

SUBJECT: Requiring student permits and progress reports for massage schools

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — T. King, Goldman, Geren, Harless, Hernandez, Kuempel, Paddie

0 nays

4 absent — Guillen, Herrero, K. King, S. Thompson

WITNESSES: For — None

Against — (*Registered, but did not testify*: Janna Easton, NE Tarrant Tea Party; Fran Rhodes, The Beauty Therapists Massage Institute)

On — (*Registered, but did not testify*: Colleen Tran, Texas Department of Licensing and Regulation)

DIGEST: CSHB 2464 would increase oversight and regulation of massage schools by the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission of Licensing and Regulation (TCLR) by requiring student permits and attendance progress reports and authorizing rulemaking regarding course equivalency standards.

Student permits. TDLR would have to require students enrolled in a massage school in the state to hold a student permit. TDLR would be required to issue a permit to a student who submitted an application, satisfied all requirements specified by TDLR, and paid the application fee. The permit would have to state the student's name and school.

A student permit holder who provided massage therapy as part of the course of instruction required for a massage therapist license would not need a license but could not be compensated for providing the massage therapy.

Reporting. Massage schools would be required to maintain attendance records of students' daily attendance, and TDLR would be permitted to inspect those records at any time. Massage schools also would be required to maintain monthly progress reports regarding each student attending the school that certified daily attendance records and the number of course hours and internship hours earned by each student during the previous month.

Massage schools would be required to notify TDLR when a student had completed the required hours for a prescribed course of instruction. TDLR would then be required to determine whether a student was eligible to take the appropriate examination.

Rulemaking. CSHB 2464 would permit TDLR to adopt rules to authorize a massage school to account for any hours of instruction completed on the basis of clock hours or course hours and establish standards for determining the equivalency and conversion of clock hours to course hours and vice versa.

Implementation. TDLR and TDLR would be required to adopt necessary rules for implementation by March 1, 2020. Students would not be required to comply with the bill until June 1, 2020. Massage schools would be required to submit the first monthly reports and notices of student course completion by July 1, 2020.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

CSHB 2464 would provide the Texas Department of Licensing and Regulation (TDLR) with the necessary tools for effective oversight over massage therapy schools. Requiring student permits would put massage schools on the same level of regulatory oversight as similar industry schools such as barbering and cosmetology. The bill would protect students from losing money and credits by allowing TDLR to track students' progress over the course of their education and ensuring they were not required to take duplicative courses, especially after transferring

schools.

TDLR currently lacks certain regulatory powers necessary to provide adequate quality control for massage therapy programs, which hinders the agency's efforts to execute successful oversight and prevent human trafficking in the industry. Without providing TDLR with the ability to track students throughout their education, the licensing system is left open to bad actors matriculating through and exploiting the state's licensing process.

**OPPONENTS
SAY:**

CSHB 2464 would place a financial burden on massage therapy students by requiring them to purchase a student permit in addition to their tuition, books, and equipment.

Adding another level of licensing by requiring student permits and increasing regulatory oversight of massage schools is unnecessary and would constitute government overreach.