

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2233

By: Munson

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 4200.2, which relates
9 to definitions; amending 59 O.S. 2021, Section
10 4200.3, which relates to requirements to practice
11 massage therapy; amending 59 O.S. 2021, Section
12 4200.4, which relates to state board authority;
13 amending 59 O.S. 2021, Section 4200.5, which relates
14 to licensure requirements; amending 59 O.S. 2021,
15 Section 4200.6, which relates to assigning and
16 transferring licenses; amending 59 O.S. 2021, Section
17 4200.8, which relates to licensure examination;
18 amending 59 O.S. 2021, Section 4200.9, which relates
19 to out of state license holders; amending 59 O.S.
20 2021, Section 4200.11, which relates to disciplinary
21 actions and proceedings; amending 59 O.S. 2021,
22 Section 4200.12, which relates to immunity from
23 liability; amending 59 O.S. 2021, Section 4200.13,
24 which relates to violations; modifying state board
authority; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 4200.2, is
amended to read as follows:

Section 4200.2. As used in the Massage Therapy Practice Act:

1. "Board" means the ~~State Board of Cosmetology and Barbering~~
Oklahoma Board of Medical Licensure and Supervision;

1 2. "Direct access" means the ability that the public has to
2 seek out treatment by a massage therapist without the direct
3 referral from a medical or health care professional;

4 3. "Massage therapist" means an individual who practices
5 massage or massage therapy and is licensed under the Massage Therapy
6 Practice Act. A massage therapist uses visual, kinesthetic, and
7 palpatory skills to assess the body and may evaluate a condition to
8 the extent of determining whether massage is indicated or
9 contraindicated;

10 4. "Massage therapy" means the skillful treatment of the soft
11 tissues of the human body. Massage is designed to promote general
12 relaxation, improve movement, relieve somatic and muscular pain or
13 dysfunction, stress and muscle tension, provide for general health
14 enhancement, personal growth, education and the organization,
15 balance and integration of the human body and includes, but is not
16 limited to:

17 a. the use of touch, pressure, friction, stroking,
18 gliding, percussion, kneading, movement, positioning,
19 holding, range of motion and nonspecific stretching
20 within the normal anatomical range of movement, and
21 vibration by manual or mechanical means with or
22 without the use of massage devices that mimic or
23 enhance manual measures, and

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1 b. the external application of ice, heat and cold packs
2 for thermal therapy, water, lubricants, abrasives and
3 external application of herbal or topical preparations
4 not classified as prescription drugs; and

5 5. "Massage therapy school" means a facility providing
6 instruction in massage therapy.

7 SECTION 2. AMENDATORY 59 O.S. 2021, Section 4200.3, is
8 amended to read as follows:

9 Section 4200.3. A. Unless a person is a licensed massage
10 therapist, a person shall not:

- 11 1. Use the title of massage therapist;
- 12 2. Represent himself or herself to be a massage therapist;
- 13 3. Use any other title, words, abbreviations, letters, figures,
14 signs or devices that indicate the person is a massage therapist; or
- 15 4. Utilize the terms "massage", "massage therapy" or "massage
16 therapist" when advertising or printing promotional material.

17 B. A person shall not maintain, manage or operate a massage
18 therapy school offering education, instruction or training in
19 massage therapy unless the school is a licensed massage therapy
20 school pursuant to Section 7 of this act.

21 C. Individuals practicing massage therapy under the Massage
22 Therapy Practice Act shall not perform any of the following:

- 23 1. Diagnosis of illness or disease;
- 24 2. High-velocity, low-amplitude thrust;

1 3. Electrical stimulation;

2 4. Application of ultrasound;

3 5. Use of any technique that interrupts or breaks the skin; or

4 6. Prescribing of medicines.

5 D. Nothing in the Massage Therapy Practice Act shall be
6 construed to prevent:

7 1. Qualified members of other recognized professions who are
8 licensed or regulated under Oklahoma law from rendering services
9 within the scope of the license of the person, provided the person
10 does not represent himself or herself as a massage therapist. A
11 physician or other licensed health care provider providing health
12 care services within the scope of practice of the physician or
13 provider shall not be required to be licensed by or registered with
14 the ~~State Board of Cosmetology and Barbering~~ Oklahoma Board of
15 Medical Licensure and Supervision;

16 2. Students from rendering massage therapy services within the
17 course of study when enrolled at a licensed massage therapy school;

