

(H. B. 1561)

(No. 24-2010)

(Approved March 12, 2010)

AN ACT

To amend Section 3.01 and subsection 3 of Section 3.05 of Section 3 of Act No. 254-2003, known as the “Act to Regulate the Practice of Massage Therapy in Puerto Rico,” in order to authorize the Board of Examiners to join the Federation of State Massage Therapy Boards (FSMTB); and to authorize the Board, if it deems appropriate, to use the licensing exam of the FSMTB or another exam of similar complexity.

STATEMENT OF MOTIVES

Act No. 254-2003, among other things, regulates the practice of massage therapy and the Massage Therapist profession, establishes the requirements to practice said profession, creates the Puerto Rico Board of Examiners of Massage Therapists, and empowers said Board to regulate, investigate, and penalize these health professionals, and establishes penalties for the unlawful practice of therapeutic massage.

Massage is a therapeutic practice recognized as a legitimate preventive health care option. Act 254-2003, *supra*, was passed with the intent to protect the public interest with regard to health issues. This Act follows the model of most United States jurisdictions, where the practice of the Massage Therapist profession has been regulated, thus preventing persons who are not duly trained from engaging in the exercise of this profession. In doing so, the Commonwealth ensures that those who practice this profession meet certain uniform requirements.

The purpose of this measure is to amend several provisions of the aforementioned Act No. 254-2003, so as to authorize the Board of Examiners to join the Federation of State Massage Therapy Boards (FSMTB) and to authorize

the Board to use the licensing exam of the FSMTB, or another exam of similar complexity, whenever deemed appropriate. In that case, in accordance with the Supreme Court of Puerto Rico, such exam must be offered both in Spanish and English, so that the examinee may choose the language he/she prefers.

The proposed amendments shall enable the Board to expedite the process of preparing the licensing exam. Currently, the FSMTB licensing exam is administered in forty-two (42) United States jurisdictions, and Puerto Rico is one of the few that does not use it.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1. – Section 3.01 and subsection 3 of Section 3.05 of Section 3 of Act No. 254-2003, are hereby amended to read as follows:

“Section 3.– Puerto Rico Board of Examiners of Massage Therapists. –

Section 3.01.– Creation of the Puerto Rico Board of Examiners of Massage Therapists. –

The Puerto Rico Board of Examiners of Massage Therapists is hereby created, which shall enforce and oversee compliance with this Act. This Board shall be attached to the Office for the Regulation and Certification of Health Professionals of the Department of Health. The Board is hereby authorized to join the Federation of State Massage Therapy Boards (FSMTB). Each Board member shall be accountable to the Governor for the legitimate performance of the duties and obligations germane to the Office of the Board. The Governor shall have any claims or unfavorable reports regarding the actions of the Board or any of its members investigated, and appropriate measures shall be taken, including the dismissal of any of its member for embezzlement, abuse of power, negligence in the performance of his/her duties, incompetence, inability to perform official duties, the commission of a felony, or breach of the Massage Therapists Code of Ethics created by the Board.”

Section 3.05.– Duties and Powers of the Board. –

In addition to any other duties and powers provided in this Act, the Board shall have the following:

- (a) ...
- (b) ...
- (c) Prepare, evaluate, and administer examinations at least twice (2) a year, to those who aspire to obtain a Massage Therapist license, as provided in the regulations adopted by the Board. The Board shall determine the date and place of said examinations. The Board shall establish through regulations the specific and general subject matters to be covered in the licensing examination. It shall be specified the relative weight assigned to each subject, the evaluation criteria to be used by the examiner, and the required passing grade of the examination. The Board shall establish the necessary mechanisms to ensure that the examination adequately measures the skill, level of competence, and knowledge of the aspirant, in practice as well as of theory. The Board is hereby authorized to use the licensing exam of the FSMTB, or another exam of similar complexity, whenever deemed appropriate. Provided, that the Board shall be bound to administer such exam both in Spanish and English, so that the examinee may choose the language in which he/she shall take it.”

Section 4.– This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 24-2010 (H. B. 1561)** of the **3rd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend Section 3.01 and subsection 3 of Section 3.05 of Section 3 of Act No. 254-2003, known as the “Act to Regulate the Practice of Massage Therapy in Puerto Rico,” in order to authorize the Board of Examiners to join the Federation of State Massage Therapy Boards (FSMTB); and to authorize the Board, if it deems appropriate, to use the licensing exam of the FSMTB or another exam of similar complexity.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 18th day of May, 2012.

María del Mar Ortiz Rivera