

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 545

By: Bergstrom

AS INTRODUCED

An Act relating to the practice of massage therapy; transferring powers and duties under the Massage Therapy Practice Act from the State Board of Cosmetology and Barbering to the Board of Chiropractic Examiners; directing certain transfers; requiring the Office of Management and Enterprise Services to coordinate certain transfers; providing for transfer of administrative rules; amending 59 O.S. 2021, Section 4200.2, which relates to definitions used in the Massage Therapy Practice Act; modifying and adding definitions; amending 59 O.S. 2021, Section 4200.3, which relates to acts requiring licensure; conforming language; updating statutory reference; amending 59 O.S. 2021, Section 4200.4, which relates to powers and duties; conforming and updating language; adding and modifying powers and duties; modifying name of certain advisory board; removing obsolete language; increasing massage therapy license fee; amending 59 O.S. 2021, Section 4200.5, which relates to license requirements; conforming and updating language; modifying certain licensure qualifications; removing obsolete language; authorizing disciplinary action for certain violations; establishing and mandating massage therapy establishment license; prohibiting unlicensed establishments; creating certain temporary exception; providing for application and fee; requiring certain designation of massage therapist for specified purpose; requiring massage therapists to provide certain notice and information to the Board of Chiropractic Examiners; authorizing certain disciplinary actions; authorizing certain inspections; providing for promulgation of certain rules; amending 59 O.S. 2021, Sections 4200.6, 4200.8, and 4200.9, which relate to the practice of

1 message therapy; conforming and updating language;
2 amending 59 O.S. 2021, Section 4200.11, which relates
3 to disciplinary actions and proceedings; updating
4 statutory language; stipulating certain investigative
5 procedures; providing for informal complaint
6 recommendations; providing for confidentiality of
7 complaint and investigative information; limiting
8 disclosure of complaint and investigative
9 information; allowing respondent to acquire certain
10 information under specified conditions; specifying
11 effect of certain licensure actions; amending 59 O.S.
12 2021, Sections 4200.12 and 4200.13, which relate to
13 the practice of massage therapy; conforming and
14 updating language; providing for codification; and
15 providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 4200.4a of Title 59, unless
there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, all powers, duties,
functions, and responsibilities of the State Board of Cosmetology
and Barbering related to the Massage Therapy Practice Act shall
transfer to the Board of Chiropractic Examiners.

B. All records, matters pending, assets, current and future
liabilities, fund balances, encumbrances, obligations, indebtedness,
and legal and contractual rights and responsibilities of the State
Board of Cosmetology and Barbering related to the regulation of the
practice of massage therapy shall transfer to the Board of
Chiropractic Examiners.

1 C. Any monies accruing to or in the name of the State Board of
2 Cosmetology and Barbering on and after the effective date of this
3 act related to the regulation of the practice of massage therapy, or
4 any monies that accrue in any funds or accounts or are maintained
5 for the benefit of the State Board of Cosmetology and Barbering on
6 and after the effective date of this act related to the regulation
7 of the practice of massage therapy, shall transfer to the Board of
8 Chiropractic Examiners.

9 D. The Director of the Office of Management and Enterprise
10 Services shall coordinate the transfer of funds, allotments,
11 purchase orders, and outstanding financial obligations or
12 encumbrances as provided for in this section.

13 E. On the effective date of this act, all administrative rules
14 promulgated by the State Board of Cosmetology and Barbering under
15 the Massage Therapy Practice Act shall transfer to and become a part
16 of the administrative rules of the Board of Chiropractic Examiners.
17 The Office of Administrative Rules in the Office of the Secretary of
18 State shall provide adequate notice in "The Oklahoma Register" of
19 the transfer of such rules and shall place the transferred rules
20 under the Oklahoma Administrative Code title of the Board of
21 Chiropractic Examiners. Such rules shall continue in force and
22 effect as rules of the Board of Chiropractic Examiners from and
23 after the effective date of this act, and any amendment, repeal, or
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1 addition to the transferred rules shall be under the jurisdiction of
2 the Board of Chiropractic Examiners.

