

Education Law

Article 155, Massage Therapy

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§ 7800. Introduction.

This article applies to the profession of massage therapy. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§ 7801. Definition of practice of massage therapy.

The practice of the profession of massage therapy is defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

§ 7802. Practice of massage therapy and use of title "masseur", "masseuse" or "massage therapist" or the term "massage" or "massage therapy".

Only a person licensed or authorized pursuant to this chapter shall practice massage therapy and only a person licensed under this article shall use the title "masseur", "masseuse" or "massage therapist". No person, firm, partnership or corporation claiming to be engaged in the practice of massage or massage therapy shall in any manner describe, advertise, or place any advertisement for services as defined in section seventy-eight hundred one of this article unless such services are performed by a person licensed or authorized pursuant to this chapter.

§ 7803. State board for massage therapy.

A state board for massage therapy shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven persons, four of whom shall have been engaged in the teaching, research, or practice of massage therapy for at least three years. The remaining three members of the board shall be physicians licensed in this state. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner.

§ 7804. Requirements for a professional license.

To qualify for a license as a massage therapist, masseur or masseuse, an applicant shall fulfill the following requirements:

1. Application: file an application with the department;
2. Education: have received an education, including high school graduation and graduation from a school or institute of massage therapy with a program registered by the department, or its substantial equivalent in both subject matter and extent of training, provided that the program in such school or institute shall consist of

- classroom instruction of a total of not less than five hundred hours in subjects satisfactory to the department;
3. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
 4. Age: be at least eighteen years of age;
 5. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;
 6. Character: be of good moral character as determined by the department; and
 7. Fees: pay a fee of one hundred fifteen dollars to the department for admission to a department conducted examination and for an initial license, a fee of forty-five dollars for each reexamination, a fee of fifty dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of fifty dollars for each triennial registration period.
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§ 7805. Exempt persons.

Nothing contained in this article shall be construed to prohibit:

1. The practice of massage therapy by any person who is authorized to practice medicine, nursing, osteopathy, physiotherapy, chiropractic, or podiatry in accordance with the provisions of this title.
 2. The practice of that massage which is customarily given in barber shops or beauty parlors for the purpose of beautification by any licensed barber or beauty culturist.
 3. The practice of massage therapy by any person employed in a medical institution licensed or chartered by the state of New York, provided that such person is under the on-site supervision of a person licensed to practice massage therapy or authorized to practice massage therapy by subdivision one of this section, or by any person enrolled in a program of a school or institute of massage therapy registered by the department, or enrolled in a program which satisfies the requirements of section seventy-eight hundred four of this article, provided that such person is under the on-site supervision of a person licensed to practice massage therapy or authorized to practice massage therapy by subdivision one of this section.
 4. The practice of massage therapy by any person duly employed as a trainer by a professional athletic association, club or team, or as a member of the physical education department of an accredited university, college or high school.
 5. The practice of massage therapy by any person employed by a corporation or association organized exclusively for the moral or mental improvement of men, women or children.
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§ 7806. Limited permits.

1. The department may issue a limited permit to practice massage therapy as a licensed massage therapist, masseur or masseuse to a person who has not previously held such a permit and who fulfills all except the examination and citizenship requirements for a license, provided however that a permit shall not be issued to a person who has failed the state licensing examination.
2. The limited permit shall be valid for a period of not more than twelve months or until the results of the next licensing examination for which the person is eligible are officially available, whichever comes first.
3. A limited permit shall entitle the holder to practice massage therapy only under the personal supervision of a person currently licensed and registered to practice massage therapy in this state.
4. The fee for a limited permit shall be thirty-five dollars.

<http://www.op.nysed.gov/article155.htm>

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