

1.1 ..... moves to amend H.F. No. 362 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **MASSAGE THERAPY AND ASIAN BODYWORK THERAPY**

1.5 Section 1. **[148.636] CITATION.**

1.6 Sections 148.636 to 148.6377 may be cited as the "Minnesota Massage Therapy and  
Asian Bodywork Therapy Act."

1.8 Sec. 2. **[148.6361] DEFINITIONS.**

1.9 Subdivision 1. **Applicability.** For purposes of sections 148.636 to 148.6377, the terms  
defined in this section have the meanings given unless the context clearly indicates otherwise.

1.11 Subd. 2. **Advisory council.** "Advisory council" means the Massage Therapy Advisory  
Council established under section 148.6376.

1.13 Subd. 3. **Applicant.** "Applicant" means an individual who has submitted an application  
to the commissioner according to sections 148.636 to 148.6377.

1.15 Subd. 4. **Asian bodywork therapy.** (a) "Asian bodywork therapy" means therapy based  
upon Chinese medical principles with the intent of promoting, maintaining, and restoring  
health and well-being by affecting the body.

1.18 (b) Asian bodywork therapy may use any of the following techniques:

1.19 (1) pressing;

1.20 (2) soothing;

1.21 (3) kneading;

2.1        (4) vibration;

2.2        (5) friction;

2.3        (6) passive stretching within the client's physiological range of motion;

2.4        (7) active assistive and resistive movement;

2.5        (8) stretching; and

2.6        (9) tapping, movement, exercising, or manipulation of the soft tissues.

2.7        (c) Methods of assessment and evaluation for Asian bodywork therapy must include a  
2.8        health history and intake interview; observation; listening; questioning; palpation; and with  
2.9        the client's permission or if the client is a minor, the permission of the client's legal guardian  
2.10        or parent, consultation with the client's other health care providers.

2.11        Subd. 5. **Client.** "Client" means a recipient of massage therapy services or Asian  
2.12        bodywork therapy services.

2.13        Subd. 6. **Commissioner.** "Commissioner" means the commissioner of health.

2.14        Subd. 7. **Contact hours.** "Contact hours" means the number of hours during which a  
2.15        student is engaged in learning activities provided by a training program approved by the  
2.16        advisory council. Contact hours include synchronous or asynchronous distance learning  
2.17        and in-person learning.

2.18        Subd. 8. **Credentialing examination.** "Credentialing examination" means an examination  
2.19        approved by the commissioner that meets recognized psychometric principles and standards  
2.20        and is administered by a national testing organization.

2.21        Subd. 9. **Licensed Asian bodywork therapist.** "Licensed Asian bodywork therapist"  
2.22        or "Asian bodywork therapist" means an individual who meets the qualifications in sections  
2.23        148.636 to 148.6377 for the practice of Asian bodywork therapy and is licensed by the  
2.24        commissioner.

2.25        Subd. 10. **Licensed massage therapist.** "Licensed massage therapist" or "massage  
2.26        therapist" means an individual who meets the qualifications in sections 148.636 to 148.6377  
2.27        for the practice of massage therapy and is licensed by the commissioner.

2.28        Subd. 11. **Licensee.** "Licensee" means an individual who holds a license as a massage  
2.29        therapist or Asian bodywork therapist under sections 148.636 to 148.6377.

2.30        Subd. 12. **Massage therapy.** (a) "Massage therapy" means the manual manipulation of  
2.31        the soft tissues of the body to promote, maintain, and restore health and well-being.

3.1        (b) Massage therapy may use any of the following techniques:

3.2        (1) stroking;

3.3        (2) gliding;

3.4        (3) lifting;

3.5        (4) kneading;

3.6        (5) jostling;

3.7        (6) vibration;

3.8        (7) percussion;

3.9        (8) compression;

3.10       (9) friction;

3.11       (10) holding;

3.12       (11) passive stretching within the client's physiological range of motion;

3.13       (12) movement or manipulation of the soft tissues;

3.14       (13) active assistive and resistive movement; and

3.15       (14) stretching.

3.16       (c) Methods of assessment for massage therapy must include a health history and intake interview; observation of posture and movement; palpation; range of motion assessment; and with the client's permission or if the client is a minor, the permission of the client's legal guardian or parent, consultation with the client's other health care providers.

3.20       Subd. 13. **Municipality.** "Municipality" means a county, town, or home rule charter or

3.21       statutory city.

3.22       **Sec. 3. [148.6362] DUTIES OF THE COMMISSIONER.**

3.23       The commissioner shall:

3.24       (1) issue licenses to qualified applicants according to sections 148.636 to 148.6377;

3.25       (2) adopt rules, including standards of practice and a professional code of ethics, necessary

3.26       to implement sections 148.636 to 148.6377;

3.27       (3) assign duties to the advisory council that are necessary to implement sections 148.636

3.28       to 148.6377;

4.1        (4) approve a credentialing examination;

4.2        (5) enforce sections 148.636 to 148.6377 and investigate violations of sections 148.636

4.3        to 148.6377 by a licensee or applicant;

4.4        (6) impose disciplinary action as described in section 148.6370;

4.5        (7) maintain a record of names and addresses of licensees; and

4.6        (8) distribute information regarding massage therapy and Asian bodywork therapy

4.7        standards, including applications and forms necessary to carry out sections 148.636 to

4.8        148.6377.

4.9        Sec. 4. **[148.6363] LIMITATIONS ON PRACTICE; DATA PRACTICES.**

4.10        Subdivision 1. Limitations. The practice of massage therapy and Asian bodywork

4.11        therapy does not include:

4.12        (1) performing examinations for the purpose of diagnosis;

4.13        (2) providing treatments that are outside the scope of massage therapy or Asian bodywork

4.14        therapy practice;

4.15        (3) attempts to adjust, manipulate, or mobilize any articulation of the body or spine by

4.16        the use of high-velocity, low-amplitude thrusting force;

4.17        (4) attempts to stimulate various points of the body by needle insertion or interruption

4.18        of the cutaneous integrity by needle insertion to secure therapeutic relief of symptoms;

4.19        (5) prescriptive exercise;

4.20        (6) manual or mechanical traction when applied to the spine or extremities for the

4.21        purposes of joint mobilization or manipulation;

4.22        (7) injection therapy;

4.23        (8) laser therapy;

4.24        (9) microwave diathermy;

4.25        (10) electrical stimulation;

4.26        (11) ultrasound;

4.27        (12) iontophoresis; or

4.28        (13) phonophoresis.

5.1        Subd. 2. **Referrals to other health care providers.** If a licensed massage therapist or  
5.2        Asian bodywork therapist finds a client's medical condition is beyond the scope of practice  
5.3        established by sections 148.636 to 148.6377 for a licensed massage therapist or Asian  
5.4        bodywork therapist, the therapist must refer the client to a licensed health care provider.  
5.5        Nothing in this subdivision prohibits the massage therapist or Asian bodywork therapist  
5.6        from continuing to comanage a client's care.

5.7        **Sec. 5. [148.6364] UNLICENSED PRACTICE PROHIBITED; PROTECTED TITLES**  
5.8        **AND RESTRICTIONS ON USE.**

5.9        Effective January 1, 2028, no person shall practice or attempt to practice massage therapy  
5.10        or Asian bodywork therapy or use any of the terms or titles "licensed massage therapist,"  
5.11        "LMT," "licensed Asian bodywork therapist," "LABT," or any other term or title that may  
5.12        lead the public to believe that the person is engaged in the practice of massage therapy or  
5.13        Asian bodywork therapy unless the person is licensed under sections 148.636 to 148.6377  
5.14        as a massage therapist or Asian bodywork therapist.