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 4200.2, is
4 amended to read as follows:

5 Section 4200.2. As used in the Massage Therapy Practice Act:

6 1. "Board" means the ~~State Board of Cosmetology and Barbering~~
7 Board of Chiropractic Examiners;

8 2. "Direct access" means the ability that the public has to
9 seek out treatment by a massage therapist without the direct
10 referral from a medical or health care professional;

11 3. "Massage therapist" means an individual who practices
12 massage or massage therapy and is licensed under the Massage Therapy
13 Practice Act. A massage therapist uses visual, kinesthetic, and
14 palpatory skills to assess the body and may evaluate a condition to
15 the extent of determining whether massage is indicated or
16 contraindicated;

17 4. "Massage therapy" means the skillful treatment of the soft
18 tissues of the human body. Massage is designed to promote general
19 relaxation, improve movement, relieve somatic and muscular pain or
20 dysfunction, stress and muscle tension, provide for general health
21 enhancement, personal growth, education and the organization,
22 balance and integration of the human body and includes, but is not
23 limited to:

1 a. the use of touch, pressure, friction, stroking,
2 gliding, percussion, kneading, movement, positioning,
3 holding, range of motion and nonspecific stretching
4 within the normal anatomical range of movement, and
5 vibration by manual or mechanical means with or
6 without the use of massage devices that mimic or
7 enhance manual measures, and

8 b. the external application of ice, heat and cold packs
9 for thermal therapy, water, lubricants, abrasives and
10 external application of herbal or topical preparations
11 not classified as prescription drugs; ~~and~~

12 5. "Massage therapy establishment" means a place of business
13 where a licensed massage therapist provides massage therapy services
14 to clients in exchange for payment. Massage therapy establishment
15 does not include the home of a client; and

16 6. "Massage therapy school" means a facility providing
17 instruction in massage therapy.

18 SECTION 3. AMENDATORY 59 O.S. 2021, Section 4200.3, is
19 amended to read as follows:

20 Section 4200.3. A. Unless a person is a licensed massage
21 therapist, a person shall not:

- 22 1. Use the title of massage therapist;
- 23 2. Represent himself or herself to be a massage therapist;

1 3. Use any other title, words, abbreviations, letters, figures,
2 signs or devices that indicate the person is a massage therapist; or

3 4. Utilize the terms "massage", "massage therapy" or "massage
4 therapist" when advertising or printing promotional material.

5 B. A person shall not maintain, manage or operate a massage
6 therapy school offering education, instruction or training in
7 massage therapy unless the school is a licensed massage therapy
8 school pursuant to ~~Section 7 of this act~~ Section 4200.7 of this
9 title.

10 C. Individuals practicing massage therapy under the Massage
11 Therapy Practice Act shall not perform any of the following:

- 12 1. Diagnosis of illness or disease;
- 13 2. High-velocity, low-amplitude thrust;
- 14 3. Electrical stimulation;
- 15 4. Application of ultrasound;
- 16 5. Use of any technique that interrupts or breaks the skin; or
- 17 6. Prescribing of medicines.

18 D. Nothing in the Massage Therapy Practice Act shall be
19 construed to prevent:

20 1. Qualified members of other recognized professions who are
21 licensed or regulated under Oklahoma law from rendering services
22 within the scope of the license of the person, provided the person
23 does not represent himself or herself as a massage therapist. A
24 physician or other licensed health care provider providing health
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1 care services within the scope of practice of the physician or
2 provider shall not be required to be licensed by or registered with
3 the ~~State Board of Cosmetology and Barbering~~ Board of Chiropractic
4 Examiners for the purposes of the Massage Therapy Practice Act;

5 2. Students from rendering massage therapy services within the
6 course of study when enrolled at a licensed massage therapy school;

7 3. Visiting massage therapy instructors from another state or
8 territory of the United States, the District of Columbia or any
9 foreign nation from teaching massage therapy, provided the
10 instructor is duly licensed or registered, if required, and is
11 qualified in the instructor's place of residence for the practice of
12 massage therapy;

