CITY COMMISSION AGENDA MEMO
September 27, 2018

FROM: Kiel Mangus, Assistant City Manager
Jared Wasinger, Assistant to the City Manager

MEETING: October 2, 2018

SUBJECT: Massage Therapy Ordinance Discussion Item

PRESENTER(S): Kiel Mangus, Assistant City Manager
Jared Wasinger, Assistant to the City Manager

BACKGROUND

Kansas is one of only two states that does not regulate massage establishments. Majority of states have a Massage Therapy Board that regulates massage therapy licenses. The biennial licensing fees range from $60 to $300. Most states require 500 to 600 hours of massage therapy education and also require applicants to pass a state or national examination, as well as some level of background check. Kansas Legislature has not been able to institute a state law regulating the industry even though there have bills and efforts proposed for the last five years. The absence of regulations at any level has led many cities in Kansas to see increased illegal activity centered around the massage industry. Several cities in Kansas have enacted local ordinances regulating this industry to combat illegal massage businesses that may engage in human trafficking and other illegal activities in their business.

Riley County District Attorney Barry Wilkerson requested that the City please look into the regulation of this industry. He sent a letter request (see enclosure) for the City to pass an ordinance regulating the massage industry this summer. The City has also worked with Riley County Police Department (RCPD) on their thoughts and ideas regarding regulations. City Commissioners are interested in adopting a local ordinance to help combat human trafficking and provide a safe environment for the general public/therapists. Staff believes that while most massage businesses in Manhattan are legitimate, implementing this ordinance would help stop human trafficking cases that could occur from making it to prosecution in the first place, by setting standards with which businesses must comply. Generally, members of the massage therapy community have supported regulation at the state level of some sort, but the State has been unable to pass any legislation. There has been legislation at the State level proposed for licensure under the Cosmetology Board/Board of Healing Arts/Nursing.
A public meeting with massage businesses and therapists was held on Wednesday September 19th. Over 20 people from the massage therapy community attended. Kurt Moldrup from RCPD also attended.

Basic information was shared with the group as to what the City was trying to accomplish with massage business/therapist licensing. Some general ordinance basics were also shared based upon research the City had done on other communities in Kansas (see attachment). Feedback/comments from the group included the following:

- General comment that regulation should occur at the State level vs local.
- Concern about fees if state regulation/licensing occurs. Would the City license and fees go away?
- Defining the reason for the Ordinance. Concern that Commission is only interested in human trafficking issues. Professionals wanted regulations designed to protect health/safety/welfare of general public and practitioners.
- Clear definitions of massage therapy. What it is and what is isn't.
- Desire from some therapists to be able to provide services in hotels.
- Therapists who have their business in their home were greatly concerned about closure of their business/what this ordinance would do to them.
- Level of minimum education requirements was discussed. What is the minimum? How do we define schools that have gone out of business? How do you verify someone who has operated in Manhattan for some time?
- Are you grandfathering in current operators?
- Continuing education credits. Group was split on requiring continuing education credits or not.
- Client confidentiality. Concern about client logs, providing that information to the City. HIPPA concerns.
- Insurance requirements?
- Ability to perform massages in hotels or not. Would like to be able to.
- How do you define modest attire?
- How do you handle student massages?
- Felt it was unreasonable to say keep doors unlocked at all times. Some worked with minimal staff and felt unsafe as evening came around so locked doors for therapist safety.
- How does this help RCPD better enforce/engage with problem businesses and practitioners?
- What professional organizations/associations will the City utilize for standards?

**DISCUSSION**

City Administration did research of other cities in Kansas, prior legislative bills proposed, and what other state level licensing programs require in order to build an idea of what would be required in regulating massage therapy.
Based upon research of what other cities have done a massage therapy licensing program would involve the following basic items:

**Massage Business License**: Owners information/fee/inspection/criminal background checks

**Massage Therapist License**: Therapist information/fee/criminal background checks; must meet educational/training standard; possible grandfathering ability for existing practitioners if they have tax returns/receipts/advertising/etc for 1-year; possible continuing Education Requirements

**Massage Therapy Operation Regulations**: Daily logs of staff/patrons, attire for staff (fully clothed and covered, modest attire), sanitary Health conditions (clean room, clean towels/practices, basic code compliance), restricted contact (prohibiting contact to patron's public region, genitals, perineum, anal region, and/or female breast), limited business hours (no overnight stays), no alcohol in massage establishment portion, no patrons under 18 without parental consent

**Enforcement**: Civil Offense penalties (fine of not more than $500 for each offense and/or up to 6 months imprisonment); revocation of license (revoked by city clerk/city manager after public hearing if ordinance is violated, operator is convicted of criminal offense, operator refuses to allow RCPD/Code Officer to inspect), suspension of license (suspension based on charged criminal offense is effective immediately until court rules on criminal offense, unless therapist files an appeal); appeal Process (licensee has time frame to appeal denial of license to City Manager or representative, if representative upholds denial then licensee has time frame to appeal to district court).

