455.151, Occupations Code, is amended to read as follows:

Sec. 455.151.  LICENSE OR PERMIT REQUIRED.

SECTION 3.  Sections 455.151(b) and (c), Occupations Code, are amended to read as follows:

(b)  Unless the person is exempt from the licensing requirement, a person may not represent that the person is a massage therapist, massage school, massage therapy instructor, or massage establishment unless the person holds an appropriate license under this chapter. A person may not represent that the person is a massage student or massage intern unless the person holds a student permit issued under Section 455.1581.

(c)  A person may not for compensation perform or offer to perform any service with a purported health benefit that involves physical contact with a client unless the person:

(1)  holds an appropriate license or student permit issued under this chapter; or

(2)  is licensed or authorized under other law to perform the service.

SECTION 4.  Subchapter D, Chapter 455, Occupations Code, is amended by adding Section 455.1581 to read as follows:

Sec. 455.1581.  STUDENT PERMIT. (a) The department shall require a student to hold a student permit if the student:

(1)  is enrolled in a massage school in this state; or

(2)  participates in a student internship program under Section 455.159.

(b)  The department shall issue a student permit to an applicant who:

(1)  submits an application to the department for a student permit in the form prescribed by the executive director;

(2)  satisfies other requirements specified by the department; and

(3)  submits with the application a nonrefundable application fee in an amount set by the commission.

(c)  The permit must:

(1)  state the student's name; and

(2)  state the name of the school in which the student is enrolled or the name of the school or massage therapy instructor who supervises and directs the student in a student internship program under Section 455.159, as applicable.

(d)  A student permit expires on the first anniversary of the date of issuance.

(e)  A student permit holder may renew the permit by submitting to the department a renewal application on a form prescribed by the executive director. The department may not charge a fee to renew a permit under this subsection.

(f)  A student permit holder who provides massage therapy as part of an internship program or without compensation is exempt from licensing under this chapter.

SECTION 5.  Subchapter E, Chapter 455, Occupations Code, is amended by adding Sections 455.2031 and 455.2032 to read as follows:

Sec. 455.2031.  DAILY ATTENDANCE REPORTS. (a) A massage school shall maintain an attendance book showing a record of the students' daily attendance.

(b)  The department may inspect a school's attendance record book at any time.

Sec. 455.2032.  REPORTS TO DEPARTMENT. (a) A massage school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of course hours and internship hours earned by each student during the previous month.

(b)  On a student's completion of a prescribed course of instruction, a massage school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

(c)  A massage school shall furnish to the department:

(1)  the current course completion rates of students who attend a course of instruction offered by the school; and

(2)  job placement rates and employment rates of students who complete the school's course of instruction.

SECTION 6.  The heading to Section 455.204, Occupations Code, is amended to read as follows:

Sec. 455.204.  DISPLAY OF LICENSE OR PERMIT.

SECTION 7.  Sections 455.204(a) and (c), Occupations Code, are amended to read as follows:

(a)  A person who holds a license or student permit shall publicly display the license or permit, as applicable, as specified by the department.

(c)  Each massage school, massage student or intern, massage establishment, massage therapy instructor, or massage therapist shall present the person's license or student permit, as applicable, on the request of the department, an authorized representative of the department, or a peace officer.

SECTION 8.  Section 455.158, Occupations Code, is repealed.

SECTION 9.  (a) A massage school shall submit the first monthly report and the first notice of student completion and eligibility required under Section 455.2032, Occupations Code, as added by this Act, not later than January 1, 2020.

(b)  Not later than December 1, 2019, the Texas Commission of Licensing and Regulation, the Texas Department of Licensing and Regulation, and the executive director of the Texas Department of Licensing and Regulation, as appropriate, shall adopt any rules or forms necessary to implement the changes in law made by this Act to Chapter 455, Occupations Code.

(c)  Not later than December 1, 2019, the Texas Department of Licensing and Regulation shall begin accepting applications for and issuing student permits under Section 455.1581, Occupations Code, as added by this Act.

(d)  Notwithstanding Section 455.151, Occupations Code, as amended by this Act, Section 455.1581, Occupations Code, as added by this Act, Section 455.204, Occupations Code, as amended by this Act, and the repeal by this Act of Section 455.158, Occupations Code, a student enrolled in a massage school in this state or participating in a student internship program under Section 455.159, Occupations Code, is not required to comply with the changes in law made by this Act until June 1, 2020.

SECTION 10.  This Act takes effect September 1, 2019.