

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2241

By: Kirby

AS INTRODUCED

An Act relating to professions and occupations;
creating the Massage Therapy Practice Act;
providing short title; defining terms; providing
certain licensing requirements; providing certain
requirements and prohibitions for massage schools,
massage therapy instructors, and internships;
providing requirements for certain massage
establishments; providing for certain applications
for licensing; providing exceptions; requiring
certain displays of certificates; regulating
certain advertising; providing penalties; providing
for powers and duties of the State Board of Medical
Licensure and Supervision; providing certain
minimum standards for Board rules for massage
schools, massage establishments, massage therapy
instructors and massage therapists; providing
minimum standards of continuing education; creating
the Advisory Council on Massage Therapy; providing
for appointments, qualifications, terms, vacancies,
travel reimbursements, Open Meetings Act, civil
liability, prohibitions, and powers and duties of
the Advisory Council; providing for the issuance of
licenses; providing for temporary licensing;
providing for the issuance, denial, probation,

suspending, and revocation of licenses under specified circumstances; providing for hearings under the Administrative Procedures Act; providing for the renewal of a license under certain circumstances; authorizing injunctive relief and certain costs; providing for and limiting certain regulations adopted by political subdivisions; grandfathering in certain persons under certain conditions; authorizing certain inspections; authorizing enforcement by peace officers and the Board; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3051 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Massage Therapy Practice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3052 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Massage Therapy Practice Act:

1. "Massage therapy" means the manipulation of soft tissue. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, western and non-western techniques, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps,

hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, bodywork, myo-therapy, body massage, body rub, reflexology, or any derivation of those terms. Massage therapy is a health care service when the massage therapy is for therapeutic purposes. As used in the Massage Therapy Practice Act, the terms "therapy" and "therapeutic" do not include diagnosis or any service or treatment procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law. Massage therapy does not constitute the practice of chiropractic;

2. "Massage therapist" means an individual who practices or administers massage therapy to a client of either gender for compensation. The term includes a licensed massage therapist, therapeutic massage practitioner, massage technician, bodyworker, masseur, masseuse, myo-therapist, body massager, body rubber, reflexologist, or any derivation of those titles;

3. "Massage therapy instructor" means an individual who is a licensed massage therapist, who is instructing one or more students in massage therapy, and whose instruction is approved by the Board;

4. "Massage establishment" means any place of business that advertises massage therapy or offers western or nonwestern massage therapy as a service;

5. "Board" means the State Board of Medical Licensure and Supervision;

6. "Advisory Council" means the Advisory Council on Massage Therapy;

7. "Person" means an individual, partnership, corporation, association, or other legal entity;

8. "Massage school" means an entity or organization with at least two instructors that teaches, at a minimum, the course of instruction required for licensing as a massage therapist under the Massage Therapy Practice Act;

9. "Instructor" means an individual who instructs one or more students in any section of the course of instruction required for licensing as a massage therapist;

10. "Applicant" means a person, including a massage school, a massage therapy instructor, or a massage establishment, that applies for licensing under the Massage Therapy Practice Act;

11. "Examiner" means a licensed massage therapist who administers the practical portion of the state examination to applicants for licensing as massage therapists;

12. "Internship program" means a program supervised by a massage therapy instructor in which a student provides massage therapy to the general public. The massage therapy may be for compensation in an amount set by the massage school or massage therapy instructor and paid to the massage school or massage therapy instructor; and

13. "Sexually oriented business" has the meaning as promulgated by the rules of the Board, unless another meaning applies under local law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3053 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An individual who practices as a massage therapist, or who represents that the individual is a massage therapist, must be licensed as provided by the Massage Therapy Practice Act, unless the individual is exempt from licensing pursuant to paragraph 1 of Section 2 of this act. A massage therapist may not perform massage therapy, whether or not for compensation, at or for a sexually oriented business.

B. An individual who registers as a massage therapist pursuant to the Massage Therapy Practice Act must present evidence satisfactory to the Board that the person:

1. Is not a registered sex offender pursuant to the Sex Offender Registration Act and has no criminal history. The Board is authorized to do a criminal history check on the applicant upon payment of the Fifteen Dollars (\$15.00) authorized by Section 150.9 of Title 74 of the Oklahoma Statutes;

2. Has satisfactorily completed massage therapy studies in a five-hundred-hour, supervised course of instruction provided by a massage therapy instructor, by a massage school licensed by a Board-approved educational institution, or by any combination of instructors or schools, in which two hundred (200) hours are dedicated to the study of classical massage therapy techniques taught by a massage therapy instructor, two hundred (200) hours to the study of anatomy and physiology, one hundred (100) hours to the study of hydrotherapy, business practices, professional ethics standards, and the study of health and hygiene;

3. Is registered as a massage therapist in another state or country that has and maintains standards and requirements of practice and licensing or registration that substantially conform to those of this state, as determined by the Board; or

4. Has practiced massage therapy as a profession or incidental to the person's main profession for a period of five (5) years and has satisfied the Board, on the advice of the Advisory Council, that such person would be qualified to be licensed in this state.

