

2007

OPERATIVE DECEMBER 1, 2008

STATE OF NEBRASKA

STATUTES RELATING TO MESSAGE THERAPY PRACTICE ACT



Department of Health and Human Services
Division of Public Health
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 - 71-1,284. Repealed. Laws 1991, LB 10, §7.

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STATUTES PERTAINING TO THE MESSAGE THERAPY PRACTICE ACT

38-1701. Act, how cited. Sections 38-1701 to 38-1715 shall be known and may be cited as the Massage Therapy Practice Act.

Source: Laws 2007, LB463, § 608. Operative date December 1, 2008.

38-1702. Definitions, where found. For purposes of the Massage Therapy Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1703 to 38-1707 apply.

Source: Laws 1955, c. 273, § 1, p. 861; Laws 1987, LB 473, § 42; R.S.Supp., 1987, § 71-2701; Laws 1988, LB 1100, § 132; Laws 1990, LB 1064, § 14; Laws 1991, LB 10, § 2; Laws 1993, LB 48, § 2; Laws 1999, LB 828, § 142; Laws 2003, LB 242, § 69; R.S.1943, (2003), § 71-1,278; Laws 2007, LB463, § 609. Operative date December 1, 2008.

38-1703. Approved massage therapy school, defined. Approved massage therapy school means (1) one which is approved by the board, (2) one which requires for admission a diploma from an accredited high school or its equivalent, (3) one which has attached to its staff a regularly licensed physician and employs one or more competent massage therapists as instructors, and (4) 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.

Source: Laws 2007, LB463, § 610. Operative date December 1, 2008.

38-1704. Board, defined. Board means the Board of Massage Therapy.

Source: Laws 2007, LB463, § 611. Operative date December 1, 2008.

38-1705. Massage therapist, defined. Massage therapist means a person licensed to practice massage therapy.

Source: Laws 2007, LB463, § 612. Operative date December 1, 2008.

38-1706. Massage therapy, defined. Massage therapy means 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 does 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.

Source: Laws 2007, LB463, § 613. Operative date December 1, 2008.

38-1707. Massage therapy establishment, defined. Massage therapy establishment means any duly licensed place in which a massage therapist practices his or her profession of massage therapy.

Source: Laws 2007, LB463, § 614. Operative date December 1, 2008.

38-1708. Massage therapy; persons excepted. The Massage Therapy Practice Act shall not be construed to include the following classes of persons:

(1) Licensed physicians and surgeons, osteopathic physicians, chiropractors, registered nurses, practical nurses, cosmetologists, estheticians, nail technicians, physical therapists, barbers, and other persons credentialed under the Uniform Credentialing Act who are exclusively engaged in the practice of their respective professions;

(2) Physicians who serve in the armed forces of the United States or the United States Public Health Service or who are employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment;

(3) Students performing massage therapy services when they render such services within the scope of an approved massage therapy school under the supervision of a licensed massage therapist; and

(4) Individuals who hold a current license as a massage therapist in another state and who travel with and provide massage therapy services to theatrical groups, entertainers, or athletic organizations.

Source: Laws 1955, c. 273, § 2, p. 862; Laws 1957, c. 297, § 1, p. 1070; R.S.1943, (1986), § 71-2702; Laws 1988, LB 1100, § 133; Laws 1989, LB 342, § 28; Laws 1990, LB 1064, § 15; R.S.1943, (2003), § 71-1,279; Laws 2007, LB463, § 615. Operative date December 1, 2008.

38-1709. School or establishment; massage therapist; license required. No person shall engage in the practice of massage therapy or the operation of a massage therapy school or establishment unless he or she obtains a license from the

department for that purpose.

Source: Laws 1955, c. 273, § 11, p. 866; Laws 1957, c. 297, § 7, p. 1073; R.S.1943, (1986), § 71-2712; Laws 1988, LB 1100, § 137; ; Laws 2002, LB 1021, § 31; R.S.1943, (2003), § 71-1,280; Laws 2007, LB463, § 616. Operative date December 1, 2008.

38-1710. Massage therapy license; applicant; qualifications. Every applicant for an initial license to practice massage therapy shall (1) present satisfactory evidence that he or she has attained the age of nineteen years, (2) present proof of graduation from an approved massage therapy school, and (3) pass an examination prescribed by the board.

Source: Laws 1955, c. 273, § 5, p. 863; Laws 1957, c. 297, § 3, p. 1071; Laws 1973, LB 512, § 1; R.S.1943, (1986), § 71-2705; Laws 1988, LB 1100, § 135; Laws 1999, LB 828, § 143; R.S.1943, (2003), § 71-1,281; Laws 2007, LB463, § 617. Operative date December 1, 2008.

38-1711. Massage therapy; temporary license; requirements. 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 38-1710. A temporary licensee shall be supervised in his or her practice by a licensed massage therapist. A temporary license shall be valid for sixty days or until the temporary licensee takes the examination, whichever occurs first. In the event a temporary licensee fails the examination required by such section, the temporary license shall be null and void, except that the department, with the recommendation of the board, 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 six months. 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.

Source: Laws 1993, LB 48, § 3; Laws 1999, LB 828, § 144; Laws 2003, LB 242, § 70; R.S.1943, (2003), § 71-1,281.01; Laws 2007, LB463, § 618. Operative date December 1, 2008.

38-1712. Reciprocity. The department, with the recommendation of the board, may issue a license based on licensure in another jurisdiction to an individual who meets the requirements of the Massage Therapy Practice Act or substantially equivalent requirements as determined by the department, with the recommendation of the board.

Source: Laws 2007, LB463, § 619. Operative date December 1, 2008.

38-1713. Fees. The department shall establish and collect fees for credentialing under the Massage Therapy Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 620. Operative date December 1, 2008.

38-1714. Unprofessional conduct. For purposes of the Massage Therapy Practice Act, unprofessional conduct includes the conduct listed in section 38-179 and the provision by a massage therapist of sexual stimulation as part of massage therapy.

Source: Laws 2007, LB463, § 621. Operative date December 1, 2008.

38-1715. Rules and regulations. 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 the Massage Therapy Practice Act and all necessary inspections in connection therewith.

Source: Laws 2007, LB463, § 622. Operative date December 1, 2008.

71-1,278. Transferred to section 38-1702.

71-1,279. Transferred to section 38-1708.

71-1,280. Transferred to section 38-1709.

71-1,281. Transferred to section 38-1710.

71-1,281.01. Transferred to section 38-1711.

71-1,282. Repealed. Laws 2007, LB 463, § 1319.

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STATUTES PERTAINING TO THE PRACTICE OF MASSAGE

71-2701 and 71-2702. Transferred to sections 71-1,278 and 71-1,279.

71-2703 to 71-2704.01. Repealed. Laws 1988, LB 1100, §184.

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