Massage therapy is a healthcare service that involves the external manipulation or pressure of soft tissue for therapeutic purposes. It is the application of a system of structured touch, pressure, movement and holding of the soft tissue of the human body in which the primary intent is to relieve pain, improve circulation, relieve stress, increase relaxation and enhance or restore the health and well-being of the client. The practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. This definition was taken from a 2018 State Legislative licensing bill.

"Massage" or "massage therapy" would not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required, and does not include the laying on of hands performed within the context of religious or spiritual beliefs. This would include exemptions such as licensed physicians, surgeons, chiropractors, osteopath, physical therapists, nurses, etc. It would not include
barbershops or beauty salons who massage scalp/face/neck/shoulders.

City Administration is looking for feedback regarding licensing of businesses/therapists:

- Is there a general desire to license businesses/therapists?
- Are Commissioners okay with a biennial fee or annual fee?
- Where do commissioners want to allow these businesses? Many cities don't allow massage businesses in residential homes or services at hotels. Feedback from therapists was concern on limiting this. Solution could be grandfathering current residential businesses, but limiting future ones. Current ones would have to pass inspection standards like commercial ones.
- Patron Registers/Therapist registers. Keeping track of employees and clients via a register. Some therapists expressed concern about this. Nearly every City in KS who has massage therapy regulations requires this.
- Any other comments/ concerns from Commissioners before we bring back an ordinance?

**FINANCING**

The estimated fiscal impact to the City is minimal. Currently the City does not have a license and fee for massage business or massage therapists. It is anticipated that the licensing fees charged would offset administration costs of licensing the businesses and therapists. It is estimated there are in the range of 25-30 massage businesses in the community and at least double that amount or more of massage therapists. City Administration is not proposing adding any staff for administration of this program. Based on the number of establishments it is anticipated that City Code staff could perform an inspection yearly if necessary, but likely not more than that.

**ALTERNATIVES**

As this is a discussion item, City Administration is looking for feedback on whether or not to pursue licensing massage therapy establishments and massage therapists, and specifics of such an ordinance if a majority of the City Commission is willing to pursue.

**RECOMMENDATION**

City Administration is seeking feedback and comments on the discussion item so an ordinance can be drafted and brought back to the Commission at a later time for consideration.

**POSSIBLE MOTION**

No motion needed as this is a discussion item.
Enclosure(s):
1. Letter from District Attorney Barry Wilkerson on Massage Therapy
2. Components for Potential Massage Therapy Ordinance
3. Ordinance Requirements from Other Cities in Kansas
4. PowerPoint Presentation
August 31, 2018

Mayor Morse
Manhattan City Commission
RE: Massage Therapy Ordinance

I offer my support for the Massage Therapy Ordinance being proposed. It is my belief legitimate massage therapy businesses will not oppose an ordinance which protects legitimate businesses as well as patrons.

I have been either an assistant Riley County Attorney or Riley County Attorney for 24 years. The other four years I spent as Pottawatomie County Attorney. During the 28 years, on occasion I have prosecuted sexual assaults that occurred by “unlicensed, untrained and unprofessional” persons who market themselves as being capable of giving a massage. The crimes have ranged from misdemeanor sexual battery to rape.

In recent years, as Human Trafficking and especially Human Sex Trafficking, has been slowly brought out of the shadows, it has been uncovered that sex trafficking was occurring under the guise of massage therapists or massage parlors. In essence, illegitimate massage therapist or parlors were/are a front for sex trafficking. Our current Mayor Linda Morse and a City Commissioner Usha Reddi, recently attended a Human Trafficking conference. One of the presenters, Jason Hart of the United States Attorney’s Office, focused on sex traffickers using massage services as a front for sex trafficking. One of the points Mr. Hart brought up was the importance of having reasonable regulations on persons or businesses claiming to offer massage therapy. While the State of Kansas has strict laws with regard to Human Trafficking, we also know that it would be more beneficial if we can reduce and ultimately eliminate sex trafficking. Having ordinances in place would assist in combatting sex trafficking by giving law enforcement and the City of Manhattan a tool to prevent sex traffickers from using massage parlors as a guise or ruse for prostitution and sex trafficking.