18 3. Visiting massage therapy instructors from another state or
19 territory of the United States, the District of Columbia or any
20 foreign nation from teaching massage therapy, provided the
21 instructor is duly licensed or registered, if required, and is
22 qualified in the instructor's place of residence for the practice of
23 massage therapy;

1 4. Any nonresident person holding a current license,
2 registration or certification in massage therapy from another state
3 or recognized national certification system determined as acceptable
4 by the Board when temporarily present in this state from providing
5 massage therapy services as a part of an emergency response team
6 working in conjunction with disaster relief officials or at special
7 events such as conventions, sporting events, educational field
8 trips, conferences, traveling shows or exhibitions;

9 5. Physicians or other health care professionals from
10 appropriately referring to duly licensed massage therapists or limit
11 in any way the right of direct access of the public to licensed
12 massage therapists; or

13 6. The practice of any person in this state who uses touch,
14 words and directed movement to deepen awareness of existing patterns
15 of movement in the body as well as to suggest new possibilities of
16 movement while engaged within the scope of practice of a profession
17 with established standards and ethics, provided that the services
18 are not designated or implied to be massage or massage therapy.
19 Practices shall include but are not limited to the Feldenkrais
20 Method of somatic education, Rolf Movement Integration by the Rolf
21 Institute, the Trager Approach of movement education, and Body-Mind
22 Centering. Practitioners shall be recognized by or meet the
23 established standards of either a professional organization or
24 credentialing agency that represents or certifies the respective

1 practice based on a minimal level of training, demonstration of
2 competency, and adherence to ethical standards.

3 ~~E. A physician or other licensed health care provider providing~~
4 ~~health care services within their scope of practice shall not be~~
5 ~~required to be licensed or registered with the State Board of~~
6 ~~Cosmetology.~~

7 SECTION 3. AMENDATORY 59 O.S. 2021, Section 4200.4, is
8 amended to read as follows:

9 Section 4200.4. A. ~~The State Board of Cosmetology and~~
10 ~~Barbering~~ Oklahoma Board of Medical Licensure and Supervision is
11 hereby authorized to adopt and promulgate rules pursuant to the
12 Administrative Procedures Act that are necessary for the
13 implementation and enforcement of the Massage Therapy Practice Act,
14 including, but not limited to, qualifications for licensure,
15 renewals, reinstatements, and continuing education requirements.

16 B. ~~The State Board of Cosmetology and Barbering~~ Oklahoma Board
17 of Medical Licensure and Supervision is hereby empowered to perform
18 investigations, to require the production of records and other
19 documents relating to practices regulated by the Massage Therapy
20 Practice Act, and to seek injunctive relief.

21 C. There is hereby created an Advisory Board on Massage
22 Therapy. The Advisory Board on Massage Therapy shall assist the
23 Board in carrying out the provisions of this section regarding the
24 qualifications, examination, registration, regulation, and standards

1 of professional conduct of massage therapists. The Advisory Board
2 on Massage Therapy shall consist of five (5) members to be appointed
3 by the Governor for four-year terms as follows:

4 1. Three members who shall be licensed massage therapists and
5 have practiced in Oklahoma for not less than three (3) years prior
6 to their appointment;

7 2. One member who shall be an administrator or faculty member
8 of a nationally accredited school of massage therapy; and

9 3. One who shall be a citizen member.

10 D. The fee for any license issued between the effective date of
11 this act and May 1, 2017, shall be Twenty-five Dollars (\$25.00).

12 The fee or renewal fee for any massage therapy license issued after
13 May 1, 2017, shall be Fifty Dollars (\$50.00) per year. A duplicate
14 license fee shall be Ten Dollars (\$10.00).

15 SECTION 4. AMENDATORY 59 O.S. 2021, Section 4200.5, is
16 amended to read as follows:

17 Section 4200.5. A. Between the effective date of this act and
18 May 1, 2017, the ~~State Board of Cosmetology and Barbering~~ Oklahoma
19 Board of Medical Licensure and Supervision shall issue a license to
20 practice massage therapy to any person who files a completed
21 application, accompanied by the required fees, and who submits
22 satisfactory evidence that the applicant:

23 1. Is at least eighteen (18) years of age;

24 2. Has one or more of the following:

- a. documentation that the applicant has completed and passed a nationally recognized competency examination in the practice of massage therapy,
- b. an affidavit of at least five (5) years of work experience in the state, or
- c. a certificate and transcript of completion from a massage school with at least five hundred (500) hours of education;

3. Provides proof of documentation that the applicant currently maintains liability insurance for practice as a massage therapist; and

4. Provides full disclosure to the Board of any criminal proceeding taken against the applicant including but not limited to pleading guilty or nolo contendere to, or receiving a conviction for, a felony crime that substantially relates to the practice of massage therapy and poses a reasonable threat to public safety.