5.15        **Sec. 6. [148.6365] EXEMPTIONS; OTHER HEALTH CARE PROVIDERS.**

5.16        Subdivision 1. **Other professions.** Nothing in sections 148.636 to 148.6377 shall be  
5.17        construed to prohibit, restrict, or regulate the practice of any profession or occupation  
5.18        licensed or registered in the state by an individual licensed or registered to practice the  
5.19        profession or occupation or to perform any act that falls within the scope of practice of the  
5.20        profession or occupation.

5.21        Subd. 2. **Complementary and alternative health care practitioner.** (a) Nothing in  
5.22        sections 148.636 to 148.6377 shall be construed to prohibit, restrict, or regulate the practice  
5.23        of any individual who is engaged in providing complementary and alternative health care  
5.24        practices as defined in section 146A.01, subdivision 4, provided that the practitioner does  
5.25        not advertise or imply that the practitioner is licensed according to sections 148.636 to  
5.26        148.6377 and the practices are not designated or implied to be massage therapy or Asian  
5.27        bodywork therapy.

5.28        (b) This subdivision includes any complementary and alternative health care practitioner  
5.29        who is recognized by or meets the established standards of either a professional organization  
5.30        or credentialing body that represents or certifies the respective practice based on a minimum  
5.31        level of training, demonstration of competency, and adherence to ethical standards, and:

5.32        (1) uses touch, words, and directed movement to deepen awareness of existing patterns  
5.33        of movement as well as to suggest new possibilities of movement;

6.1        (2) uses energy or superficial touch to affect the energy systems of the human body;

6.2        (3) uses touch to effect change in the structure of the body while engaged in the practice  
6.3        of structural integration; or

6.4        (4) practices reflexology.

6.5        Subd. 3. **Other exemptions.** Nothing in sections 148.636 to 148.6377 shall be construed  
6.6        to prohibit, restrict, or regulate individuals providing:

6.7        (1) massage emergency response team services working in conjunction with disaster  
6.8        relief officials;

6.9        (2) massage therapy services or Asian bodywork therapy services provided by out-of-state  
6.10        massage therapists or Asian bodywork therapists that are incidental to a specific event, such  
6.11        as an amateur sports competition, dance performance or event, or other similar athletic  
6.12        events;

6.13        (3) instruction of education courses in massage therapy or Asian bodywork therapy if  
6.14        the instruction does not involve the direct delivery of massage therapy services or Asian  
6.15        bodywork therapy services;

6.16        (4) massage therapy services or Asian bodywork therapy services provided as an  
6.17        employee of the United States government or any federal government entity while acting  
6.18        in the course and scope of such employment;

6.19        (5) massage therapy services or Asian bodywork therapy services provided by massage  
6.20        therapy students or Asian bodywork therapy students practicing under supervision as part  
6.21        of a school-sanctioned activity; or

6.22        (6) massage therapy services or Asian bodywork therapy services provided without  
6.23        remuneration to family members.

6.24        **Sec. 7. [148.6366] REQUIREMENTS FOR LICENSURE.**

6.25        Subdivision 1. **General licensure requirements.** (a) To be eligible for licensure as a  
6.26        massage therapist or Asian bodywork therapist according to sections 148.636 to 148.6377,  
6.27        an applicant must submit to the commissioner:

6.28        (1) a completed application on a form provided by the commissioner that includes:

6.29        (i) the applicant's name, Social Security number, home address and telephone number,  
6.30        and business address and telephone number;

6.31        (ii) a list of credentials held by the applicant in this state or in any other jurisdiction;

7.1        (iii) a description of any jurisdiction's refusal to license or credential the applicant;

7.2        (iv) a description of all professional disciplinary actions initiated against the applicant  
7.3        in this state or any other jurisdiction;

7.4        (v) any misdemeanor, gross misdemeanor, or felony convictions; and

7.5        (vi) any other additional information requested by the commissioner;

7.6        (2) proof, as required by the commissioner, that the applicant has satisfactorily completed  
7.7        a postsecondary massage therapy program or Asian bodywork therapy program through a  
7.8        school or program that:

7.9        (i) is licensed by or registered with the Minnesota Office of Higher Education or has  
7.10        conditional approval for a registered school and provisional license from the Minnesota  
7.11        Office of Higher Education; and

7.12        (ii) meets the education and training requirements described under subdivision 2 or 3;

7.13        (3) proof of successful passage of a credentialing examination approved by the  
7.14        commissioner;

7.15        (4) proof, as required by the commissioner, of current professional liability insurance  
7.16        coverage or school liability insurance coverage, as applicable, with at least \$2,000,000 of  
7.17        coverage per occurrence and \$6,000,000 annual aggregate; and

7.18        (5) any applicable fees specified in section 148.6377.

7.19        (b) The applicant must submit to a criminal background check conducted in accordance  
7.20        with section 144.0572 and pay any fees associated with conducting the criminal background  
7.21        check.

7.22        (c) The applicant must sign the application certifying that the information in the  
7.23        application is true and correct to the best of the applicant's knowledge and authorizing the  
7.24        commissioner to obtain access to the applicant's records in this state or any other jurisdiction  
7.25        in which the applicant has engaged in the practice of massage therapy or Asian bodywork  
7.26        therapy.

7.27        **Subd. 2. Education and training requirements for massage therapy licensure. (a)**

7.28        An applicant for licensure as a massage therapist under subdivision 1 whose application is  
7.29        received by the commissioner before July 1, 2031, must submit to the commissioner proof  
7.30        of satisfactorily completing a postsecondary program that meets the requirements in  
7.31        subdivision 1, paragraph (a), clause (2), item (i), and includes education and training in:

7.32        (1) anatomy;

8.1        (2) physiology;

8.2        (3) pathology;

8.3        (4) massage therapy;

8.4        (5) massage therapy history, theory, and research;

8.5        (6) professional ethics;

8.6        (7) therapeutic interpersonal communications and standards of practice;

8.7        (8) business and legal practices related to massage therapy; and

8.8        (9) supervised practice demonstrating safe use of equipment and supplies.

8.9        (b) An applicant for licensure as a massage therapist under subdivision 1 whose

8.10      application is received by the commissioner on or after July 1, 2031, must submit to the

8.11      commissioner proof of satisfactorily completing a postsecondary massage therapy program

8.12      that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

8.13      (1) has programmatic accreditation for massage therapy training programs from an

8.14      agency recognized by the United States Department of Education; or

8.15      (2) includes at least 625 contact hours of education and training composed of 500 contact

8.16      hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student

8.17      clinical practice.

8.18      (c) A program may require more than 625 total contact hours of education and training,

8.19      and may require more than 125 hours of supervised clinical practice, if at least 500 contact

8.20      hours are devoted to instruction in the subjects listed in paragraph (a).

8.21      (d) A student shall not begin a supervised clinical practice of massage therapy without

8.22      student or professional liability insurance coverage of up to \$2,000,000 per occurrence and

8.23      \$6,000,000 annual aggregate. The school or program may offer to the student, the student

8.24      or professional liability insurance coverage required under this paragraph.

8.25      Subd. 3. Education and training requirements for Asian bodywork therapy

8.26      licensure. (a) An applicant for licensure as an Asian bodywork therapist under subdivision

8.27      1 whose application is received by the commissioner before July 1, 2031, must submit to

8.28      the commissioner proof of satisfactorily completing a postsecondary program that meets

8.29      the requirements in subdivision 1, paragraph (a), clause (2), item (i), and includes education

8.30      and training in:

8.31      (1) anatomy;

9.1        (2) physiology;

9.2        (3) pathology;

9.3        (4) Asian bodywork therapy;

9.4        (5) traditional Chinese medicine theory;

9.5        (6) Asian bodywork history, theory, and research;

9.6        (7) professional ethics;

9.7        (8) therapeutic interpersonal communications and standards of practice;

9.8        (9) business and legal practices related to Asian bodywork therapy; and

9.9        (10) supervised practice demonstrating safe use of equipment and supplies.

