

By: Hernandez

H.B. No. 2464

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of massage schools and the issuance of a  
3 permit to massage school students and student interns; requiring an  
4 occupational permit; authorizing a fee.

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

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

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

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

13 (2) the qualifications of professional personnel;

14 (3) the supervision of professional personnel;

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

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

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

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

24 (8) the educational and clinical records kept by a

1 message school;

2 (9) the organizational structure of a message school,  
3 including the lines of authority and the delegation of  
4 responsibility;

5 (10) fire prevention and safety in a message school;

6 (11) the message school's curriculum and educational  
7 material;

8 (12) message school inspections; and

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

12 (b) The commission may adopt rules to:

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

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

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

21 Sec. 455.151. LICENSE OR PERMIT REQUIRED.

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

24 (b) Unless the person is exempt from the licensing  
25 requirement, a person may not represent that the person is a message  
26 therapist, message school, message therapy instructor, or message  
27 establishment unless the person holds an appropriate license under

1 this chapter. A person may not represent that the person is a  
2 massage student or massage intern unless the person holds a student  
3 permit issued under Section 455.1581.

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

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

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

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

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

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

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

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

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

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

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

26 (c) The permit must:

27 (1) state the student's name; and

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

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

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

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

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

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

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

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

27           (b) On a student's completion of a prescribed course of

1 instruction, a massage school shall notify the department that the  
2 student has completed the required number of hours and is eligible  
3 to take the appropriate examination.

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

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

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

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

11 Sec. 455.204. DISPLAY OF LICENSE OR PERMIT.

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

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

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

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

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

27 (b) Not later than December 1, 2019, the Texas Commission of

1 Licensing and Regulation, the Texas Department of Licensing and  
2 Regulation, and the executive director of the Texas Department of  
3 Licensing and Regulation, as appropriate, shall adopt any rules or  
4 forms necessary to implement the changes in law made by this Act to  
5 Chapter 455, Occupations Code.

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

10 (d) Notwithstanding Section 455.151, Occupations Code, as  
11 amended by this Act, Section 455.1581, Occupations Code, as added  
12 by this Act, Section 455.204, Occupations Code, as amended by this  
13 Act, and the repeal by this Act of Section 455.158, Occupations  
14 Code, a student enrolled in a massage school in this state or  
15 participating in a student internship program under Section  
16 455.159, Occupations Code, is not required to comply with the  
17 changes in law made by this Act until June 1, 2020.

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