C. A student in a state-approved course of instruction that consists of a minimum of five hundred (500) hours is exempt from further education requirements and licensing pursuant to the Massage Therapy Practice Act if the student provides massage therapy as part of an internship program or for no compensation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3054 of Title 59, unless there is created a duplication in numbering, reads as follows:

A massage school that offers, at a minimum, the course of instruction required for licensing as a massage therapist must register with the Board. A massage school must meet the minimum standards of operation established by Board rule. A massage therapy instructor must license with the Board as provided by the Massage Therapy Practice Act. An instructor must meet the minimum requirements established by Board rule. An internship program shall be conducted on the school grounds or in a clinic or classroom setting provided by the massage school or massage therapy instructor. A student must complete the requirements of the first two hundred fifty (250) hours of training at the massage school or with the massage therapy instructor before being eligible to enter the internship program.

A student who is participating in an internship program may:

1. Make an appointment with a client;
2. Interview a client;
3. Perform massage therapy;
4. Collect and review a client evaluation with the student's supervisor; and
5. Perform other tasks necessary to the business of providing massage therapy to the public.

A student who is participating in an internship program must be under the supervision and direction of a massage therapy instructor during the hours that the student is working in the program. An internship program shall provide a student with a minimum of forty (40) hours of hands-on massage therapy experience. An internship program must meet the qualifications established by the Board with the advice of the Advisory Council. The Board shall regulate all school hours provided by a massage school or a massage therapy instructor. A massage school or massage therapy instructor registered pursuant to the Massage Therapy Practice Act must give each prospective student a notice that clearly states the number of

course hours which must be successfully completed before a student can register as a massage therapist pursuant to the Massage Therapy Practice Act. Such notice must be given to each prospective student at a time and in a manner that provides the student with sufficient opportunity to read the notice and discuss it with massage school officials or with the massage therapy instructor, if necessary for understanding and clarity, before signing an enrollment contract and before the massage school or the massage therapy instructor accepts the student in a course of study.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3055 of Title 59, unless there is created a duplication in numbering, reads as follows:

A massage establishment must register with the Board as provided by Board rule. A sexually oriented business is ineligible for licensing as a massage establishment under this section and may not operate as a massage establishment pursuant to the Massage Therapy Practice Act. A massage establishment may employ only licensed massage therapists to perform massage therapy. An establishment that holds a license, permit, certificate, or other credential issued by this state under another law, and that offers or performs massage therapy under the scope of that credential, is not required to be registered under this section. A licensed massage therapist who practices as a solo practitioner is not required to register as a massage establishment. All persons employed by other health care providers and other establishments for the purpose of administering massage therapy must be licensed under this act. The Board shall by rule provide for a fair and reasonable procedure to grant exemptions from the licensing requirements of this section where a person can show that the advertising or provision of massage therapy services is incidental to the person's primary enterprise.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3056 of Title 59, unless there is created a duplication in numbering, reads as follows:

Each applicant for licensing pursuant to the Massage Therapy Practice Act shall submit application forms provided by the Board, accompanied by the application fee set by the Board.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3057 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Massage Therapy Practice Act does not apply to:

1. A person who is licensed in this state as a physician, chiropractor, physical therapist, nurse, cosmetologist, athletic trainer, or member of another similar profession that is subject to state licensing, while the person is practicing within the scope of the license;

2. A school approved by the Oklahoma State Regents for Higher Education, the State Board of Vocational and Technical Education, or that is otherwise approved by the state; or

3. An instructor who is otherwise approved by the state to teach in an area of study included in the required course of instruction.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3058 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Each massage establishment must post in plain sight the license of each massage therapist who practices in the massage establishment. A massage school, massage establishment, massage therapy instructor, or massage therapist shall each display the registrant's license on the request of the Board, an authorized representative of the Board, or a peace officer.

B. A person, including an instructor, a massage school, a massage therapist, or massage establishment, that is not licensed

pursuant to the Massage Therapy Practice Act may not use the word "massage" on any sign, display, or other form of advertising unless the person is expressly exempt from the licensing requirements of the Massage Therapy Practice Act. Under no circumstances may a sexually oriented business use the word "massage" on any sign or other form of advertising.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3059 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person subject to the licensing requirements of the Massage Therapy Practice Act commits an offense if the person knowingly violates Section 3, 4, 5 or 8 of this act.