9.10        (b) An applicant for licensure as an Asian bodywork therapist under subdivision 1 whose  
9.11        application is received by the commissioner on or after July 1, 2031, must submit to the  
9.12        commissioner proof of satisfactorily completing a postsecondary program that meets the  
9.13        requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

9.14        (1) has programmatic accreditation for Asian bodywork therapy training programs from  
9.15        an agency recognized by the United States Department of Education; or

9.16        (2) includes at least 625 contact hours of education and training composed of 500 contact  
9.17        hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student  
9.18        clinical practice.

9.19        (c) An Asian bodywork therapy school or program may require more than 625 total  
9.20        contact hours of education and training, and may require more than 125 hours of supervised  
9.21        clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed  
9.22        in paragraph (a).

9.23        (d) A student shall not begin a supervised clinical practice of Asian bodywork therapy  
9.24        without providing proof to the Asian bodywork therapy school or program of professional  
9.25        liability insurance coverage of up to \$2,000,000 per occurrence and \$6,000,000 annual  
9.26        aggregate. The school or program may offer to the student, the professional liability insurance  
9.27        coverage required under this paragraph.

9.28        **Subd. 4. Licensure by endorsement.** (a) To be eligible for licensure by endorsement,  
9.29        an applicant must:

9.30        (1) meet the requirements for licensure in subdivision 1 with the exception of subdivision  
9.31        1, paragraph (a), clauses (2) and (3);

10.1        (2) provide proof as required by the commissioner that the massage therapy training  
10.2        program or Asian bodywork therapy training program at the time of the applicant's enrollment  
10.3        met the postsecondary education requirements in the jurisdiction in which the program was  
10.4        provided; and

10.5        (3) provide proof as required by the commissioner, with advice from the advisory council,  
10.6        of a current and unrestricted equivalent credential in another jurisdiction that has qualification  
10.7        requirements at least equivalent to the requirements of sections 148.636 to 148.6377.

10.8        (b) Licenses issued by endorsement expire on the same schedule and must be renewed  
10.9        by the procedures described under section 148.6367, subdivision 2.

10.10        Subd. 5. **Licensure by prior experience.** (a) To be eligible for licensure by prior  
10.11        experience, an applicant must:

10.12        (1) meet the requirements for licensure in subdivision 1, with the exception of subdivision  
10.13        1, paragraph (a), clauses (2) and (3); and

10.14        (2) provide proof of experience in the practice of massage therapy or Asian bodywork  
10.15        therapy for at least two of the previous five years immediately preceding the licensure  
10.16        application date.

10.17        (b) Licenses issued under this subdivision expire on the same schedule and must be  
10.18        renewed by the procedures described under section 148.6367, subdivision 2, unless the  
10.19        license is canceled due to nonrenewal under section 148.6367, subdivision 8, in which case  
10.20        the individual must apply for a new license under the initial licensure requirements in  
10.21        subdivision 1.

10.22        (c) The application for licensure by prior experience under this subdivision must be  
10.23        received by the commissioner before July 1, 2031.

10.24        Subd. 6. **Temporary permit.** (a) The commissioner may issue a temporary permit to  
10.25        practice massage therapy or Asian bodywork therapy to an applicant eligible for licensure  
10.26        under this section if the application for licensure is complete, all applicable requirements  
10.27        have been met, and applicable fees have been paid. The temporary permit remains valid  
10.28        until the commissioner takes action on the applicant's application, or 90 days from the  
10.29        temporary permit's issuance, whichever is sooner.

10.30        (b) A temporary permit holder is considered a licensee for purposes of sections 148.6369  
10.31        to 148.6374.

10.32        (c) Practicing without a temporary permit is a violation of section 148.6369.

11.1 Sec. 8. **[148.6367] LICENSE RENEWAL.**

11.2 Subdivision 1. Licensure expiration. Licenses issued according to sections 148.636 to  
11.3 148.6377 expire two years from the date of issuance.

11.4 Subd. 2. Renewal. To be eligible for licensure renewal, an applicant must every two  
11.5 years, or as determined by the commissioner, submit to the commissioner:

11.6 (1) a completed renewal application on a form provided by the commissioner;

11.7 (2) any applicable fees specified in section 148.6377;

11.8 (3) proof of current professional liability coverage with at least \$2,000,000 of coverage  
11.9 per occurrence and \$6,000,000 annual aggregate; and

11.10 (4) any additional information requested by the commissioner to clarify information  
11.11 presented in the renewal application. The applicant must submit the information within 30  
11.12 days after the commissioner's request, or the renewal request is canceled.

11.13 Subd. 3. Continuing education. (a) A licensed massage therapist or Asian bodywork  
11.14 therapist must obtain continuing education in the two-year licensure period.

11.15 (b) The commissioner must establish the number of continuing education hours a licensed  
11.16 massage therapist or Asian bodywork therapist must complete each licensure period and  
11.17 the activities that qualify as continuing education.

11.18 (c) A licensed massage therapist or Asian bodywork therapist:

11.19 (1) may complete continuing education in person or online; and

11.20 (2) must complete the continuing education hours required in a licensure period between  
11.21 the effective date and expiration date of the license.

11.22 Subd. 4. Change of address. A licensee or applicant who changes addresses must inform  
11.23 the commissioner in writing within 30 days of the change of address. Notices or other  
11.24 correspondence mailed to or served on a licensee or applicant at the licensee's or applicant's  
11.25 current address on file are considered received by the licensee or applicant.

11.26 Subd. 5. Licensure renewal notice. (a) At least 60 days before the licensure expiration  
11.27 date, the commissioner shall send out a renewal notice to the licensee. The notice must  
11.28 include:

11.29 (1) a renewal application;

11.30 (2) a notice of fees required for renewal; and

12.1        (3) information stating that the license will expire without further action by the  
12.2        commissioner if an application for licensure renewal is not received before the deadline for  
12.3        renewal.

12.4        (b) The licensee's failure to receive the renewal notice does not relieve the licensee of  
12.5        the obligation to meet the deadline and other requirements for licensure renewal. Failure to  
12.6        receive the notice is not grounds for challenging expiration of the license.

12.7        Subd. 6. **Renewal deadline.** The renewal application and fee must be received by the  
12.8        commissioner or must be postmarked before the license's expiration date. If the postmark  
12.9        is illegible, the application is timely if received by the third working day after the deadline.

12.10        Subd. 7. **Inactive status and return to active status.** (a) A license may be placed in  
12.11        inactive status upon application to the commissioner by the licensee and upon payment of  
12.12        an inactive status fee as specified in section 148.6377. Failure to pay the annual inactive  
12.13        status fee shall result in a lapse of licensure.

12.14        (b) A licensee seeking licensure restoration to active status from inactive status must:  
12.15        (1) apply to the commissioner for licensure renewal according to subdivision 2;  
12.16        (2) submit the applicable reactivation fee as specified in section 148.6377; and  
12.17        (3) if the license has been in inactive status for more than five years, submit evidence  
12.18        of having received a passing score on a credentialing examination.

12.19        Subd. 8. **Licensure following lapse for two years or less.** To regain active licensure  
12.20        status for a license that has lapsed for two years or less, the applicant must:

12.21        (1) apply to the commissioner for licensure renewal according to subdivision 2; and  
12.22        (2) submit all applicable renewal fees for the period not licensed, including the fee for  
12.23        late renewal.

