

2003

STATE OF NEBRASKA

STATUTES RELATING TO MASSAGE THERAPY

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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STATUTES PERTAINING TO THE PRACTICE OF MASSAGE THERAPY

71-1,278. Terms, defined; department; powers. (1) For purposes of sections 71-1,278 to 71-1,282, unless the context otherwise requires:

(a) An approved massage therapy school shall be (i) one which is approved by the department upon the recommendation of the Board of Massage Therapy, (ii) one which requires for admission a diploma from an accredited high school or its equivalent, (iii) one which has attached to its staff a regularly licensed physician and employs one or more competent massage therapists as instructors, and (iv) one which has a minimum requirement of a continuous course of study and training of not less than one thousand hours distributed over a term of not less than nine months. Such study and training shall consist of one hundred hours of each of the following: Physiology; anatomy; massage; pathology; hydrotherapy; hygiene and practical demonstration; and health service management. The remaining three hundred hours shall be obtained in subject areas related to the clinical practice of massage therapy;

(b) Massage therapist shall mean a person licensed to practice massage therapy;

(c) Massage therapy shall mean the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of well-being and may include the use of oil, salt glows, heat lamps, and hydrotherapy. Massage therapy shall not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments; and

(d) Massage therapy establishment shall mean any duly licensed place in which a massage therapist practices his or her profession of massage therapy.

(2) The department shall adopt and promulgate rules and regulations as it may deem necessary with reference to the conditions under which the practice of massage therapy shall be carried on and the precautions necessary to be employed to prevent the spread of infectious and contagious diseases. The department shall have the power to enforce sections 71-1,278 to 71-1,282 and all necessary inspections in connection therewith.

Source: Laws 1955, c. 273, § 1, p. 861; Laws 1987, LB 473, § 42; R.S.Supp., 1987, § 71-2701; Laws 1988, LB 1100, § 132; Laws 1990, LB 1064, § 14; Laws 1991, LB 10, § 2; Laws 1993, LB 48, § 2; Laws 1999, LB 828, § 142; Laws 2003, LB 242, § 69. Operative date July 1, 2004.

71-1,279. Massage Therapy; Persons Excepted. Section 71-1,278 shall not be construed to include the following classes of persons: (1) Licensed physicians and surgeons, osteopathic physicians, chiropractors, registered nurses, practical nurses, cosmetologists, chiropodists, physical therapists, and barbers who are exclusively engaged in the practice of their respective professions; (2) physicians of the United States Army, Navy, or Public Health Service when acting in the line of duty in this state; and (3) students performing massage therapy services when they render such services within the scope of an approved massage therapy school under the supervision of a licensed massage therapist.

Source: Laws 1955, c. 273, § 2, p. 862; Laws 1957, c. 297, § 1, p. 1070; R.S. 1943, (1986), § 71-2702; Laws 1988, LB 1100, § 133; Laws 1989, LB 342, § 28; Laws 1990, LB 1064, § 15. Effective date April 8, 1990.

71-1,280. School or establishment; license; required; massage therapist; license; renewal; continuing competency requirements. (1) No person shall engage in the practice of massage therapy or the operation of a massage therapy school or establishment unless he or she obtains a license from the department for that purpose.

(2) In November of each odd-numbered year, all license holders shall apply for renewal of such license pursuant to the Uniform Licensing Law.

(3) Each Nebraska-licensed massage therapist in active practice within the State of Nebraska shall, on or before November 1 of each odd-numbered year, complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 1955, c. 273, § 11, p. 866; Laws 1957, c. 297, § 7, p. 1073; R.S. 1943, (1986), § 71-2712; Laws 1988, LB 1100, § 137; Laws 2002, LB 1021, § 31. Operative date January 1, 2003.

71-1,281. Massage therapy license; applicant; qualifications. Every applicant for an initial license to practice massage therapy shall (1) present satisfactory evidence that he or she is a resident of this state and has attained the age of nineteen years and is of good moral character, (2) present proof of graduation from an approved massage therapy school, and (3) pass an examination prescribed by the Board of Massage Therapy.

Source: Laws 1955, c. 273, § 5, p. 863; Laws 1957, c. 297, § 3, p. 1071; Laws 1973, LB 512, § 1; R.S. 1943, (1986), § 71-2705; Laws 1988, LB 1100, § 135; Laws 1999, LB 828, § 143. Effective date August 28, 1999.

71-1,281.01. Massage therapy; temporary license; requirements. A temporary license to practice massage therapy may be granted to any person who meets all the requirements for a license except passage of the licensure examination required by section 71-1,281. A temporary licensee shall be supervised in his or her practice by a licensed massage therapist.

A temporary license shall be valid only until the results of the next examination are available to the department. In the event a temporary licensee fails the examination required by such section, the temporary license shall be revoked, except that the department upon recommendation of the Board of Massage Therapy may extend the temporary license upon a showing of good cause why such license should be extended. A temporary license may not be extended beyond one year. A temporary license shall not be issued to any person failing the examination if such person did not hold a valid temporary license prior to his or her failure to pass the examination.

The department shall have the power to deny or revoke a temporary license to practice massage therapy upon the grounds and in accordance with the Uniform Licensing Law.

Source: Laws 1993, LB 48, § 3; Laws 1999, LB 828, § 144; Laws 2003, LB 242, § 70. Operative date July 1, 2004.

71-1,282. Apprenticeship Under Prior Law; Treatment. Any person serving an apprenticeship to engage in the practice of massage as provided by law in effect immediately prior to August 1, 1988, may complete his or her apprenticeship subject to the conditions required by such law.

On August 1, 1988, any masseur or masseuse under whom an apprenticeship is being served pursuant to law in effect immediately prior to such date shall be subject to all conditions and restrictions which existed immediately prior to such date.

Source: Laws 1988, LB 1100, §136. Operative date August 1, 1988.

71-1,283. Repealed. Laws 2003, LB 242, s. 154.

71-1,284. Repealed. Laws 1991, LB 10, §7.

STATUTES PERTAINING TO THE PRACTICE OF MASSAGE

71-2701 and 71-2702. Transferred to sections 71-1,278 and 71-1,279.

71-2703 to 71-2704.01. Repealed. Laws 1988, LB 1100, §184.

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