B. The owner or operator of a massage establishment commits an offense if that person knowingly violates Section 3, 4, 5 or 8 of this act.

C. The owner or operator of a massage school commits an offense if that person knowingly violates Section 4 or 8 of this act.

D. An offense under this section is a misdemeanor punishable by a fine not to exceed One Hundred Dollars (\$100.00). However, if it is shown on the trial of an offense under this section that the person has previously been convicted one or more times of an offense under this section, the offense is a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

E. A person subject to the licensing requirements of the Massage Therapy Practice Act commits an offense if the person collects a fee or any other form of compensation for massage therapy without being licensed pursuant to the Massage Therapy Practice Act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3060 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board, with the advice of the Advisory Council, shall adopt rules consistent with the Massage Therapy Practice Act,

including rules relating to the definition of "unprofessional or unethical conduct" as that term is used in paragraph 4 of subsection A of Section 18 of this act, as necessary for the performance of its duties pursuant to the Massage Therapy Practice Act. The Board shall adopt the rules in the manner provided by the Administrative Procedures Act.

B. The Board shall administer this act.

C. The Board shall investigate persons who may be engaging in practices that violate the Massage Therapy Practice Act.

D. The Board shall prepare and administer a state examination as required to implement the Massage Therapy Practice Act. The Board may hire examiners with the recommendation of the Advisory Council. An examiner is entitled to compensation and the state per diem allowance as set by the State Travel Reimbursement Act for transportation and related expenses incurred by the examiner in engaging in the business of the Board.

E. The Board shall cooperate with the Advisory Council in the administration of the Massage Therapy Practice Act, and shall make available to the Advisory Council reports, statistical information, and other information as reasonably necessary for the Advisory Council to perform its duties pursuant to the Massage Therapy Practice Act.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3061 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board rules relating to a massage school must contain minimum standards for:

1. The issuance, denial, renewal, suspension, probation, or revocation of a license pursuant to the Massage Therapy Practice Act;

2. The qualifications of professional personnel;

3. The supervision of professional personnel;

4. The equipment essential to the education, health, and safety of students, school personnel, and the public;
5. The sanitary and hygienic condition of a school;
6. The provision of massage therapy by a school or a student;
7. The maximum number of hours a student may accumulate in a school's internship program without being required to be licensed pursuant to the Massage Therapy Practice Act;
8. The educational and clinical records kept by a school;
9. The organizational structure of a school, including the lines of authority and the delegation of responsibility;
10. Fire prevention and safety within a school;
11. The school's curriculum and educational material;
12. School inspections; and
13. Any other aspect of the operation of a school that the Board considers necessary to protect students, school personnel, or the public.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3062 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board rules relating to a massage establishment must contain minimum standards for:

1. The issuance, denial, renewal, suspension, revocation, or probation of a license pursuant to the Massage Therapy Practice Act;
2. The qualifications of professional personnel;
3. The supervision of professional personnel;
4. The equipment essential to the health and safety of personnel and the public;
5. The sanitary and hygienic conditions of an establishment;
6. The provision of massage therapy by an establishment;
7. The records kept by an establishment;
8. The organizational structure of an establishment, including the lines of authority and the delegation of responsibility;

9. Fire prevention and safety within an establishment;
10. The inspection of an establishment; and
11. Any other aspect of the operation of an establishment necessary to protect the personnel of the establishment or the public.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3063 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board rules relating to a massage therapy instructor must contain minimum standards for:

1. The issuance, denial, renewal, suspension, revocation, or probation of a license pursuant to the Massage Therapy Practice Act;
2. The qualifications of a massage therapy instructor;
3. The supervision of a student by a massage therapy instructor;
4. The maximum number of hours a student may accumulate in an internship program under the supervision of a massage therapy instructor without being required to be licensed pursuant to the Massage Therapy Practice Act;
5. The equipment essential to the education, health, and safety of students and the public;
6. The sanitary and hygienic conditions of the physical environment in which a massage therapy instructor teaches;
7. The provision of massage therapy by a student or a massage therapy instructor;
8. The educational and clinical records kept by a massage therapy instructor;
9. The curriculum taught and educational material used by a massage therapy instructor;
10. The inspection of the records, equipment, and physical environment of a massage therapy instructor; and

11. Any other aspect of a massage therapy instructor's instruction or operation of any portion of the course of instruction required for licensure as a massage therapist.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3064 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board rules relating to a massage therapist must contain minimum standards for:

1. The issuance, denial, renewal, suspension, revocation, or probation of a license pursuant to the Massage Therapy Practice Act;
2. The qualification of a massage therapist;
3. The sanitary and hygienic conditions of the physical environment in which a massage therapist practices massage therapy;
4. The records kept by a massage therapist;
5. The inspection of the records, equipment, and the sanitary and hygienic conditions of the physical environment of a massage therapist in practicing massage therapy;
6. Any other aspect of the practice of a massage therapist necessary to protect the public; and
7. The continuing education requirement of twelve (12) approved hours for each year licensed.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3065 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Advisory Council on Massage Therapy is hereby created until July 1, 2004, in accordance with the Oklahoma Sunset Law, as an advisory council to the Board. The Advisory Council is composed of nine (9) members appointed by the State Board of Medical Licensure and Supervision. Five members must be massage therapists licensed pursuant to the Massage Therapy Practice Act, one member must be a licensed osteopathic physician, one member must be a licensed physician, and two members must be representatives of the general

public. Members of the Advisory Council shall hold office for staggered terms of six (6) years. Three members' terms expire September 1 of each odd-numbered year. In the event of a vacancy during a term, the Board shall appoint a replacement who meets the qualifications of the vacated office to fill the unexpired portion of the term. A member of the Advisory Council may not receive compensation for serving on the Advisory Council, but is entitled to receive the state per diem allowance as set by the State Travel Reimbursement Act for transportation and related expenses incurred for each day the member engages in the business of the Advisory Council. A person who is required to register as a lobbyist may not serve as a member of the Advisory Council. The Advisory Council is subject to the Oklahoma Open Meetings Act. A member of the Advisory Council is not liable to civil action for any act performed in good faith in the execution of duties as an Advisory Council member. The Advisory Council shall report attendance to the Board.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3066 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Advisory Council shall advise the Board on application forms and fees. The Board shall set the fees in amounts reasonable and necessary to administer this act as advised by the Advisory Council. The Advisory Council shall meet at least twice a year. Additional meetings may be held at the call of the presiding officer or on the written request of any three members of the Advisory Council. The Advisory Council shall keep a complete record of all licensed massage therapists and shall annually prepare a roster showing the names and addresses of all licensed massage therapists. A copy of the roster shall be available to any person requesting it on payment of a fee set by the Board in an amount sufficient to cover the cost of distribution of the roster.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3067 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board shall issue a license to each qualified applicant. To be qualified for a license, an applicant for a license as a massage therapist must pass the practical and written portions of the state examination. A person issued a license by the Board shall display the license in an appropriate public manner as specified by the Board. The issuance of a license grants all professional rights, honors, and privileges relating to the practice of massage therapy. A license is the property of the Board and must be surrendered on demand. A person issued a license by the Board may receive referrals from a physician to administer massage therapy. The Board shall issue a temporary license to an applicant for licensing who has complied with the education and experience requirements for licensing. A temporary license is valid for six (6) months, until the applicant is issued a massage therapist license after successful completion of the first examination for which the applicant is eligible, or until the applicant is notified by the Board that the applicant has failed the first examination for which the applicant was eligible. The Board may assess a reasonable fee for a temporary license.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3068 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board may refuse to issue a license to an applicant, may suspend or revoke a license, or may place a licensed person, including a massage school, massage therapy instructor, or massage establishment, on probation for any of the following causes:

1. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
2. Selling, bartering, or offering to sell or barter a license;

3. Violating any rule adopted by the Board;

4. Engaging in unprofessional or unethical conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the Board;

5. Violating a regulation or ordinance adopted by a political subdivision; or

6. Violating any provisions of the Massage Therapy Practice Act.

B. An individual who has been convicted of or entered a plea of nolo contendere or guilty to crimes or offenses involving prostitution or sexual offenses is ineligible for licensing as a massage therapist, massage therapy instructor, massage school, or massage establishment. The Board shall revoke the license of a person licensed as a massage therapist or massage therapy instructor who is convicted of or enters a plea of nolo contendere or guilty to a crime or offense involving prostitution or other sexual offenses, or whom the Board determines has practiced or administered massage therapy at or for a sexually oriented business. The Board shall revoke the license of a person licensed as a massage school or massage establishment if the Board determines that the school or establishment is a sexually oriented business, or that a crime or offense involving prostitution or other sexual offenses, which occurred on the premises of the school or establishment, resulted in a conviction, a plea of nolo contendere or a guilty plea for that offense.