12.24        Subd. 9. **Cancellation due to nonrenewal.** The commissioner shall not renew, reissue,  
12.25        reinstate, or restore a license that has lapsed and has not been renewed within two years.  
12.26        An individual whose license is canceled for nonrenewal must obtain a new license by  
12.27        applying for licensure and fulfilling all requirements under section 148.6366, subdivision  
12.28        1, for initial licensure as a massage therapist or Asian bodywork therapist.

12.29        **Sec. 9. [148.6368] COMMISSIONER ACTION ON APPLICATIONS.**

12.30        Subdivision 1. **General.** (a) The commissioner must act on each application for licensure  
12.31        or renewal according to this section.

13.1       (b) The commissioner shall determine if the applicant meets the requirements for licensure  
13.2       or renewal under section 148.6366 or 148.6367. The commissioner may investigate  
13.3       information provided by an applicant to determine whether the information is accurate and  
13.4       complete and may request additional information or documentation.

13.5       (c) The commissioner shall notify each applicant in writing of action taken on the  
13.6       application, the grounds for denying licensure if licensure is denied, and the applicant's right  
13.7       to review under paragraph (d).

13.8       (d) An applicant denied licensure may make a written request to the commissioner within  
13.9       30 days of the commissioner's notice to appear before the advisory council and for the  
13.10       advisory council to review the commissioner's decision to deny licensure. After reviewing  
13.11       the denial, the advisory council shall make a recommendation to the commissioner as to  
13.12       whether the denial must be affirmed. Each applicant is allowed only one request for review  
13.13       per licensure period.

13.14       Subd. 2. **Licensure prohibited.** (a) Except as provided in paragraph (b), the commissioner  
13.15       shall deny an application for licensure if an applicant:

13.16       (1) has been convicted in this state of any of the following crimes or of equivalent crimes  
13.17       in another state:

13.18       (i) labor or sex trafficking under section 609.281, 609.282, 609.283, or 609.322;

13.19       (ii) criminal sexual conduct under sections 609.342 to 609.3451 or 609.3453; or

13.20       (iii) a violent crime as defined under section 611A.08, subdivision 6;

13.21       (2) is a registered sex offender under section 243.166;

13.22       (3) has been subject to disciplinary action under section 146A.09, if the commissioner  
13.23       determines that such denial is necessary to protect the public; or

13.24       (4) is charged with or under investigation for a complaint in this state or any other  
13.25       jurisdiction that would constitute a violation of statutes or rules established for the practice  
13.26       of massage therapy or Asian bodywork therapy in this state and the charge or complaint  
13.27       has not been resolved in favor of the applicant.

13.28       (b) The commissioner may establish criteria whereby an individual convicted of an  
13.29       offense listed in paragraph (a) may become licensed if the criteria:

13.30       (1) utilize a rebuttable presumption that the applicant is not suitable for licensing;

13.31       (2) provide a standard for overcoming the presumption; and

14.1 (3) require that a minimum of one year has elapsed since the applicant was released  
14.2 from incarceration or supervisory jurisdiction related to the offense.

14.3 (c) The commissioner shall not consider an application under paragraph (b) if the  
14.4 commissioner determines that the victim involved in the offense was a client of the applicant  
14.5 at the time of the offense.

14.6 Sec. 10. **[148.6369] GROUNDS FOR DISCIPLINARY ACTION.**

14.7 Subdivision 1. Grounds listed. (a) The commissioner may deny, revoke, suspend, limit,  
14.8 or condition the licensure of a licensed massage therapist or licensed Asian bodywork  
14.9 therapist or may otherwise discipline a licensee. The fact that massage therapy or Asian  
14.10 bodywork therapy may be considered a less customary approach to health care must not by  
14.11 itself constitute the basis for disciplinary action.

14.12 (b) The following are grounds for disciplinary action regardless of whether injury to a  
14.13 client is established:

14.14 (1) failing to demonstrate the qualifications or to satisfy the requirements for licensure  
14.15 under sections 148.636 to 148.6377 or rules of the commissioner. In the case of an applicant,  
14.16 the burden of proof is on the applicant to demonstrate the qualifications or satisfy the  
14.17 requirements;

14.18 (2) advertising in a false, fraudulent, deceptive, or misleading manner, including but not  
14.19 limited to:

14.20 (i) advertising or holding oneself out as a "licensed massage therapist," "LMT," "licensed  
14.21 Asian bodywork therapist," "LABT," or any abbreviation or derivative thereof to indicate  
14.22 such a title, when such licensure is not valid or current for any reason;

14.23 (ii) advertising or holding oneself out as a "licensed massage therapist," "licensed Asian  
14.24 bodywork therapist," or any abbreviation or derivative thereof to indicate such a title, except  
14.25 if the individual holds a license in another state or jurisdiction and does not provide services  
14.26 in Minnesota;

14.27 (iii) advertising a service, the provision of which would constitute a violation of sections  
14.28 148.636 to 148.6377 or rules established by the commissioner; and

14.29 (iv) using fraud, deceit, or misrepresentation when communicating with the general  
14.30 public, health care providers, or other business professionals;

15.1        (3) falsifying information in a massage therapy or Asian bodywork licensure or  
15.2        renewal application; attempting to obtain licensure, renewal, or reinstatement by fraud,  
15.3        deception, or misrepresentation; or aiding and abetting any of these acts;

15.4        (4) engaging in conduct with a client that is sexual or may reasonably be interpreted by  
15.5        the client as sexual, or engaging in any verbal behavior that is seductive or sexually  
15.6        demeaning to a client, or engaging in sexual exploitation of a client, without regard to who  
15.7        initiates such behaviors;

15.8        (5) committing an act of gross malpractice, negligence, or incompetency, or failing to  
15.9        practice massage therapy or Asian bodywork therapy with the level of care, skill, and  
15.10       treatment that is recognized by a massage therapist or Asian bodywork therapist as being  
15.11       acceptable under similar conditions and circumstances;

15.12       (6) having an actual or potential inability to practice massage therapy or Asian bodywork  
15.13       therapy with reasonable skill and safety to clients by reason of illness, as a result of any  
15.14       mental or physical condition, or use of alcohol, drugs, chemicals, or any other material.  
15.15       Being adjudicated as mentally incompetent, mentally ill, a chemically dependent person,  
15.16       or a person dangerous to the public by a court of competent jurisdiction, inside or outside  
15.17       of this state, may be considered evidence of an inability to practice massage therapy or  
15.18       Asian bodywork therapy;

15.19       (7) being the subject of disciplinary action as a massage therapist or Asian bodywork  
15.20       therapist in another state or jurisdiction if the commissioner or advisory council determines  
15.21       that the cause of the disciplinary action would be a violation under this state's statutes or  
15.22       rules of the commissioner had the violation occurred in this state;

15.23       (8) failing to notify the commissioner of revocation or suspension of a credential, or any  
15.24       other disciplinary action taken by this or any other state, territory, or country, including any  
15.25       restrictions on the right to practice; or the surrender or voluntary termination of a credential  
15.26       during a commissioner investigation of a complaint, as part of a disciplinary order, or while  
15.27       under a disciplinary order;

15.28       (9) conviction of a crime, including a finding or verdict of guilt, an admission of guilt,  
15.29       or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,  
15.30       reasonably related to engaging in massage therapy practices or Asian bodywork therapy  
15.31       practices. Conviction, as used in this clause, includes a conviction for an offense that, if  
15.32       committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor  
15.33       regardless of its designation elsewhere, or a criminal proceeding where a finding or verdict  
15.34       of guilty is made or returned but the adjudication of guilt is either withheld or not entered;

16.1        (10) if a licensee is on probation, failing to abide by terms of probation;

16.2        (11) practicing or offering to practice beyond the scope of the practice of massage therapy

16.3        or Asian bodywork therapy;

16.4        (12) managing client records and information improperly, including but not limited to