13 4. Any nonresident person holding a current license,
14 registration or certification in massage therapy from another state
15 or recognized national certification system determined as acceptable
16 by the Board when temporarily present in this state from providing
17 massage therapy services as a part of an emergency response team
18 working in conjunction with disaster relief officials or at special
19 events such as conventions, sporting events, educational field
20 trips, conferences, traveling shows or exhibitions;

21 5. Physicians or other health care professionals from
22 appropriately referring to duly licensed massage therapists or limit
23 in any way the right of direct access of the public to licensed
24 massage therapists; or

1 6. The practice of any person in this state who uses touch,
2 words and directed movement to deepen awareness of existing patterns
3 of movement in the body as well as to suggest new possibilities of
4 movement while engaged within the scope of practice of a profession
5 with established standards and ethics, provided that the services
6 are not designated or implied to be massage or massage therapy.
7 Practices shall include but are not limited to the Feldenkrais
8 Method of somatic education, Rolf Movement Integration by the Rolf
9 Institute, the Trager Approach of movement education, and Body-Mind
10 Centering. Practitioners shall be recognized by or meet the
11 established standards of either a professional organization or
12 credentialing agency that represents or certifies the respective
13 practice based on a minimal level of training, demonstration of
14 competency, and adherence to ethical standards.

15 E. A physician or other licensed health care provider providing
16 health care services within their scope of practice shall not be
17 required to be licensed or registered with the ~~State Board of~~
18 ~~Cosmetology~~ Board for the purposes of the Massage Therapy Practice
19 Act.

20 SECTION 4. AMENDATORY 59 O.S. 2021, Section 4200.4, is
21 amended to read as follows:

22 Section 4200.4. A. The ~~State Board of Cosmetology and~~
23 ~~Barbering is hereby authorized to adopt and promulgate~~ Board of
24 Chiropractic Examiners shall have the power and duty to:

1 1. Promulgate rules pursuant to the Administrative Procedures
2 Act that are necessary for the implementation and enforcement of the
3 Massage Therapy Practice Act, including, but not limited to,
4 qualifications for licensure, renewals, reinstatements, and
5 continuing education requirements-;

6 ~~B. The State Board of Cosmetology and Barbering is hereby~~
7 ~~empowered to perform~~ 2. Perform investigations, ~~to require and~~
8 order or subpoena the attendance of witnesses, the inspection of
9 records and premises, and the production of records and other
10 relevant documents relating to the investigation of matters that may
11 come before the Board or practices regulated by the Massage Therapy
12 Practice Act, and to seek injunctive relief;

13 3. Employ or contract with one or more investigators, as
14 needed, for the sole purpose of investigating complaints regarding
15 the conduct of massage therapists, and fix and pay their salaries or
16 wages. Any investigator shall be certified as a peace officer by
17 the Council on Law Enforcement Education and Training and shall have
18 statewide jurisdiction to perform the duties authorized by the
19 Massage Therapy Practice Act;

20 4. Require applicants for an original massage therapy license
21 to submit to a national criminal history record check pursuant to
22 Section 150.9 of Title 74 of the Oklahoma Statutes. The costs
23 associated with the national criminal history record check shall be
24 paid directly by the applicant;

1 5. Establish appropriate fees and charges to implement the
2 provisions of the Massage Therapy Practice Act; and

3 6. Promulgate, by rule, a code of ethics.

4 C. There is hereby created an Advisory ~~Board~~ Committee on
5 Massage Therapy. The Advisory ~~Board~~ Committee on Massage Therapy
6 shall assist the Board in carrying out the provisions of this
7 section regarding the qualifications, examination, registration,
8 regulation, and standards of professional conduct of massage
9 therapists. The Advisory ~~Board~~ Committee on Massage Therapy shall
10 consist of five (5) members to be appointed by the Governor for
11 four-year terms as follows:

12 1. Three members who shall be licensed massage therapists and
13 have practiced in Oklahoma for not less than three (3) years prior
14 to their appointment;

15 2. One member who shall be an administrator or faculty member
16 of a nationally accredited school of massage therapy; and

17 3. One who shall be a citizen member.