C. A person whose application for licensing is denied, or whose license is suspended or revoked, is entitled to a hearing before the Board if the person submits a written request to the Board. Hearings are governed by the Board rules for a contested hearing and by the Administrative Procedures Act.

D. A person convicted of a violation of the Massage Therapy Practice Act is ineligible for licensing as a massage therapist,

massage therapy instructor, massage school, or massage establishment for a period of five (5) years.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3069 of Title 59, unless there is created a duplication in numbering, reads as follows:

Licensing under the Massage Therapy Practice Act is subject to periodic renewal and expires unless the licensed person submits an application for renewal accompanied by the renewal fee. The person must also submit proof that the required continuing education hours have been met. The Board shall adopt a system under which licenses expire and are renewed on various dates of the year. Initial licensing fees shall be prorated so that a licensed person pays only for that part of the renewal period for which the license is issued until the expiration date of the license. A person licensed under the Massage Therapy Practice Act who does not renew the license by the expiration date may renew the license not later than the first anniversary of the expiration date by meeting the requirements set forth in this section and paying a late penalty fee. The licensing of a person who fails to meet the renewal requirements of this section is void. Such a person must submit a new application, pay the appropriate fees, and meet the current requirements for licensing.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5070 of Title 59, unless there is created a duplication in numbering, reads as follows:

If it appears that a person is in violation of or is threatening to violate the Massage Therapy Practice Act or a rule adopted by the Board, the Attorney General, a district attorney, or the Board may institute an action for injunctive relief to restrain the person from continuing the violation. Each day of a violation shall constitute a separate violation. An action filed under this section by the Attorney General, the district attorney, or the Board must be

filed in the district court in the county in which the violation occurred. The Attorney General, district attorney, or the Board may recover reasonable costs incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition expenses.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5071 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Except as provided by subsection B of this section, this act supersedes any regulation or ordinance adopted by a political subdivision of this state relating to the licensing or regulation of massage therapists.

B. This act does not affect:

1. Local regulations relating to zoning requirements for massage establishments or other similar regulations;

2. Any local regulations that authorize or require an investigation into the background of an owner or operator of, or an investor in, a massage establishment; or

3. Any local regulations that do not relate directly to the practice of massage therapy as performed by a licensed massage therapist, including those professions listed under Section 7 of this act, while performing duties under their respective licensing acts while working with a licensed massage therapist.

C. Except as provided by law, a political subdivision may not adopt regulations of the type listed in subsection B of this section that are more restrictive for massage therapists or massage establishments than for other health care professionals or establishments.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5072 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. An individual is not required to be licensed under this act until January 1, 1999, but may be licensed by the Board pursuant to the provisions of subsection B of this section.

B. A person who is engaged in the practice of massage therapy on the effective date of this act and who has practiced massage therapy for not less than two (2) years during the five-year period immediately preceding the effective date of this act, or who provides evidence satisfactory to the Advisory Council that he or she has completed a minimum totaling two hundred (200) classroom hours of instruction in the practice of massage therapy is entitled to licensure as a massage therapist without compliance with Section 3 of this act if the person applies to the Board for a license before January 1, 1999, and pays the required fee. "Practice" is defined as not less than two hundred fifty (250) hours of massage therapy during one (1) year.

C. An applicant may petition in writing to the Advisory Council to be allowed to take the written and practical examinations. Each petition will be decided upon individually and said petition must be submitted before January 1, 1999.

D. The Board may issue a massage therapist license to a person who possesses qualifications that would have entitled the person to licensure under subsection B of this section but who failed to apply for licensure before January 1, 1999, if the person:

1. Presents a verified application and affidavit to the Board in a form prescribed by the Board stating the reasons why the applicant failed to register by January 1, 1999; and

2. Pays a late fee in an amount set by the Board in addition to the required licensure fee.

E. An application for licensure under subsection D of this section must be made before January 1, 2001. This section expires January 1, 2001, except that it continues in effect for the disposition of any licensing applications made under this section

before that date. Expiration of this section does not affect the validity or renewal of a license issued under this section.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5073 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Board or its authorized representative may enter the premises of a licensed applicant or license holder at reasonable times to conduct an inspection incidental to the issuance of a license and at other times as the Board considers necessary to ensure compliance with the rules adopted under the Massage Therapy Practice Act.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5074 of Title 59, unless there is created a duplication in numbering, reads as follows:

Each peace officer of this state, including a peace officer employed by the state or a political subdivision of the state, and the Board are authorized to enforce the Massage Therapy Practice Act.

SECTION 25. This act shall become effective July 1, 1998.

SECTION 26. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-8415

MCD