16.5        failing to maintain adequate client records, comply with a client's request made according

16.6        to sections 144.291 to 144.298, or furnish a client record or report required by law;

16.7        (13) revealing a privileged communication from or relating to a client except when

16.8        otherwise required or permitted by law;

16.9        (14) providing massage therapy services or Asian bodywork therapy services that are

16.10        linked to the financial gain of a referral source;

16.11        (15) obtaining money, property, or services from a client, other than reasonable fees for

16.12        services provided to the client, through the use of undue influence, harassment, duress,

16.13        deception, or fraud;

16.14        (16) engaging in abusive or fraudulent billing practices, including violations of federal

16.15        Medicare and Medicaid laws or state medical assistance laws;

16.16        (17) failing to consult with a client's health care provider who prescribed a course of

16.17        massage therapy treatment or Asian bodywork therapy treatment if the treatment needs to

16.18        be altered from the original written order to conform with standards in the massage therapy

16.19        or Asian bodywork therapy field or the licensee's level of training or experience;

16.20        (18) failing to cooperate with an investigation of the commissioner or the commissioner's

16.21        representatives, including failing to: respond fully and promptly to any question raised by

16.22        or on behalf of the commissioner relating to the subject of the investigation; execute all

16.23        releases requested by the commissioner; provide copies of client records as reasonably

16.24        requested by the commissioner to assist in the commissioner's investigation; and appear at

16.25        conferences or hearings scheduled by the commissioner or the commissioner's staff;

16.26        (19) interfering with an investigation or disciplinary proceeding, including by willful

16.27        misrepresentation of facts or by the use of threats or harassment to prevent a person from

16.28        providing evidence in a disciplinary proceeding or any legal action;

16.29        (20) violating a statute, rule, order, or agreement for corrective action that the

16.30        commissioner issued or is otherwise authorized or empowered to enforce;

16.31        (21) aiding or abetting a person in violating sections 148.636 to 148.6377;

17.1        (22) failing to report to the commissioner other massage therapists or Asian bodywork  
17.2        therapists who commit violations of sections 148.636 to 148.6377; and

17.3        (23) failing to notify the commissioner in writing of the entry of a final judgment by a  
17.4        court of competent jurisdiction against the licensee for malpractice of massage therapy or  
17.5        Asian bodywork therapy, or any settlement by the licensee in response to charges or  
17.6        allegations of malpractice of massage therapy or Asian bodywork therapy. The notice must  
17.7        be provided to the commissioner within 60 days after the entry of a judgment or date of  
17.8        settlement, and must contain the name of the court, case number, and the names of all parties  
17.9        to the action.

17.10        Subd. 2. Evidence. In disciplinary actions alleging a violation of subdivision 1, a copy  
17.11        of the judgment or proceeding under the seal of the court administrator or of the  
17.12        administrative agency must be admissible into evidence without further authentication and  
17.13        must constitute prima facie evidence of the violation.

17.14        Subd. 3. Examination; access to medical data. (a) The commissioner may take the  
17.15        following actions if the commissioner has probable cause to believe that grounds for  
17.16        disciplinary action exist under subdivision 1, paragraph (b), clause (6).

17.17        (b) The commissioner may direct the applicant or licensee to submit to a mental or  
17.18        physical examination or substance use disorder evaluation. For the purpose of this  
17.19        subdivision, when an applicant or licensee is directed in writing by the commissioner to  
17.20        submit to a mental or physical examination or substance use disorder evaluation, that licensee  
17.21        is considered to have consented and to have waived all objections to admissibility on the  
17.22        grounds of privilege. Failure of the applicant or licensee to submit to an examination when  
17.23        directed constitutes an admission of the allegations against the applicant or licensee, unless  
17.24        the failure was due to circumstances beyond the applicant's or licensee's control, and the  
17.25        commissioner may enter a default and final order without taking testimony or allowing  
17.26        evidence to be presented. A licensee affected under this paragraph shall, at reasonable  
17.27        intervals, be given an opportunity to demonstrate that the licensee can resume the competent  
17.28        practice of massage therapy or Asian bodywork therapy with reasonable skill and safety to  
17.29        clients. Neither the record of proceedings nor the orders entered by the commissioner in a  
17.30        proceeding under this paragraph, may be used against a licensee in any other proceeding.

17.31        (c) The commissioner may, notwithstanding sections 13.384, 144.651, 595.02, or any  
17.32        other law limiting access to medical or other health data, obtain medical data and health  
17.33        records relating to an applicant or licensee without the applicant's or licensee's consent. The  
17.34        medical data may be requested from a provider, as defined in section 144.291, subdivision

18.1 2, paragraph (i), an insurance company, or a government agency, including the Department  
18.2 of Human Services and Direct Care and Treatment. A provider, insurance company, or  
18.3 government agency shall comply with any written request of the commissioner under this  
18.4 subdivision and is not liable in any action for damages for releasing the data requested by  
18.5 the commissioner if the data are released pursuant to a written request under this subdivision  
18.6 unless the information is false and the provider giving the information knew, or had reason  
18.7 to believe, the information was false. Information obtained under this subdivision is classified  
18.8 as private data on individuals as defined in section 13.02.

18.9 **Sec. 11. [148.6370] DISCIPLINARY ACTIONS.**

18.10 Subdivision 1. Forms of disciplinary action. When the commissioner finds that grounds  
18.11 for disciplinary action exist under section 148.6369, subdivision 1, the commissioner may  
18.12 take one or more of the following actions:

18.13 (1) deny the license;

18.14 (2) revoke the license;

18.15 (3) suspend the license;

18.16 (4) impose limitations on the practice of massage therapy or Asian bodywork therapy,  
18.17 including but not limited to limitation of scope of practice or a requirement to practice under  
18.18 supervision;

18.19 (5) impose conditions on the retention of a license, including but not limited to imposing  
18.20 retraining or rehabilitation requirements or conditioning continued practice on a  
18.21 demonstration of knowledge or skills by appropriate examination, monitoring, or other  
18.22 review;

18.23 (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount  
18.24 of the civil penalty to be fixed as to deprive the massage therapist or Asian bodywork  
18.25 therapist of any economic advantage gained by reason of the violation charged, to reimburse  
18.26 the commissioner for the cost of counsel, investigation, and proceeding, and to discourage  
18.27 repeated violations;

18.28 (7) order the massage therapist or Asian bodywork therapist to provide unremunerated  
18.29 service;

18.30 (8) censure or reprimand the massage therapist or Asian bodywork therapist; or

18.31 (9) any other action justified by the facts of the case.

19.1        **Subd. 2. Automatic suspension.** (a) Unless the commissioner orders otherwise, a license  
19.2        to practice massage therapy or Asian bodywork therapy is automatically suspended if:

19.3        (1) a guardian for the massage therapist or Asian bodywork therapist is appointed by  
19.4        order of a court under sections 524.5-101 to 524.5-502;

19.5        (2) the massage therapist or Asian bodywork therapist is committed by order of a court  
19.6        under chapter 253B; or

19.7        (3) the massage therapist or Asian bodywork therapist is determined to be mentally  
19.8        incompetent, mentally ill, chemically dependent, or a person dangerous to the public by a  
19.9        court of competent jurisdiction within or outside this state.

19.10        (b) A license suspended under this subdivision remains suspended until the massage  
19.11        therapist or Asian bodywork therapist is restored to capacity by a court and, upon petition  
19.12        by the massage therapist or Asian bodywork therapist, the suspension is terminated by the  
19.13        commissioner after a hearing or upon agreement between the commissioner and the massage  
19.14        therapist or Asian bodywork therapist.

