
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **517** Session of
1961

INTRODUCED BY MESSRS. KROMER AND SARRAF,
APRIL 11, 1961.

REFERRED TO COMMITTEE ON EDUCATION, APRIL 11, 1961.

AN ACT

Relating to the practice of massotherapy providing for the examination
licensing registration and regulation of practitioners of masso-
therapy creating the State Board of Massotherapy Examiners
defining its powers and duties conferring powers and imposing
duties upon the Department of Public Instruction and fixing
penalties for violation

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 This act shall be known and cited as the "Massotherapy
2 Registration Act of 1961"

3 Section 2 As used in this act unless the context clearly indicates
4 otherwise the following words and terms shall be construed as follows

5 "Board" means the State Board of Massotherapy Examiners cre-
6 ated by this act

7 "Massotherapy" means the art of body massage either by the
8 hand or mechanical apparatus oil rubs hot and cold packs cabinet baths
9 tub shower sitz and other baths and includes all subjects of treatment
10 referred to in the definition of "masseur or masseuse"

11 "Masseur or Masseuse" means a person who practices administers
12 or teaches all or any of the subjects and methods of treatment besides
13 the underlying principles of anatomy and physiology included in a
14 regular course of study by a recognized and accredited school of massage
15 or like institution

16 "Massage Establishment" means any shop establishment or place
17 of business wherein all or any of the subjects and methods of treatment
18 referred to in the definitions of "massotherapy" and "masseur or
19 masseuse" are administered or practiced

20 "Massage School" means any duly registered massage establishment

1 wherein all or part of the subject and method of treatment as generally
2 taught in recognized schools of massage is included in its curriculum

3 "Department" means the Department of Public Instruction

4 Section 3 The State Board of Massotherapy Examiners is hereby
5 created and shall consist of the Superintendent of Public Instruction
6 and three members to be appointed by the Governor within thirty days
7 after the effective date of this act The term of office of each member
8 so appointed except as herein otherwise provided shall be four years
9 and until his successor be appointed and qualified

10 Each member of the board shall have been engaged in the practice
11 of massotherapy in this State for at least three years

12 Any vacancy occurring in the board shall be filled by the Governor
13 for the unexpired term only In the original appointment of the mem-
14 bers of the board one member shall be appointed for the term of two
15 years one member for the term of three years and one member for
16 the term of four years two members of the board shall constitute a
17 quorum and the board shall annually select from among its members
18 a chairman and shall elect a secretary who need not be a member of
19 the board

1 The members of the board other than the Superintendent of
2 Public Instruction shall receive actual traveling expenses and fifteen
3 dollars (\$15) per diem when actually engaged in the performance of
4 the official duties and the secretary shall receive such compensation
5 as the board shall determine with the approval of the Superintendent
6 of Public Instruction

7 Section 4 The board shall periodically ascertain the facilities
8 qualifications and character of instruction of each of the various mas-
9 sages schools operating under the laws of this Commonwealth to deter-
10 mine whether or not the schools are conforming with the standards
11 as set up in this act Failure of any massage school to conform to the
12 standards as established by this act shall render the graduates of the
13 school ineligible for registration and licensure

14 The board shall also rule on the eligibility of graduates from
15 massage schools outside this Commonwealth on the basis of conformity
16 with the standards set up under this act

17 Section 5 It shall be the duty of the board to pass upon the quali-
18 fications of applicants for examination and registration approve the
19 lists of examination questions conduct and approve all examinations
20 in accordance with the provisions of this act and determine the appli-

1 cants who successfully pass

2 Any applicant who shall fail in his first examination under this
3 act shall have the privilege of a second examination without payment
4 of another fee but upon failure in the second examination he shall
5 wait one year before trying again and a new fee must be paid Each
6 application for examination shall be accompanied by an examination
7 fee of twenty-five dollars (\$25)

8 Section 6 The board shall conduct two examinations each year
9 for the purpose of examining applicants for licensure and registration
10 The examinations shall be held at times and places which the board
11 determines Due notice of times and places for examination shall be
12 made public

13 Section 7 All persons now qualified and engaged in the practice
14 of massage or those who shall be hereafter licensed by the department
15 shall register annually with the board and pay a fee of ten dollars (\$10)
16 for each annual registration

17 Section 8 (a) The board shall keep a register of all those who are
18 registered by it in accordance with this act The register shall show the
19 names of every living registrant his last known place of business his

1 last known place of residence and the date of registration and licensing

2 The register shall be compiled by the board once each year

3 (b) The board shall issue a certificate of license to each person
4 registered and it shall be prima facie evidence of that person's right
5 to represent himself as registered under the law of this Commonwealth
6 to practice massotherapy subject to the conditions and limitations of
7 this act

8 Section 9 Any person who has been engaged in the practice of
9 massotherapy in this Commonwealth for any period of at least three
10 years prior to the passage of this act and during that time has devoted
11 his major time to that practice shall be granted a license to practice
12 massotherapy in this Commonwealth without examination if he makes
13 application for licensure and registration within six months of the
14 passage of this act and pays the fee

15 Section 10 Any person who has been engaged in the practice of
16 massotherapy in this Commonwealth for less than three years prior to
17 the passage of this act shall be granted a license to practice in this
18 Commonwealth upon application to the department for examination
19 passing the examination and paying the fee for the examination and
20 registration in accordance with the provisions of this act