18 D. ~~The fee for any license issued between the effective date of~~
19 ~~this act and May 1, 2017, shall be Twenty five Dollars (\$25.00).~~
20 The fee or renewal fee for ~~any a~~ a massage therapy license ~~issued~~
21 ~~after May 1, 2017, shall be Fifty Dollars (\$50.00) Seventy-five~~
22 Dollars (\$75.00) per year. A duplicate license fee shall be Ten
23 Dollars (\$10.00).

1 SECTION 5. AMENDATORY 59 O.S. 2021, Section 4200.5, is
2 amended to read as follows:

3 Section 4200.5. A. ~~Between the effective date of this act and~~
4 ~~May 1, 2017, the State Board of Cosmetology and Barbering~~ The Board
5 of Chiropractic Examiners shall issue a license to practice massage
6 therapy to any person who files a completed application, accompanied
7 by the required fees, and who submits satisfactory evidence that the
8 applicant:

9 1. Is at least eighteen (18) years of age;

10 2. a. Has one or more of the following, if the applicant
11 made application for an original license on or before
12 May 1, 2017:

13 ~~a.~~ (1) documentation that the applicant has
14 completed and passed a nationally recognized
15 competency examination in the practice of massage
16 therapy,

17 ~~b.~~ (2) an affidavit of at least five (5) years of
18 work experience in the state, or

19 ~~c.~~ (3) a certificate and transcript of completion
20 from a massage school with at least five hundred
21 (500) hours of education,

22 b. Meets both of the following, if the applicant makes
23 application for an original license after May 1, 2017,
24 and before July 1, 2027:

- 1 (1) has completed the equivalent of five hundred
2 (500) hours of formal education in massage
3 therapy from a state-licensed school, and
4 (2) has passed a nationally recognized competency
5 examination approved by the Board, or

6 c. Meets both of the following, if the applicant makes
7 application for an original license on or after July
8 1, 2027:

- 9 (1) has completed the equivalent of six hundred (600)
10 hours of formal education in massage therapy from
11 a state-licensed school, and
12 (2) has passed a nationally recognized competency
13 examination approved by the Board;

14 3. Provides proof of documentation that the applicant currently
15 maintains liability insurance for practice as a massage therapist;
16 and

17 4. Provides full disclosure to the Board of any criminal
18 proceeding taken against the applicant including but not limited to
19 pleading guilty or nolo contendere to, or receiving a conviction
20 for, a felony crime that substantially relates to the practice of
21 massage therapy and poses a reasonable threat to public safety.

22 B. To assist in determining the entry-level competence of an
23 applicant who makes application for a license after May 1, 2017, the
24 Board may adopt rules establishing additional standards or criteria

1 for examination acceptance and may adopt only those examinations
2 that meet the standards outlined in Section 4200.8 of this title.

3 C. ~~1. After May 1, 2017, except~~ Except as otherwise provided
4 in the Massage Therapy Practice Act, every person desiring to
5 practice massage therapy in this state shall be required to first
6 obtain a license from the Board.

7 ~~2. After May 1, 2017, the Board may issue a license to an~~
8 ~~applicant who:~~

9 ~~a. is at least eighteen (18) years of age,~~

10 ~~b. provides documentation that the applicant has~~
11 ~~completed the equivalent of five hundred (500) hours~~
12 ~~of formal education in massage therapy from a state-~~
13 ~~licensed school,~~

14 ~~c. provides documentation that the applicant has passed a~~
15 ~~nationally recognized competency examination approved~~
16 ~~by the Board,~~

17 ~~d. provides proof that the applicant currently maintains~~
18 ~~liability insurance for practice as a massage~~
19 ~~therapist, and~~

20 ~~e. provides full disclosure to the Board of any criminal~~
21 ~~proceeding taken against the applicant including~~
22 ~~pleading guilty or nolo contendere to, or receiving a~~
23 ~~conviction for, a felony crime that substantially~~

1 ~~relates to the practice of massage therapy and poses a~~
2 ~~reasonable threat to public safety.~~

3 D. In addition to an applicant's failure to meet any other
4 requirements imposed by this section or other applicable law, the
5 Board may deny a license or impose probationary conditions if an
6 applicant has:

7 1. Pled guilty or nolo contendere to, received a deferred
8 sentence for, or been convicted of a felony crime that substantially
9 relates to the practice of massage therapy and poses a reasonable
10 threat to public safety;

11 2. Been the subject of disciplinary action by the Board; or

12 3. Been the subject of disciplinary action in another
13 jurisdiction.