19.15        **Subd. 3. Temporary suspension.** In addition to any other remedy provided by law, the  
19.16        commissioner, acting through a person to whom the commissioner has delegated this  
19.17        authority and without a hearing, may temporarily suspend the license of a massage therapist  
19.18        or Asian bodywork therapist if the commissioner's delegate finds that the massage therapist  
19.19        or Asian bodywork therapist has violated a statute or rule that the commissioner is empowered  
19.20        to enforce and continued practice would create a serious risk of harm to others. The  
19.21        suspension is in effect upon service of a written order on the massage therapist or Asian  
19.22        bodywork therapist specifying the statute or rule violated. The order remains in effect until  
19.23        the commissioner issues a final order in the matter after a hearing or upon agreement between  
19.24        the commissioner and the massage therapist or Asian bodywork therapist. Service of the  
19.25        order is effective if the order is served on the massage therapist or Asian bodywork therapist,  
19.26        or counsel of record, personally or by first class mail. Within ten days of service of the  
19.27        order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable  
19.28        basis to continue, modify, or lift the suspension. Evidence presented by the commissioner  
19.29        or massage therapist or Asian bodywork therapist shall be in affidavit form only. The  
19.30        massage therapist or Asian bodywork therapist, or the counsel of record, may appear for  
19.31        oral argument. Within five working days after the hearing, the commissioner shall issue the  
19.32        commissioner's order and, if the suspension is continued, schedule a contested case hearing  
19.33        within 45 days after issuance of the order. The administrative law judge shall issue a report

20.1 within 30 days after closing of the contested case hearing record. The commissioner shall  
20.2 issue a final order within 30 days after receipt of that report.

20.3 Subd. 4. Hearings. If the commissioner proposes to take action against the massage  
20.4 therapist or Asian bodywork therapist as described in subdivision 1, the commissioner must  
20.5 first notify the massage therapist or Asian bodywork therapist against whom the action is  
20.6 proposed to be taken and provide the massage therapist or Asian bodywork therapist with  
20.7 an opportunity to request a hearing under the contested case provisions of chapter 14. If the  
20.8 massage therapist or Asian bodywork therapist does not request a hearing by notifying the  
20.9 commissioner within 30 days after service of the notice of the proposed action, the  
20.10 commissioner may proceed with the action without a hearing.

20.11 Subd. 5. Reissuance. The commissioner may reinstate and reissue a license to practice  
20.12 massage therapy or Asian bodywork therapy, but as a condition may impose any disciplinary  
20.13 or corrective measure that it might originally have imposed. Any person whose license has  
20.14 been revoked, suspended, or limited may have the license reinstated when, in the discretion  
20.15 of the commissioner, the action is warranted, provided that the person shall be required by  
20.16 the commissioner to pay the costs of the proceedings resulting in the revocation, suspension,  
20.17 or limitation of the license and reinstatement of the license, and to pay the fee for the current  
20.18 license period. The cost of proceedings shall include, but not be limited to, the cost paid by  
20.19 the commissioner to the Court of Administrative Hearings and the Office of the Attorney  
20.20 General for legal and investigative services, the costs of a court reporter and witnesses,  
20.21 reproduction of records, and Department of Health staff time, travel, and expenses.

20.22 **Sec. 12. [148.6371] REPORTING OBLIGATIONS.**

20.23 Subdivision 1. Permission to report. A person who has knowledge of any conduct  
20.24 constituting grounds for disciplinary action relating to massage therapy or Asian bodywork  
20.25 therapy under sections 148.636 to 148.6377 may report the violation to the commissioner.

20.26 Subd. 2. Institutions. A state agency, political subdivision, agency of a local unit of  
20.27 government, private agency, hospital, clinic, prepaid medical plan, or other health care  
20.28 institution or organization located in this state shall report to the commissioner any action  
20.29 taken by the agency, institution, or organization or any of its administrators or medical or  
20.30 other committees to revoke, suspend, restrict, or condition a massage therapist's or Asian  
20.31 bodywork therapist's privilege to practice or treat clients in the institution or, as part of the  
20.32 organization, any denial of privileges or any other disciplinary action for conduct that might  
20.33 constitute grounds for disciplinary action by the commissioner under sections 148.636 to  
20.34 148.6377. The institution, organization, or governmental entity shall also report the

21.1 resignation of a massage therapist or Asian bodywork therapist prior to the conclusion of  
21.2 any disciplinary action proceeding for conduct that might constitute grounds for disciplinary  
21.3 action under sections 148.636 to 148.6377 or prior to the commencement of formal charges  
21.4 but after the massage therapist or Asian bodywork therapist had knowledge that formal  
21.5 charges were contemplated or were being prepared.

21.6 Subd. 3. **Professional societies.** A state or local professional society for massage  
21.7 therapists or Asian bodywork therapists shall report to the commissioner any termination,  
21.8 revocation, or suspension of membership or any other disciplinary action taken against a  
21.9 massage therapist or Asian bodywork therapist. If the society has received a complaint that  
21.10 might be grounds for disciplinary action under sections 148.636 to 148.6377 against a  
21.11 member on which it has not taken any disciplinary action, the society shall report the  
21.12 complaint and the reason why it has not taken action on it to the commissioner, or shall  
21.13 direct the complainant to the commissioner.

21.14 Subd. 4. **Licensed professionals.** (a) For purposes of this subdivision, "client" means  
21.15 an individual receiving health services from a licensed health professional.

21.16 (b) A licensed health professional shall report to the commissioner personal knowledge  
21.17 of any conduct that the licensed health professional reasonably believes constitutes grounds  
21.18 for disciplinary action under sections 148.636 to 148.6377 by a massage therapist or Asian  
21.19 bodywork therapist, including conduct indicating that the individual may be incompetent  
21.20 or may be mentally or physically unable to engage safely in the provision of services. If the  
21.21 information was obtained in the course of a client relationship, the client is a massage  
21.22 therapist or Asian bodywork therapist, and the treating individual successfully counsels the  
21.23 client to limit or withdraw from practice to the extent required by the impairment, the  
21.24 commissioner may deem this limitation of or withdrawal from practice to be sufficient  
21.25 disciplinary action.

21.26 Subd. 5. **Insurers.** (a) Four times each year as prescribed by the commissioner, each  
21.27 insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13),  
21.28 and providing professional liability insurance to massage therapists or Asian bodywork  
21.29 therapists or the Joint Underwriting Association under chapter 62I shall submit to the  
21.30 commissioner a report concerning the massage therapists and Asian bodywork therapists  
21.31 against whom malpractice settlements or awards have been made. The report must contain  
21.32 at least the following information:

21.33 (1) the total number of malpractice settlements or awards made;  
21.34 (2) the dates the malpractice settlements or awards were made;

22.1        (3) the allegations contained in the claims or complaints leading to the settlements or

22.2        awards made;

22.3        (4) the dollar amount of each malpractice settlement or award;

22.4        (5) the regular address of the practice of each massage therapist and Asian bodywork

22.5        therapist against whom an award was made or with whom a settlement was made; and

22.6        (6) the name of each massage therapist and Asian bodywork therapist against whom an

22.7        award was made or with whom a settlement was made.

22.8        (b) In addition to the information specified in paragraph (a), the insurer shall submit to

22.9        the commissioner any information, records, and files, including client charts and records,

22.10        it possesses that tend to substantiate a charge that a massage therapist or Asian bodywork

22.11        therapist may have engaged in conduct that violates sections 148.636 to 148.6377.

22.12        Subd. 6. Courts. The court administrator of district court or any other court of competent

22.13        jurisdiction shall report to the commissioner any judgment or other determination of the

22.14        court that adjudges or includes a finding that a massage therapist or Asian bodywork therapist

22.15        is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or

22.16        state narcotics laws or controlled substances act, or guilty of abuse or fraud under Medicare

22.17        or Medicaid; that appoints a guardian of a massage therapist or Asian bodywork therapist

22.18        under sections 524.5-101 to 524.5-502; or that commits a massage therapist or Asian

22.19        bodywork therapist under chapter 253B.