Obviously for those in the legitimate profession of providing massages, this type of behavior can have a negative impact. It is our belief, based upon the experience of numerous other communities to include Wichita, that the legitimate professional massage providers will be in favor of an ordinance which requires adherence to professional standards.

It is important that the City of Manhattan, and the Riley County Police Department have the means to inspect businesses offering massages to ensure the safety of patrons. It is also a tool that is useful in investigating and reducing or preventing incidences of Human Trafficking in Manhattan.
As more cities in Kansas pass licensing requirements, it is important that the City of Manhattan join this growing list of cities and municipalities in imposing and enforcing ordinances as the one prepared by city staff. Failure to do so will encourage those who use "massage therapy" as front for trafficking and prostitution to move operations to Manhattan. Knowing that they will not be subject inspection, regulations regarding sanitary conditions or hours of operation will make Manhattan inviting to those who engage in criminal behavior. I do not believe the people of Manhattan want their city to be seen as a safe haven for sex traffickers.

Sincerely,

[Signature]

Barry Wilkerson
Riley County Attorney
Components for Discussion of Possible Massage Therapy Ordinance

Draft components presented based on local ordinances from cities in Kansas, HB 2557 (Massage Therapist Licensure Act), and feedback from a public meeting with Message Therapy Establishment owners/practitioners held on Sept. 19, 2018.

October 2, 2018 – City Commission Legislative Meeting Discussion Item

MASSAGE ESTABLISHMENTS – Possible Requirements for future Ordinance

The operation of any massage therapy establishment could be subject to the following regulations/requirements as proposed by City Administration with feedback from the City Commission:

Application/License Requirements to operate a Massage Therapy Establishments

- The applicant (owner/manager/sole proprietor) must provide and subject to following during the application process:
  - Name, Driver’s License or KS ID information, Social Security Number, Phone, Email
  - Business information: Legal Business Name/Address/Phone/KS Tax ID
  - Is the applicant a massage therapist (yes/no)
  - Previous Employment – 3 years
  - Background Information
    - Have you had a previous establishment or therapist license? Was it ever revoked or suspended?
      - If so list the name/location/contact
    - Have you ever been charged or convicted of a crime, felony, etc.
    - Criminal Background Check – Applicant must provide signed authorization to perform background check
  - Fee:
    - Application Fee: $200
  - Renewal (biennial)
    - Renewal Fee: $200

Operation Requirements for Massage Therapy Establishments

- Possible Permitted Locations
  - Massage Establishments
  - Accessory massage services to another main business
  - “Off-site massage therapy” - massage therapy that is provided by a massage therapist on the business or residential premises of a massage patron
  - “Residential Massage Establishments” – massage therapy that is provided by a massage therapist and solely operated in a residential premise (LOOKING FOR FEEDBACK HERE)
  - Hotel rooms (LOOKING FOR FEEDBACK HERE)

- Daily Logs (subject to inspection)
  - Keep and maintain on the premises a current register of all massage therapists (required to keep register for 1 year)
  - Will keep a daily register at the massage therapy establishment of all patrons including contact info, as well as the Licensed Therapist performing duties on patron (1 year)

- Attire
  - While performing or available to perform Massage Therapy or related services, all employees and Massage Therapists shall be fully clothed and covered, modestly attired, clean, and wearing clean outer garments.
• No owner, manager, Massage Therapist or employee, while performing any task or service associated with the Massage Therapy, shall be present in any room with a Patron, or allow any other person to be present in a room with a Patron (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the Patron’s Specified Anatomical Areas are fully covered by towels, cloths or undergarments.

• **Sanitary/Health Conditions**
  - A licensed establishment and all equipment must be kept routinely clean and operated in a sanitary manner.
  - All surfaces subject to dermal contact used in the treatment of clients must be completely cleaned and disinfected after every use or covered with a fresh, sanitary, disposable liner or cover or with a cloth sheet or cover that has not been previously used for a different client since laundering.
  - Clean, laundered sheets and towels will be provided to patrons for use. Such items will be laundered after each use thereof and stored in a sanitary manner.
  - Lavatory and toilet facilities must be provided, along with adequate and convenient hand-washing facilities, including hot and cold running water, soap and towels, which are accessible to employees.
  - Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

• **Contact**
  - Any contact or offering of any contact by a licensee, operator, massage therapist or employee with a patron’s pubic region, genitals, perineum, anal region, and/or the female breast is prohibited.

