

Administrative Rule Analysis



Massage Therapy – General Rules

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Rule Set No.: 2013-031 LR

Submitted to JCAR on: 11/09/2016

Analysis available at
<http://www.house.mi.gov/hfa>

Department: Licensing and Regulatory Affairs

Agency: Bureau of Professional Licensing

Enabling Statute: Public Health Code 1978 PA 368, MCL 333.17965 and MCL 333.16204(1)

Analysis Complete to: 11/16/2016

BACKGROUND AND SUMMARY OF PROPOSED RULES

Rule set 2013-031 LR would add, amend, and rescind numerous rules pertaining to the massage therapy profession. The changes are primarily intended to implement continuing education requirements and to clarify existing rules. The rule set would make the following substantial changes: add a rule requiring that massage therapy licensees complete training in identifying victims of human trafficking, in accordance with Public Act 369 of 2014, MCL 333.16148; amend the existing rule establishing the requirements for a supervised massage therapy curriculum; amend the acceptable examinations and passing scores for licensure; add a rule requiring applicants that completed massage therapy courses outside of the United States demonstrate their English proficiency via the Test of English as a Foreign Language (TOEFL); add a new rule requiring a minimum of 18 hours of continuing education for license renewal; and add a rule establishing the types of activities that may be counted toward continuing education requirements.

FISCAL IMPACT OF PROPOSED RULES

Rule set 2013-031 LR would likely have a negative fiscal impact on the Department of Licensing and Regulatory Affairs. The Department indicates that the primary costs would originate from conducting continuing education audits and pursuing sanctions against non-compliant licensees. The costs of such audits are likely to be relatively high, since there are 7,810 licensed massage therapists (as of January 2, 2015) and a Department Technician will be required to spend approximately 4 hours to conduct a single audit of continuing education requirements. The Department has suggested these costs may be mitigated by instituting a fine against licensees that are found to be non-compliant. The Department of Attorney General may also experience negative fiscal impacts from these rule changes, as non-compliant licensees will potentially be referred for investigation and prosecution if LARA is unable to resolve incidents of non-compliance. The rule set will not have any fiscal impact on units of local government.

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