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FISCAL IMPACT REPORT

SPONSOR:	HBIC	DATE TYPED:	02/10/00	HB	224/HBIC
SHORT TITLE:	Exemption from Massage Therapy Practice			SB	
Act Exemptions				ANALYST:	Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
		NFI			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of the HBIC Substitute

The committee substitute amends the following items from the original bill:

- Exempts qualified members of other recognized professions which are licensed and regulated under New Mexico law provided they do not represent themselves as massage therapists.
- Exempts massage therapy students engaged in the course of study in an approved massage therapy school under the supervision of a *licensed* [not *registered*] massage therapy instructor.
- Adds the requirement that the Board of Massage Therapy will determine by rule the duration of stay for a visiting massage therapy instructor.
- Adds the following professions exempted from the Massage Therapy Act: Reflexology practitioners whose practice is limited to hands, feet and ears or other healers who do not manipulate the soft tissues for therapeutic purposes. It requires healers using these practices who apply for license or registration under the Massage Therapy Act to comply with all licensure requirements under the act.

Synopsis of Original Bill

The purpose of this bill is to add exemptions to the Massage Therapy Practice Act which were inadvertently deleted in HB 423 during the 1999 Legislative Session.

Significant Issues

This bill exempts the following group from the Massage Therapy Act:

1. Licensed/registered members of other professions
2. Massage therapy students
3. Visiting massage therapy instructors
4. Hispanic/Native American healers

TECHNICAL ISSUES

The following bill amendments were recommended by the Regulation and Licensing Department:

On page 1, line 21, it is important to clearly identify that the authority is granted by the Legislature by inserting "New Mexico" after "required by" and deleting "or rule". This more clearly identifies the exemptions as being granted by the Legislature. If it is the intent of the Legislature to allow the board the authority to exempt certain persons from the act, then "rule" should not be deleted.

In Subsection C, it is important to limit the services to be performed by visiting massage therapy instructors to "massage therapy instruction" only. This can be accomplished by inserting "from teaching massage therapy" after "country" on page 2, line 4.

The authority to limit the duration of a visiting massage therapy instructor should be provided to the Board of Massage Therapy. On page 2, line 7 the following should be added after the word therapy: ". The board shall establish by rule the duration of stay for a visiting massage therapy instructor".

OTHER SUBSTANTIVE ISSUES

According to the department, because massage therapy is a hands-on practice it is vital to the practice of massage therapy for the health and safety of New Mexico citizens that hands-on massage therapy training be allowed within the course of study by students at registered massage therapy schools.

MFV/njw:gm