• **Other Operational Requirements to consider**
  - Massage Operation Hours: between 6am and 12am
  - No serving of alcoholic beverages/ if accessory no alcohol in massage establishment portion
  - No overnight stays
  - No patrons under the age of 18 without a parent or guardian presence
  - Access to facility during business hours

**Inspection** Requirements for Massage Therapy Establishments
- Performed by Fire/Code Department or Riley County Police Officers during following circumstances
  - Complaint
  - Prior to opening
  - Annual inspection

**MASSAGE THERAPISTS** – Possible Requirements for a Draft Ordinance (pulled from other Cities/State)

**Application/License Requirements** for Massage Therapists
- The applicant must provide and subject to following during the application process:
  - Name/DL# and Information/SS#/Phone/Email
  - Previous Employment – 3 years
  - Background Information
    - Have you had a previous therapist license/ was it revoked suspended etc.
      - If so list the name/location/contact
    - Have you ever been charged or convicted of a crime, felony, etc.
    - Background Check: Signed authorization to perform background check
  - Upon receiving license – must be displayed
  - **Fee:**
    - Application Fee: $75
  - **Renewal Fee (biennial)**
    - Application Fee: $75
Education Requirements

- To be eligible for a Massage Therapist License, the applicant must provide proof of the following:
  - The applicant must be at least eighteen years of age and a lawful citizen or resident of the United States.
  - The applicant must not have been convicted or released from imprisonment after conviction of a felony or any crime involving moral turpitude within five years immediately preceding the date of application. For the purposes of this section the term "conviction" shall include being placed on diversion, entering into a deferred judgment program, or being adjudged guilty upon entering a plea of no contest.
  - The applicant must not be currently under indictment, charge or information for any felony or any crime of moral turpitude.
  - The applicant must not be a registered sex offender with any federal, state or local government.
  - The applicant must provide one of the following:
    - (a) Proof the applicant has sat for and passed the Massage and Bodywork Licensure exam (MBLEx); or
    - (b) Proof the applicant has sat for and passed the National Certificate of Therapeutic Massage and Bodywork exam (NCTMB) prior to February 1, 2015; or
    - (c) An official transcript showing the applicant has successfully completed a minimum of five hundred instructor taught classroom hours within a recognized massage therapist school; or
    - (d) Proof of one hundred fifty hours of education from an accredited institution, at least twelve hours of continuing education units in the last five years, and membership in a nationally recognized massage therapy association.
  - Existing practitioners. For a period of one year after effective date of ordinance an applicant could obtain a renewable permit by meeting one of standards a-d OR provide practice in City for at least last 5 years verified by affidavit/tax return/tax receipts/advertising literature/etc. New permits would have to meet education requirements a-d.
  - The applicant must not have had a similar type of permit or license suspended or revoked in any jurisdiction within five years immediately preceding the date of the filing of the application.

Students

- It is unlawful for any individual person to practice massage therapy without a valid massage therapist permit as required by this chapter. Provided, however, permits are not required for students enrolled in a massage therapy program at an accredited institution during the time such student is completing a clinical requirement for graduation and is practicing massage therapy while under the direct supervision of a massage therapist who holds a valid permit under this chapter. Direct supervision requires the presence of the massage therapist holding a permit under this chapter to be on the same premises as the student providing massage therapy services.

OTHER Considerations

Enforcement considerations for both Establishments and Therapists:

- Penalty
  - Civil Offense with a fine of not more than $500 for each offense and/or up to 6 months imprisonment.
• **Revocation of License**
  - May be revoked by the City Clerk/City Manager after a public hearing if the ordinance is violated, operator is convicted of criminal offense, operator refuses to allow RCPD/Code Officer to inspect the premises.

• **Suspension of License**
  - May be revoked by the City Clerk/City Manager after a public hearing if the ordinance is violated, operator is convicted of criminal offense, operator refuses to allow RCPD/Code Officer to inspect the premises.
  - A suspension based on a charged criminal offense is effective immediately until a court of competent jurisdiction rules on the criminal offense, unless the massage therapist files an appeal.