B. To assist in determining the entry-level competence of an applicant who makes application for a license after May 1, 2017, the Board may adopt rules establishing additional standards or criteria for examination acceptance and may adopt only those examinations that meet the standards outlined in Section 4200.8 of this title.

C. 1. After May 1, 2017, except as otherwise provided in the Massage Therapy Practice Act, every person desiring to practice

1 massage therapy in this state shall be required to first obtain a
2 license from the Board.

3 2. After May 1, 2017, the Board may issue a license to an
4 applicant who:

5 a. is at least eighteen (18) years of age,

6 b. provides documentation that the applicant has
7 completed the equivalent of five hundred (500) hours
8 of formal education in massage therapy from a state-
9 licensed school,

10 c. provides documentation that the applicant has passed a
11 nationally recognized competency examination approved
12 by the Board,

13 d. provides proof that the applicant currently maintains
14 liability insurance for practice as a massage
15 therapist, and

16 e. provides full disclosure to the Board of any criminal
17 proceeding taken against the applicant including
18 pleading guilty or nolo contendere to, or receiving a
19 conviction for, a felony crime that substantially
20 relates to the practice of massage therapy and poses a
21 reasonable threat to public safety.

22 D. As used in this section:

23 1. "Substantially relates" means the nature of criminal conduct
24 for which the person was convicted has a direct bearing on the

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Poses a reasonable threat" means the nature of criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 SECTION 5. AMENDATORY 59 O.S. 2021, Section 4200.6, is
8 amended to read as follows:

9 Section 4200.6. A. A massage therapy license issued by the
10 ~~State Board of Cosmetology and Barbering~~ Oklahoma Board of Medical
11 Licensure and Supervision shall at all times be posted in a
12 conspicuous place in the principal place of business of the holder.

13 B. A license issued pursuant to the Massage Therapy Practice
14 Act is not assignable or transferable.

15 SECTION 6. AMENDATORY 59 O.S. 2021, Section 4200.8, is
16 amended to read as follows:

17 Section 4200.8. The required examination approved by the ~~State~~
18 ~~Board of Cosmetology and Barbering~~ Oklahoma Board of Medical
19 Licensure and Supervision for licensure under the Massage Therapy
20 Practice Act shall be a standardized national massage therapy
21 examination that meets the following criteria:

22 1. Is statistically validated through a job analysis under
23 current standards for educational and professional testing;

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- 1 2. Complies with pertinent state and federal equal employment
- 2 opportunity guidelines;
- 3 3. Is available to all potential licensing candidates; and
- 4 4. Is delivered through a professional testing company with
- 5 high-security test centers located nationwide.

6 SECTION 7. AMENDATORY 59 O.S. 2021, Section 4200.9, is
7 amended to read as follows:

8 Section 4200.9. A. ~~The State Board of Cosmetology and~~
9 ~~Barbering~~ Oklahoma Board of Medical Licensure and Supervision may
10 license an applicant, provided that the applicant possesses a valid
11 license or registration to practice massage therapy issued by the
12 appropriate examining board under the laws of any other state or
13 territory of the United States, the District of Columbia or any
14 foreign nation and has met educational and examination requirements
15 equal to or exceeding those established pursuant to the Massage
16 Therapy Practice Act.

17 B. 1. Massage therapy licenses shall expire biennially.
18 Expiration dates shall be established by the Board through adoption
19 of a rule.

20 2. A license shall be renewed by submitting a renewal
21 application on a form provided by the Board.

22 3. A thirty-day grace period shall be allowed each license
23 holder after the end of the renewal period, during which time a
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1 license may be renewed upon payment of the renewal fee and a late
2 fee as prescribed by the Board.

3 C. 1. If a massage therapy license is not renewed by the end
4 of the thirty-day grace period, the license shall be placed on
5 inactive status for a period not to exceed one (1) year. At the end
6 of one (1) year, if the license has not been reactivated, it shall
7 automatically expire.

8 2. If within a period of one (1) year from the date the license
9 was placed on inactive status the massage therapist wishes to resume
10 practice, the massage therapist shall notify the Board in writing
11 and, upon receipt of proof of completion of all continuing education
12 requirements and payment of an amount set by the Board in lieu of
13 all lapsed renewal fees, the license shall be restored in full.