1 Section 11 Except as herein provided for present practitioners no
2 person shall hereafter be licensed to practice massotherapy in this
3 Commonwealth unless he

4 (1) Makes written application to the board

5 (2) Is at least twenty years of age

6 (3) Is of good moral character

7 (4) Has obtained a high school education or its equivalent

8 (5) Has been graduated by a school of massotherapy or has suc-
9 cessfully completed a course of study with an accredited massotherapy
10 association

11 The course of study shall be not less than six hundred hours and
12 six months apprenticeship and must include the underlying principles
13 of anatomy and physiology In order to prove capabilities each person
14 applying for a license must be sponsored by an accredited association
15 or accredited school of massotherapy

16 (6) Shall pass the State examination as provided for in this act

17 Section 12 No person shall practice as an apprentice in this Com-
18 monwealth after this act becomes effective unless he has completed
19 one year of study with an approved school of massotherapy or with an

1 accredited massotherapy association Any person entering an apprentice-
2 ship must register with the board and shall conform to the provisions
3 of this act before being eligible to do so He shall receive notification
4 of such registration All apprenticeships must be served under a licensed
5 massotherapist

6 Section 13 All licenses granted under provisions of this act shall
7 extend for one year The specific expiration and renewal date of licenses
8 shall be determined by the board The board shall before each expira-
9 tion date mail application blanks for renewal to each licensed person
10 registered under this act Renewal may be effected by filing the applica-
11 tion with the board payment of the required fee and approval of the
12 board

13 Section 14 In addition to other requirements included under this
14 act the board may refuse to issue a license and may revoke or suspend
15 a license or application for one or more of the following violations

16 (1) The giving of a medical diagnosis or prescription

17 (2) The perpetration of any fraud or deceit in obtaining or at-
18 tempting to obtain a license or knowingly aiding or abetting in any
19 manner the granting of an improper license

- 1 (3) Nonconformity with the health laws of this Commonwealth
 - 2 (4) Conviction of a crime involving moral turpitude
 - 3 (5) The use of misleading unfair or unethical advertising
 - 4 (6) Gross incompetency negligence or misconduct in carrying on
 - 5 of professional duties
 - 6 (7) Noncompliance with rules and regulations of the board
 - 7 (8) Loaning borrowing or using another person's license
 - 8 (9) Habitual intemperance in the use of narcotics alcoholic bever-
 - 9 ages stimulants or any substance which impairs intelligence or judgment
 - 10 to such an extent as to incapacitate the performance of professional
 - 11 duties
- 12 Section 15 Any person who holds a license under this act or who
- 13 is an applicant for examination against whom any of the foregoing
- 14 charges are preferred shall be furnished by the board with a copy of
- 15 the complaint and shall be entitled to a hearing before the board and
- 16 witnesses may be examined respecting the guilt or innocence of the
- 17 accused The suspension or revocation of any licenses shall be removed
- 18 by the board when the cause shall have been adjudged by the Board
- 19 to be cured or overcome Any person suffering suspension or revocation

1 may within thirty days after final adjudication of the board appeal to
2 the court of common pleas in the county in which aggrieved person
3 resides

4 Section 16 The board shall have the authority along with its duty
5 to create rules and regulations to augment the existing health laws
6 with such specific sanitation rules as it may deem necessary with par-
7 ticular reference to prevent the spreading of infection and contagious
8 diseases The board shall print approved sanitary rules and furnish
9 each person licensed under this act with a copy thereof No room used
10 wholly or in part for the practice of massage may be used for sleeping
11 or residential purposes

12 Section 17 The holder of a certificate issued by the board under
13 the provisions of this act shall display the same in a conspicuous loca-
14 tion in his principal place of business

15 Section 18 (a) It shall be unlawful after this act becomes effective
16 for any person to operate or practice massotherapy for compensation
17 except as herein provided unless he shall hold a valid license under
18 the provisions of this act

19 (b) Any person who shall practice or attempt to practice masso-
20 therapy or shall use one or more of the terms masseur masseuse masso-

1 therapist massage or massotherapy any other terms or name under
2 such circumstances as to indicate a belief that the person who uses
3 such terms is engaged in the practice of massotherapy as defined in
4 this act without having a license as herein provided shall be guilty of
5 a misdemeanor and upon conviction thereof shall be sentenced to pay
6 a fine of not more than five hundred dollars (\$500) or to imprisonment
7 for not more than ninety days or both

8 (c) Any person who falsely represents himself as possessing a
9 diploma from a reputable school of massotherapy or certificate of
10 attendance from an accredited association of massotherapy for the
11 purpose of obtaining a license shall be guilty of a misdemeanor whether
12 or not the diploma or certificate exists in fact Upon conviction thereof
13 he shall be sentenced to pay a fine of not more than five hundred dol-
14 lars (\$500) or to imprisonment in the county jail for not more than
15 ninety days or both

16 Section 19 Nothing in this act shall prohibit the giving of massage
17 or massotherapy in the case of emergency in the home without com-
18 pensation nor service by persons authorized under the laws of this
19 Commonwealth to practice medicine surgery dentistry chiropody oste-

- 1 opathy chiropractic barbering or beauty culture when such practice is
- 2 consistent with their conventional duties
- 3 Section 20 All acts or parts of acts are repealed in so far as they
- 4 are inconsistent herewith

We certify that this bill has passed the Senate and the House of
Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1961.

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Governor