14 E. As used in this section:

15 1. "Substantially relates" means the nature of criminal conduct
16 for which the person was convicted has a direct bearing on the
17 fitness or ability to perform one or more of the duties or
18 responsibilities necessarily related to the occupation; and

19 2. "Poses a reasonable threat" means the nature of criminal
20 conduct for which the person was convicted involved an act or threat
21 of harm against another and has a bearing on the fitness or ability
22 to serve the public or work with others in the occupation.

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 4200.5a of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. 1. Beginning January 1, 2026, any massage therapist wishing
5 to provide massage therapy services at a massage therapy
6 establishment shall first obtain a massage therapy establishment
7 license from the Board of Chiropractic Examiners as provided by this
8 section.

9 2. It shall be unlawful to operate a massage therapy
10 establishment without a massage therapy establishment license issued
11 by the Board; provided, however, a massage therapy establishment
12 currently in operation that makes application to the Board for a
13 massage therapy establishment license no later than January 1, 2026,
14 may continue to operate lawfully without such license until the
15 Board approves or denies the application.

16 B. 1. To obtain a massage therapy establishment license, a
17 massage therapist shall make application to the Board on a form
18 prescribed by the Board and shall pay a nonrefundable application
19 fee of Two Hundred Dollars (\$200.00) to the Board. Massage therapy
20 establishment licenses shall be renewed biennially.

21 2. If there are multiple massage therapists working at a single
22 massage therapy establishment, the establishment shall designate one
23 massage therapist to be responsible for ensuring the establishment
24 complies with the requirements of the Massage Therapy Practice Act

1 and any rules promulgated by the Board applicable to massage therapy
2 establishments. It shall be the duty of such designated massage
3 therapist to notify the Board of any changes to the massage therapy
4 establishment's physical address or other application information.

5 C. Subject to the Administrative Procedures Act, the Board may
6 deny, refuse to renew, revoke, suspend, or take other appropriate
7 action against a massage therapy establishment license if the Board
8 finds that the massage therapy establishment, or a massage therapist
9 providing massage therapy services at the massage therapy
10 establishment, does not meet licensure qualifications prescribed by
11 the Board or is otherwise in violation of the Massage Therapy
12 Practice Act or rules promulgated by the Board.

13 D. The Board or designee may enter any massage therapy
14 establishment for the purpose of inspection on a routine basis or
15 when a complaint has been filed with the Board regarding the
16 practice of massage therapy at that establishment. A fee shall not
17 be charged for any inspection under this subsection.

18 E. The Board may promulgate rules governing massage therapy
19 establishments including, but not limited to, rules pertaining to
20 licensure qualifications, minimum standards, sanitation
21 requirements, recordkeeping requirements, inspections, and
22 disciplinary action.

23 SECTION 7. AMENDATORY 59 O.S. 2021, Section 4200.6, is
24 amended to read as follows:

1 Section 4200.6. A. A massage therapy license issued by the
2 ~~State Board of Cosmetology and Barbering~~ Board of Chiropractic
3 Examiners shall at all times be posted in a conspicuous place in the
4 massage therapy establishment or other principal place of business
5 of the holder.

6 B. A license issued pursuant to the Massage Therapy Practice
7 Act is not assignable or transferable.

8 SECTION 8. AMENDATORY 59 O.S. 2021, Section 4200.8, is
9 amended to read as follows:

10 Section 4200.8. The required examination approved by the ~~State~~
11 ~~Board of Cosmetology and Barbering~~ Board of Chiropractic Examiners
12 for licensure under the Massage Therapy Practice Act shall be a
13 standardized national massage therapy examination that meets the
14 following criteria:

- 15 1. Is statistically validated through a job analysis under
16 current standards for educational and professional testing;
- 17 2. Complies with pertinent state and federal equal employment
18 opportunity guidelines;
- 19 3. Is available to all potential licensing candidates; and
- 20 4. Is delivered through a professional testing company with
21 high-security test centers located nationwide.