22.20        Subd. 7. Self-reporting. A massage therapist or Asian bodywork therapist shall report

22.21        to the commissioner:

22.22        (1) any personal action that would require a report to be filed under subdivisions 2 to 5

22.23        by any person, health care facility, business, or organization;

22.24        (2) the revocation, suspension, restriction, limitation, or other disciplinary action against

22.25        their license, certificate, registration, or right of practice in another state or jurisdiction for

22.26        offenses that would subject the massage therapist or Asian bodywork therapist to disciplinary

22.27        action in this state; and

22.28        (3) the filing of charges regarding their license, certificate, registration, or right of practice

22.29        in another state or jurisdiction.

22.30        Subd. 8. Deadlines; forms. Reports required by subdivisions 2 to 5 and 7 must be

22.31        submitted no later than 30 days after the reporter learns of the occurrence of the reportable

22.32        event or transaction. The commissioner may provide forms for the submission of reports

23.1 required by this section, may require reports to be submitted on the forms provided, and  
23.2 may adopt rules necessary to ensure prompt and accurate reporting.

23.3 Sec. 13. **[148.6372] IMMUNITY.**

23.4 **Subdivision 1. Reporting.** Any health care facility, business, organization, or person,  
23.5 other than the massage therapist or Asian bodywork therapist who committed the violation,  
23.6 is immune from civil liability or criminal prosecution for submitting a report to the  
23.7 commissioner, for otherwise reporting to the commissioner violations or alleged violations  
23.8 of sections 148.636 to 148.6377, or for cooperating with an investigation of a report, except  
23.9 as provided in this subdivision. Any person who knowingly or recklessly makes a false  
23.10 report is liable in a civil suit for any damages suffered by the person or persons so reported  
23.11 and for any punitive damages set by the court or jury. An action requires clear and convincing  
23.12 evidence that the defendant made the statement with knowledge of falsity or with reckless  
23.13 disregard for its truth or falsity. The report or statement or any statement made in cooperation  
23.14 with an investigation or as part of a disciplinary proceeding is privileged except in an action  
23.15 brought under this subdivision.

23.16 **Subd. 2. Investigation.** The commissioner and employees of the Department of Health  
23.17 and other persons engaged in the investigation of violations and in the preparation,  
23.18 presentation, and management of and testimony pertaining to charges of violations of sections  
23.19 148.636 to 148.6377 are immune from civil liability and criminal prosecution for any actions,  
23.20 transactions, or publications in the execution of, or relating to, their duties under sections  
23.21 148.636 to 148.6377.

23.22 Sec. 14. **[148.6373] COOPERATION.**

23.23 (a) A massage therapist or Asian bodywork therapist who is the subject of an investigation  
23.24 by or on behalf of the commissioner shall cooperate fully with the investigation. Cooperation  
23.25 includes:

23.26 (1) responding fully and promptly to any question raised by or on behalf of the  
23.27 commissioner relating to the subject of the investigation;

23.28 (2) providing copies of client or other records in the massage therapist's or Asian  
23.29 bodywork therapist's possession, as reasonably requested by the commissioner, to assist the  
23.30 commissioner in the investigation; and

23.31 (3) appearing at conferences and hearings scheduled by the commissioner.

24.1        (b) The commissioner shall pay for copies requested. If the commissioner does not have  
24.2        a written consent from a client permitting access to the client's records, the massage therapist  
24.3        or Asian bodywork therapist shall delete any data in the record that identify the client before  
24.4        providing it to the commissioner. The commissioner shall maintain any records obtained  
24.5        pursuant to this section as investigative data under chapter 13. The massage therapist or  
24.6        Asian bodywork therapist shall not be excused from giving testimony or producing any  
24.7        documents, books, records, or correspondence on the grounds of self-incrimination, but the  
24.8        testimony or evidence may not be used against the massage therapist or Asian bodywork  
24.9        therapist in any criminal case.

24.10      Sec. 15. **[148.6374] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

24.11        Upon judicial review of any disciplinary action taken by the commissioner under sections  
24.12        148.636 to 148.6377, the reviewing court shall seal the administrative record, except for  
24.13        the commissioner's final decision, and shall not make the administrative record available  
24.14        to the public

24.15      Sec. 16. **[148.6375] EFFECT ON MUNICIPAL ORDINANCES.**

24.16        Subdivision 1. **License authority.** Effective July 1, 2028, sections 148.636 to 148.6377  
24.17        preempt the licensure and regulation of massage therapists or Asian bodywork therapists  
24.18        by a municipality, including, without limitation, conducting a criminal background  
24.19        investigation and examination of a massage therapist or Asian bodywork therapist, or  
24.20        applicant for a municipality's credential to practice massage therapy or Asian bodywork  
24.21        therapy.

24.22        Subd. 2. **Municipal regulation.** Sections 148.636 to 148.6377 do not limit a municipality  
24.23        from requiring a massage therapy or Asian bodywork therapy establishment to obtain a  
24.24        business license or permit to conduct business in the municipality.

24.25      Sec. 17. **[148.6376] MASSAGE THERAPY ADVISORY COUNCIL.**

24.26        Subdivision 1. **Creation; membership.** (a) The Massage Therapy Advisory Council is  
24.27        created and is composed of five members appointed by the commissioner. All members  
24.28        must have resided in this state for at least three years immediately preceding appointment.  
24.29        The advisory council consists of:

24.30        (1) two public members, as defined in section 214.02; and

24.31        (2) three members who are licensed under sections 148.636 to 148.6377, two of whom  
24.32        must be licensed as massage therapists.

25.1 (b) No more than one member of the advisory council may be an owner or administrator

25.2 of a massage therapy education provider.

25.3 Subd. 2. **Administration.** The advisory council is established and administered under

25.4 section 15.059.

25.5 Subd. 3. **Chair.** The advisory council shall elect a chair from among its members.

25.6 Subd. 4. **Duties.** The advisory council shall:

25.7 (1) advise the commissioner on establishing standards of practice and a code of ethics

25.8 for licensed massage therapists or Asian bodywork therapists;

25.9 (2) advise the commissioner on distributing information regarding massage therapy or

25.10 Asian bodywork therapy practice standards;

25.11 (3) establish educational requirements, approve massage therapy and Asian bodywork

25.12 therapy schools or programs, and conduct or provide for surveys of schools, programs, and

25.13 courses; and

25.14 (4) perform other duties authorized for advisory councils under chapter 214, as directed

25.15 by the commissioner.

25.16 Subd. 5. **Expiration.** Notwithstanding section 15.059, the advisory council does not

25.17 expire.

25.18 Sec. 18. **[148.6377] FEES.**

25.19 Subdivision 1. **Fees.** Fees are as follows:

25.20 (1) initial licensure with application fee must not exceed \$285;

25.21 (2) biennial licensure renewal fee must not exceed \$185;

25.22 (3) late fee, \$50;

25.23 (4) annual inactive status, \$50;

25.24 (5) inactive to active status reactivation, \$50;

25.25 (6) temporary permit, \$50; and

25.26 (7) returned check, \$35.

25.27 Subd. 2. **Late renewal fee.** An application for licensure renewal submitted after the

25.28 deadline must be accompanied by a late fee in addition to the required fees.

25.29 Subd. 3. **Nonrefundable fees.** All of the fees in this section are nonrefundable.

26.1        Subd. 4. Deposit. Fees collected by the commissioner under this section must be deposited  
26.2        into the state government special revenue fund.

