

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-205

"Qualified Massage Therapists Amendment Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-540 on first and second readings, October 4, 1994 and November 1, 1994, respectively. Following the signature of the Mayor on November 22, 1994, this legislation was assigned Act No. 10-343 and published in the December 2, 1994, edition of the D.C. Register (Vol.41 page 7712) and transmitted to Congress on January 27, 1995, for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-205 effective March 14, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Jan. 27,30,31

Feb. 1,2,3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13

AN ACT

D.C. ACT 10-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 22, 1994

To amend the District of Columbia Health Occupations Revision Act of 1985 to provide for the licensing of qualified massage therapists.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Qualified Massage Therapists Amendment Act of 1994."

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code § 2-3301.1 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Code § 2-3301.2) is amended by adding a new paragraph (6A) to read as follows:

Section
2-3301.2

"(6A)(A) "Practice of massage therapy" means the performance of therapeutic maneuvers in which the practitioner applies massage techniques, including use of the hand or limb to apply touch and pressure to the human body through tapping, stroking, kneading, compression, friction, stretching, vibrating, holding, positioning, or causing movement of an individual's body to positively affect the health and well-being of the individual.

"(B) A licensed massage therapist shall not diagnose disease or injury; prescribed medicines, drugs, or other treatments of disease; or perform adjustments of the articulations of the osseous structure of the body or spine.

"(C) A licensed massage therapist may perform cross-gender massage.

"(D) Massage therapy includes the use of adjunctive therapies, which are defined as including the application of heat, cold, water, and mild abrasives. For the purposes of this paragraph, the term "adjunctive therapies" does not include galvanic stimulation, ultra sound, doppler vascularizers, diathermy, transcutaneous electrical nerve stimulation, or traction."

(b) A new section 215 is added to read as follows:

"Sec. 215. Board of Massage Therapy.

"(a) There is established a Board of Massage Therapy to consist of 5 members appointed by the Mayor.

"(b) The Board shall regulate the practice of massage therapy.

"(c) Of the members of the Board, 4 shall be massage therapists licensed in the District and 1 shall be a consumer member.

New
Section
2-3302.15

"(d) Except as provided in subsection (e) of this section, members of the Board shall be appointed for terms of 3 years.

"(e) Of the members initially appointed under this section, 1 shall be appointed for the term of 1 year, 2 shall be appointed for a term of 2 years, and 2 shall be appointed for a term of 3 years. The terms of the members first appointed shall begin on the date that a majority of the first members are sworn in, which shall become the anniversary date for all subsequent appointments."

(c) Sec. 401(b)(2) (D.C. Code § 2-3304.1(b)(2)) is amended by inserting the phrase "the massage therapy members initially appointed to the Board of Massage Therapy," after the phrase "Board of Professional Counselling"

Section
2-3304.1

(d) Sec. 501 (D.C. Code § 2-3305.1) is amended by adding the phrase "massage therapy" after the word "dietetics".

Section
2-3305.1

(e) Sec. 504 (D.C. Code § 2-3305.4) is amended by adding a new subsection (d-1) to read as follows:

Section
2-3305.4

"(d-1) An individual applying for a license to practice massage therapy under this act shall establish to the satisfaction of the Board of Massage Therapy that the individual has successfully completed a minimum of 500 hours of training in massage therapy.

(f) A new title VII-C is inserted to read as follows:

"WAIVER OF LICENSURE REQUIREMENTS FOR MASSAGE THERAPISTS.

"Sec. 730. The Board of Massage Therapy shall waive the educational and examination requirements for any applicant for licensure as a massage therapist who can demonstrate, to the satisfaction of the Board, that he or she has been performing the functions of a massage therapist, as defined in this chapter, on a full-time or substantially full-time basis continually at least 12 months immediately preceding the effective date of this act, and is qualified to do so on the basis of pertinent education, training, experience and demonstrated current competence, provided that the application for the license is made within 24 months of the effective date of the Qualified Massage Therapists Amendment Act of 1994.

"Sec. 731. The Board of Massage Therapy shall waive the examination requirement for any applicant who meets the educational requirements for licensure as a massage therapist, has practiced as a massage therapist, whether full time or not, within a 3-year period immediately preceding the effective date of this act, and is qualified to do so on the basis of pertinent experience, and demonstrated current competence, provided that application for the license is made within 24 months of the effective date of the Qualified Massage Therapists Amendment Act of 1994.

"Sec. 732. Applicants licensed under the waiver provisions of this section shall be eligible for license renewal on the same terms as all other licensed massage therapists."

(g) Section 1003 (D.C. Code § 2-3310.3) is amended by adding a new subsection (v) to read as follows:

Section
2-3310.3

"(v) Unless authorized to practice massage therapy under this act, a person shall not use or imply the use of the words or terms "massage therapy", "therapeutic massage", "myotherapy", "bodyrub" or similar title or description of services or the initials "LMT" with the intent to represent that the person practices massage."


Sec. 3. Exemption.

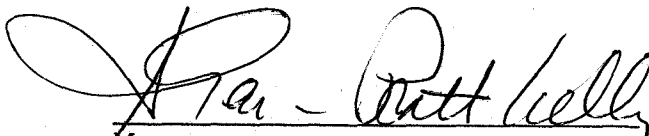
(a) Persons licensed to practice as a massage therapist under this act are exempt from provisions of paragraph 11 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902, (32 Stat. 624; D.C. Code § 47-2811).

Note,
Section
47-2811

Sec. 4. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (86 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: November 22, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-540

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 10-4-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Evans

ROLL CALL VOTE - RESULT

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | EVANS | | | | | RAY | | | | |
| BARRY | | | | | JARVIS | | | | | SMITH, JR. | | | | |
| BRAZIL | | | | | LIGHTFOOT | | | | | THOMAS, SR. | | | | |
| CHAVOUS | | | | | MASON | | | | | | | | | |
| CROPP | | | | | NATHANSON | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

November 7, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-1-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry

ROLL CALL VOTE - RESULT

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | EVANS | | | | | RAY | | | | |
| BARRY | | | | | JARVIS | | | | | SMITH, JR. | | | | |
| BRAZIL | | | | | LIGHTFOOT | | | | | THOMAS, SR. | | | | |
| CHAVOUS | | | | | MASON | | | | | | | | | |
| CROPP | | | | | NATHANSON | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

November 7, 1994
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CHMN. CLARKE | | | | | EVANS | | | | | RAY | | | | |
| BARRY | | | | | JARVIS | | | | | SMITH, JR. | | | | |
| BRAZIL | | | | | LIGHTFOOT | | | | | THOMAS, SR. | | | | |
| CHAVOUS | | | | | MASON | | | | | | | | | |
| CROPP | | | | | NATHANSON | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date