22 SECTION 9. AMENDATORY 59 O.S. 2021, Section 4200.9, is
23 amended to read as follows:

1 Section 4200.9. A. ~~The State Board of Cosmetology and~~
2 ~~Barbering~~ Board of Chiropractic Examiners may license an applicant,
3 provided that the applicant possesses a valid license or
4 registration to practice massage therapy issued by the appropriate
5 examining board under the laws of any other state or territory of
6 the United States, the District of Columbia or any foreign nation
7 and has met educational and examination requirements equal to or
8 exceeding those established pursuant to the Massage Therapy Practice
9 Act.

10 B. 1. Massage therapy licenses shall expire biennially.
11 Expiration dates shall be established by the Board through adoption
12 of a rule.

13 2. A license shall be renewed by submitting a renewal
14 application ~~on a form provided by~~ to the Board in the manner
15 prescribed by the Board.

16 3. A thirty-day grace period shall be allowed each license
17 holder after the end of the renewal period, during which time a
18 license may be renewed upon payment of the renewal fee and a late
19 fee as prescribed by the Board.

20 C. 1. If a massage therapy license is not renewed by the end
21 of the thirty-day grace period, the license shall be placed on
22 inactive status for a period not to exceed one (1) year. At the end
23 of one (1) year, if the license has not been reactivated, it shall
24 automatically expire.

1 2. If within a period of one (1) year from the date the license
2 was placed on inactive status the massage therapist wishes to resume
3 practice, the massage therapist shall notify the Board in writing
4 and, upon receipt of proof of completion of all continuing education
5 requirements and payment of an amount set by the Board in lieu of
6 all lapsed renewal fees, the license shall be restored in full.

7 D. The Board shall establish a schedule of reasonable and
8 necessary administrative fees.

9 E. The Board shall fix the amount of fees so that the total
10 fees collected shall be sufficient to meet the expenses of
11 administering the provisions of the Massage Therapy Practice Act
12 without unnecessary surpluses.

13 SECTION 10. AMENDATORY 59 O.S. 2021, Section 4200.11, is
14 amended to read as follows:

15 Section 4200.11. A. The ~~State Board of Cosmetology and~~
16 ~~Barbering~~ Board of Chiropractic Examiners may take disciplinary
17 action against a person licensed pursuant to the Massage Therapy
18 Practice Act as follows:

- 19 1. Deny or refuse to renew a license;
- 20 2. Suspend or revoke a license;
- 21 3. Issue an administrative reprimand; or
- 22 4. Impose probationary conditions when the licensee or
23 applicant has engaged in unprofessional conduct that has endangered
24

1 or is likely to endanger the health, welfare or safety of the
2 public.

3 B. The Board shall take disciplinary action upon a finding that
4 the licensee or person has committed an act of unprofessional
5 conduct or committed a violation of rule or law.

6 C. 1. Disciplinary proceedings may be instituted by sworn
7 complaint of any person, including members of the Board, and shall
8 conform to the provisions of the Administrative Procedures Act.

9 After an initial complaint is received by the Board, the Executive
10 Director of the Board and the chair of the Advisory Committee on
11 Massage Therapy, or designee, shall determine whether the complaint
12 merits further investigation. If a determination is made that the
13 complaint merits further investigation, the Executive Director, in
14 consultation with the chair of the Advisory Committee, or designee,
15 shall assign the complaint to an investigator. The focus and scope
16 of an investigation shall pertain only to the subject of the
17 complaint.

18 2. The complaint and findings of the investigator shall be
19 presented to the Advisory Committee for review. The Advisory
20 Committee, in consultation with the Board's prosecuting attorney,
21 shall make an informal recommendation for disposition of the
22 complaint to the Board.

23 D. 1. The Board, its employees, appointed Advisory Committee
24 members, independent contractors, or other agents of the Board shall

1 keep confidential the complaint and information obtained during an
2 investigation into violations of the Massage Therapy Practice Act;
3 provided, however, such information may be introduced by the state
4 in administrative proceedings before the Board and the information
5 then becomes a public record.