26.3        **Sec. 19. INITIAL MASSAGE THERAPY ADVISORY COUNCIL.**

26.4        Subdivision 1. Initial member appointments. The commissioner of health shall make  
26.5        the initial appointments to the Massage Therapy Advisory Council authorized under  
26.6        Minnesota Statutes, section 148.6376, by January 1, 2027. The initial therapist members  
26.7        appointed to the advisory council need not be licensed under Minnesota Statutes, sections  
26.8        148.636 to 148.6377, prior to initial appointment, but must be a practicing massage therapist  
26.9        or Asian bodywork therapist with at least five years experience in the practice of massage  
26.10        therapy or Asian bodywork therapy. A massage therapist or Asian bodywork therapist  
26.11        initially appointed to the advisory council must obtain licensure under Minnesota Statutes,  
26.12        sections 148.636 to 148.6377, by January 1, 2028. If the massage therapist or Asian bodywork  
26.13        therapist member does not obtain licensure by January 1, 2028, the member must be removed  
26.14        from the advisory council by the commissioner and a new member who is licensed under  
26.15        Minnesota Statutes, sections 148.636 to 148.6377, must be appointed by the commissioner.

26.16        Subd. 2. First advisory council meeting; initial chair. The commissioner of health  
26.17        shall designate one member from the initial appointments to call the first meeting of the  
26.18        advisory council. The first meeting must be convened by May 15, 2027. The advisory  
26.19        council shall elect a chair from its members at the first advisory council meeting.

26.20        **Sec. 20. APPROPRIATION.**

26.21        \$..... in fiscal year 2027 is appropriated from the state government special revenue fund  
26.22        to the commissioner of health to implement Minnesota Statutes, sections 148.636 to 148.6377.  
26.23        The base for this appropriation is \$.....

26.24        **ARTICLE 2**

26.25        **CONFORMING AMENDMENTS**

26.26        Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

26.27        **Subdivision 1. Criminal history background check requirements.** (a) Beginning  
26.28        January 1, 2018, An applicant for initial licensure, temporary licensure, or relicensure after  
26.29        a lapse in licensure as an audiologist or speech-language pathologist, a speech-language  
26.30        pathology assistant, a massage therapist, or an Asian bodywork therapist, or an applicant  
26.31        for initial certification as a hearing instrument dispenser, must submit to a criminal history  
26.32        records check of state data completed by the Bureau of Criminal Apprehension (BCA) and

27.1 a national criminal history records check, including a search of the records of the Federal  
27.2 Bureau of Investigation (FBI).

27.3 (b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an  
27.4 audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed  
27.5 or obtained a certificate before January 1, 2018, must submit to a criminal history records  
27.6 check of state data completed by the BCA and a national criminal history records check,  
27.7 including a search of the records of the FBI.

27.8 (c) An applicant must submit to a background study under chapter 245C.

27.9 (d) The criminal history records check must be structured so that any new crimes that  
27.10 an applicant or licensee or certificate holder commits after the initial background check are  
27.11 flagged in the BCA's or FBI's database and reported back to the commissioner of human  
27.12 services.

27.13 Sec. 2. Minnesota Statutes 2024, section 146A.01, subdivision 4, is amended to read:

27.14 **Subd. 4. Complementary and alternative health care practices.** (a) "Complementary  
27.15 and alternative health care practices" means the broad domain of complementary and  
27.16 alternative healing methods and treatments, including but not limited to: (1) acupressure;  
27.17 (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally  
27.18 traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing;  
27.19 (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food  
27.20 supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12)  
27.21 Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism;  
27.22 (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage  
27.23 therapy. This clause expires June 30, 2028; (18) effective July 1, 2028, body work, somatic  
27.24 movement therapy and movement education, structural integration practices, and reflexology  
27.25 practices; (19) meditation; (19) (20) mind-body healing practices; (20) (21) naturopathy;  
27.26 (21) (22) noninvasive instrumentalities; and (22) (23) traditional Oriental practices, such  
27.27 as Qi Gong energy healing.

27.28 (b) Complementary and alternative health care practices do not include surgery, x-ray  
27.29 radiation, administering or dispensing legend drugs and controlled substances, practices  
27.30 that invade the human body by puncture of the skin, setting fractures, the use of medical  
27.31 devices as defined in section 147A.01, any practice included in the practice of dentistry as  
27.32 defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations  
27.33 of joints or the spine as described in section 146.23 or 148.01.

28.1       (c) Complementary and alternative health care practices do not include practices that

28.2       are permitted under section 147.09, clause (11), or 148.271, clause (5).

28.3       (d) This chapter does not apply to, control, prevent, or restrict the practice, service, or

28.4       activity of lawfully marketing or distributing food products, including dietary supplements

28.5       as defined in the federal Dietary Supplement Health and Education Act, educating customers

28.6       about such products, or explaining the uses of such products. Under Minnesota law, an

28.7       unlicensed complementary and alternative health care practitioner may not provide a medical

28.8       diagnosis or recommend discontinuance of medically prescribed treatments.

28.9       Sec. 3. Minnesota Statutes 2024, section 146A.06, subdivision 3, is amended to read:

28.10       Subd. 3. **Exchanging information.** (a) The office shall establish internal operating

28.11       procedures for:

28.12       (1) exchanging information with state boards; agencies, including the Office of

28.13       Ombudsman for Mental Health and Developmental Disabilities; health-related and law

28.14       enforcement facilities; departments responsible for licensing health-related occupations,

28.15       facilities, and programs; and law enforcement personnel in this and other states; and

28.16       (2) coordinating investigations involving matters within the jurisdiction of more than

28.17       one regulatory agency.

28.18       (b) The procedures for exchanging information must provide for the forwarding to the

28.19       entities described in paragraph (a), clause (1), of information and evidence, including the

28.20       results of investigations, that are relevant to matters within the regulatory jurisdiction of

28.21       the organizations in paragraph (a). The data have the same classification in the hands of the

28.22       agency receiving the data as they have in the hands of the agency providing the data.

28.23       (c) The office shall establish procedures for exchanging information with other states

28.24       regarding disciplinary action against unlicensed complementary and alternative health care

28.25       practitioners.

28.26       (d) The office shall forward to another governmental agency any complaints received

28.27       by the office that do not relate to the office's jurisdiction but that relate to matters within

28.28       the jurisdiction of the other governmental agency. The agency to which a complaint is

28.29       forwarded shall advise the office of the disposition of the complaint. A complaint or other

28.30       information received by another governmental agency relating to a statute or rule that the

28.31       office is empowered to enforce must be forwarded to the office to be processed in accordance

28.32       with this section.

29.1 (e) The office shall furnish to a person who made a complaint a description of the actions  
29.2 of the office relating to the complaint.

29.3 (f) Effective July 1, 2028, the office shall report to the commissioner of health all final  
29.4 disciplinary actions against individuals practicing massage therapy or Asian bodywork  
29.5 therapy as unlicensed complementary and alternative health care practitioners. Upon request  
29.6 by the commissioner, the office must share all complaint, investigatory, and disciplinary  
29.7 data regarding a named individual who has practiced or is practicing massage therapy or  
29.8 Asian bodywork therapy as an unlicensed complementary and alternative health care  
29.9 practitioner.

29.10 Sec. 4. Minnesota Statutes 2024, section 146A.09, is amended by adding a subdivision to  
29.11 read:

29.12 Subd. 8. **Licensed massage therapists and Asian bodywork therapists.** Effective July  
29.13 1, 2028, a person whose licensure as a massage therapist or Asian bodywork therapist under  
29.14 sections 148.636 to 148.6377 has been suspended or revoked by the commissioner of health  
29.15 must not practice as an unlicensed complementary and alternative health care practitioner  
29.16 under this chapter during a period of suspension or revocation."

29.17 Amend the title accordingly