14 D. The Board shall establish a schedule of reasonable and
15 necessary administrative fees.

16 E. The Board shall fix the amount of fees so that the total
17 fees collected shall be sufficient to meet the expenses of
18 administering the provisions of the Massage Therapy Practice Act
19 without unnecessary surpluses.

20 SECTION 8. AMENDATORY 59 O.S. 2021, Section 4200.11, is
21 amended to read as follows:

22 Section 4200.11. A. ~~The State Board of Cosmetology and~~
23 ~~Barbering~~ Oklahoma Board of Medical Licensure and Supervision may
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1 take disciplinary action against a person licensed pursuant to the
2 Massage Therapy Practice Act as follows:

- 3 1. Deny or refuse to renew a license;
- 4 2. Suspend or revoke a license;
- 5 3. Issue an administrative reprimand; or
- 6 4. Impose probationary conditions when the licensee or
7 applicant has engaged in unprofessional conduct that has endangered
8 or is likely to endanger the health, welfare or safety of the
9 public.

10 B. The Board shall take disciplinary action upon a finding that
11 the licensee or person has committed an act of unprofessional
12 conduct or committed a violation of rule or law.

13 C. Disciplinary proceedings may be instituted by sworn
14 complaint of any person, including members of the Board, and shall
15 conform to the provisions of the Administrative Procedures Act.

16 D. The Board shall establish the guidelines for the disposition
17 of disciplinary cases. Guidelines may include, but shall not be
18 limited to, periods of probation, conditions of probation,
19 suspension, revocation or reissuance of a license.

20 E. A license holder who has been found culpable and sanctioned
21 by the Board shall be responsible for the payment of all costs of
22 the disciplinary proceedings and any administrative fees imposed.

23 F. The surrender of a license shall not deprive the Board of
24 jurisdiction to proceed with disciplinary action.

1 SECTION 9. AMENDATORY 59 O.S. 2021, Section 4200.12, is
2 amended to read as follows:

3 Section 4200.12. A. No member of the ~~State Board of~~
4 ~~Cosmetology and Barbering~~ Oklahoma Board of Medical Licensure and
5 Supervision shall bear liability or be subject to civil damages or
6 criminal prosecution for any action undertaken or performed within
7 the scope of duty imposed pursuant to the Massage Therapy Practice
8 Act.

9 B. No person or legal entity providing truthful and accurate
10 information to the Board, whether as a report, a complaint or
11 testimony, shall be subject to civil damages or criminal
12 prosecutions.

13 SECTION 10. AMENDATORY 59 O.S. 2021, Section 4200.13, is
14 amended to read as follows:

15 Section 4200.13. A. A person who does any of the following
16 shall be guilty of a misdemeanor upon conviction:

17 1. Violates a provision of the Massage Therapy Practice Act or
18 rules adopted pursuant to the Massage Therapy Practice Act;

19 2. Renders or attempts to render massage therapy services or
20 massage therapy instruction without the required current valid
21 license issued by the ~~State Board of Cosmetology and Barbering~~
22 Oklahoma Board of Medical Licensure and Supervision;

23 3. Advertises or uses a designation, diploma or certificate
24 implying that the person offers massage therapy instruction or is a

1 message therapy school unless the person holds a current valid
2 license issued by the Oklahoma Board of Private Vocational Schools
3 or is a technology center school accredited by the Oklahoma State
4 Board of Career and Technology Education; or

5 4. Advertises or uses a designation, diploma, or certificate
6 implying that the person is a massage therapist unless the person
7 holds a current valid license issued by the ~~State Board of~~
8 ~~Cosmetology and Barbering~~ Oklahoma Board of Medical Licensure and
9 Supervision.

10 B. 1. Therapists regulated by the Massage Therapy Practice Act
11 shall be designated as "massage therapists" and entitled to utilize
12 the term "massage" when advertising or printing promotional
13 material.

14 2. Any person who uses a professional title regulated by the
15 Massage Therapy Practice Act who is not authorized to use the
16 professional title shall be subject to disciplinary action by the
17 Board.

18 3. Any person who knowingly aids and abets one or more persons
19 not authorized to use a professional title regulated by the Massage
20 Therapy Practice Act or knowingly employs or contracts with a person
21 or persons not authorized to use a regulated professional title in
22 the course of the employment, shall also be subject to disciplinary
23 action by the Board. It shall be a violation of the Massage Therapy
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1 Practice Act for any person to advertise massage therapy services in
2 any combination with any escort or dating service.

3 SECTION 11. This act shall become effective November 1, 2025.
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