• **Appeal**
  - If the City Clerk or designated representative denies issuance of a license, or issues an order suspending or revoking a license, the licensee, up to but not more than fifteen (15) days after the order, may appeal such denial or order to the City Manager or designated representative.
  - If the City Manager or designated representative issues an order upholding the denial, suspension, or revocation of the license, the licensee, up to but not more than thirty (30) days after the order, may appeal the order to the District Court.
# Massage Therapy Ordinance Requirements from Other Cities in Kansas

<table>
<thead>
<tr>
<th>City</th>
<th>Establishment License Fee</th>
<th>Renewal</th>
<th>Therapist License Fee</th>
<th>Renewal</th>
<th>KBI Background Check</th>
<th>DL/KS ID Verification</th>
<th>Finger Prints</th>
<th>Daily Log</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olathe</td>
<td>$300</td>
<td>Annual - $150</td>
<td>$75</td>
<td>Annual - $35</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Overland Park</td>
<td>$300</td>
<td>Annual - $300</td>
<td>$75</td>
<td>Annual - $50</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes*</td>
<td>Yes</td>
</tr>
<tr>
<td>Lenexa</td>
<td>$300</td>
<td>Annual - $150</td>
<td>$75</td>
<td>Annual - $35</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Gardner</td>
<td>$200**</td>
<td>Annual - $200**</td>
<td>$25</td>
<td>Annual - $25</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes*</td>
<td>Yes</td>
</tr>
<tr>
<td>Bonner Springs</td>
<td>$200</td>
<td>Annual - $150</td>
<td>$125</td>
<td>Annual - $75</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes*</td>
<td>Yes</td>
</tr>
<tr>
<td>Leawood</td>
<td>$150</td>
<td>Annual - $150</td>
<td>$75</td>
<td>Annual - $75</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes</td>
</tr>
<tr>
<td>Mission</td>
<td>$300</td>
<td>Annual¹</td>
<td>$50</td>
<td>Annual - $50</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Wichita</td>
<td>$200</td>
<td>Biennial - $200</td>
<td>$75</td>
<td>Biennial - $75</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Lawrence</td>
<td>N/A</td>
<td>N/A</td>
<td>$75</td>
<td>Biennial - $50</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>HB 2557</td>
<td>N/A</td>
<td>N/A</td>
<td>$80</td>
<td>Biennial - $75</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

¹Mission's renewal fee is based on square footage of facility, similar to their general business license

* Only during initial application - not during renewals

** $50 License for Home Occupation

<table>
<thead>
<tr>
<th>City</th>
<th>In-Home Establishments</th>
<th>Hotel Rooms</th>
<th>Hours of Operation</th>
<th>Alcohol Allowed in Establishment</th>
<th>Insurance Requirements</th>
<th>Continuing Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olathe</td>
<td>No</td>
<td>Yes</td>
<td>6am - 12am</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Overland Park</td>
<td>Yes</td>
<td>Yes</td>
<td>6am - 10pm</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Lenexa</td>
<td>Yes</td>
<td>No</td>
<td>6am - 10pm</td>
<td>No²</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Gardner</td>
<td>Yes</td>
<td>Yes</td>
<td>6am - 12am</td>
<td>No²</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bonner Springs</td>
<td>No</td>
<td>Yes³</td>
<td>6am - 10pm</td>
<td>No²</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Leawood</td>
<td>No</td>
<td>Yes⁵</td>
<td>6am - 8:30pm</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Mission</td>
<td>No</td>
<td>Yes⁵</td>
<td>6am - 12am</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Wichita</td>
<td>Yes</td>
<td>Yes</td>
<td>6am - 12am</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Lawrence</td>
<td>Yes</td>
<td>Yes</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>HB 2557</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

² Allows alcohol if massage establishment is Accessory to other business, but no alcohol on premise where massage occurs

³ Leawood does not allow a hotel/motel to receive a massage therapy establishment license

⁴ Leawood 8am - 9pm for out calls

⁵ Mission - Hotel must be licensed Massage Thereapy Establishment with licensed therapist employed by the hotel
Why Massage Therapy Regulations?