6 2. The complaint and information obtained during the
7 investigation but not introduced in administrative proceedings shall
8 not be subject to subpoena or discovery in any civil or criminal
9 proceedings, except that the Board may give such information to law
10 enforcement and other state agencies as necessary and appropriate in
11 the discharge of the duties of that agency and only under
12 circumstances that ensure against unauthorized access to the
13 information.

14 3. The respondent may acquire information obtained during an
15 investigation, unless the disclosure of the information is otherwise
16 prohibited, except for the investigative report, if the respondent
17 signs a protective order whereby the respondent agrees to use the
18 information solely for the purpose of defense in the Board
19 proceeding and in any appeal therefrom and agrees not to otherwise
20 disclose the information.

21 D. E. The Board shall establish the guidelines for the
22 disposition of disciplinary cases. Guidelines may include, but
23 shall not be limited to, periods of probation, conditions of
24 probation, suspension, revocation or reissuance of a license.

1 ~~E.~~ F. A license holder who has been found culpable and
2 sanctioned by the Board shall be responsible for the payment of all
3 costs of the disciplinary proceedings and any administrative fees
4 imposed.

5 ~~F.~~ G. The forfeiture, nonrenewal, surrender, or voluntary
6 relinquishment of a license by a licensee shall not deprive the
7 Board of jurisdiction to proceed with ~~disciplinary action~~ any
8 investigation, action, or proceeding to revoke, suspend, condition,
9 or limit the licensee's license or fine the licensee.

10 SECTION 11. AMENDATORY 59 O.S. 2021, Section 4200.12, is
11 amended to read as follows:

12 Section 4200.12. A. No member or employee of the ~~State Board~~
13 ~~of Cosmetology and Barbering~~ Board of Chiropractic Examiners shall
14 bear liability or be subject to civil damages or criminal
15 prosecution for any action undertaken or performed within the scope
16 of duty imposed pursuant to the Massage Therapy Practice Act.

17 B. No person or legal entity providing truthful and accurate
18 information to the Board, whether as a report, a complaint or
19 testimony, shall be subject to civil damages or criminal
20 prosecutions.

21 SECTION 12. AMENDATORY 59 O.S. 2021, Section 4200.13, is
22 amended to read as follows:

23 Section 4200.13. A. A person who does any of the following
24 shall be guilty of a misdemeanor upon conviction:

1 1. Violates a provision of the Massage Therapy Practice Act or
2 rules adopted pursuant to the Massage Therapy Practice Act;

3 2. Renders or attempts to render massage therapy services or
4 massage therapy instruction without the required current valid
5 license issued by the ~~State Board of Cosmetology and Barbering~~ Board
6 of Chiropractic Examiners;

7 3. Advertises or uses a designation, diploma or certificate
8 implying that the person offers massage therapy instruction or is a
9 massage therapy school unless the person holds a current valid
10 license issued by the Oklahoma Board of Private Vocational Schools
11 or is a technology center school accredited by the ~~Oklahoma~~ State
12 Board of Career and Technology Education; or

13 4. Advertises or uses a designation, diploma, or certificate
14 implying that the person is a massage therapist unless the person
15 holds a current valid license issued by the ~~State Board of~~
16 ~~Cosmetology and Barbering~~ Board of Chiropractic Examiners.

17 B. 1. Therapists regulated by the Massage Therapy Practice Act
18 shall be designated as "massage therapists" and entitled to utilize
19 the term "massage" when advertising or printing promotional
20 material.

21 2. Any person who uses a professional title regulated by the
22 Massage Therapy Practice Act who is not authorized to use the
23 professional title shall be subject to disciplinary action by the
24 Board.

1 3. Any person who knowingly aids and abets one or more persons
2 not authorized to use a professional title regulated by the Massage
3 Therapy Practice Act or knowingly employs or contracts with a person
4 or persons not authorized to use a regulated professional title in
5 the course of the employment, shall also be subject to disciplinary
6 action by the Board. It shall be a violation of the Massage Therapy
7 Practice Act for any person to advertise massage therapy services in
8 any combination with any escort or dating service.

9 SECTION 13. This act shall become effective November 1, 2025.

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