- Kansas is one of only two states that doesn’t regulate massage establishments.
- The absence of regulations can be attractive to illicit business, including sexual assault and human sex trafficking.
- Riley County DA Barry Wilkerson wrote a letter to Commission requesting a local ordinance be passed in Manhattan.
  - *City met with RCPD and Riley County DA to discuss basic framework of program*
- Massage therapy regulations can help protect the health, safety, welfare of general public and massage therapy practitioners.
- Generally, members of the massage therapy community have shown support for regulation of some sort (split at State level).
- Best Practice- Several jurisdictions in Kansas have enacted ordinances (Overland Park, Olathe, Wichita, Mission, Leawood, etc.).
Public Meeting

- City Administration/RCPD held public meeting on September 19. Over 20 people from massage therapy attended.
- Group was given basic information on what City was looking at possibly doing and trying to accomplish. Basic framework for possible licensing system was shared for feedback.
- City Administration took feedback from group to try and incorporate in future ordinance discussion.
Ordinance Pieces

- Massage Business License
  - Fee, owner information/background checks, inspection

- Massage Therapist License
  - Fee, information/background checks, meet educational/training standard (possible grandfathering ability), continuing education requirements, student requirements

- Massage Therapy Business Operation Regulations
  - Daily logs staff/patrons, attire for staff (fully clothed and covered), sanitary health conditions in rooms (clean room, clean towels/practices/basic code compliance), restricted contact, limited business hours (no overnight stays), no alcohol in massage establishment portion, no patrons under 18 without parental consent

- Enforcement
  - Civil offense penalties
  - Revocation of license (ordinance is violated, operator convicted of criminal offense, operator refuses to allow RCPD/Code officer to inspect)
  - Suspension of license
  - Appeal Process (can appeal to City Manager or rep then district court)
Fees

- Massage Therapy Business
  - $200, biennial
  - $200, renewal

- Massage Therapist
  - $75, biennial
  - $75, renewal
Massage Therapy Definition

- Massage therapy is a healthcare service that involves the external manipulation or pressure of soft tissue for therapeutic purposes. It is the application of a system of structured touch, pressure, movement and holding of the soft tissue of the human body in which the primary intent is to relieve pain, improve circulation, relieve stress, increase relaxation and enhance or restore the health and well-being of the client. The practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. This definition was taken from a 2018 State Legislative licensing bill.
Massage Therapy Establishments
Exempt establishments

- Establishments exempt from license requirements:
  - Licensed physician, surgeon, chiropractor, osteopath or physical therapist when such duly licensed person is directly supervising or administering Massage to his or her patient
  - Licensed operator of electrolysis equipment (only with regards to the provision of electrolysis treatment);
  - Barbershops or beauty salon which perform Massage only to the scalp, the face, the neck or shoulders
  - Hospitals/Sanitariums/Medical Centers
  - Nursing/Assisted Living Homes
Massage Therapy Establishments
Permitted Locations

- Permitted vs Prohibited Locations
  - Massage Establishments
  - Accessory massage services to another main business
  - “Off-site massage therapy” - massage therapy that is provided by a massage therapist on the business or residential premises of a massage patron

- Prohibited Locations?
  - Do we want to prohibit “Residential Massage Establishments” – massage therapy that is provided by a massage therapist and solely operated in a residential premise (grandfathering possibility)?
  - Hotel rooms (concern from therapists on this item)?
Massage Therapy Establishments Inspection

- Performed by Fire/Code Officers or RCPD Officers:
  - Occur during operating hours
  - Complaint
  - Prior to opening
  - Annual Inspection
Massage Therapists Educational Requirements

- The applicant must provide one of the following:
  - (a) Proof the applicant has sat for and passed the Massage and Bodywork Licensure exam (MBLEx); or
  - (b) Proof the applicant has sat for and passed the National Certificate of Therapeutic Massage and Bodywork exam (NCTMB) prior to February 1, 2015; or
  - (c) An official transcript showing the applicant has successfully completed a minimum of five hundred instructor taught classroom hours within a recognized massage therapist school; or
  - (d) Proof of one hundred fifty hours of education from an accredited institution, at least twelve hours of continuing education units in the last five years, and membership in a nationally recognized massage therapy association.

- Existing practitioners. For a period of one year after effective date of ordinance an applicant could obtain a renewable permit by meeting one of standards a-d OR provide practice in City for at least last 5 years verified by affidavit/tax return/tax receipts/advertising literature/etc. New permits would have to meet education requirements a-d.

Continuing education requirements?
Massage Therapy Questions/Decision Pts

- Desire to license at all?
- Fees (biennial /amount)
- Where do we want to allow these establishments? (residential homes/hotels)
- Require patron registers/therapist registers

- Other Comments/concerns/questions from Commissioners?