

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 545

By: Bergstrom

6 AS INTRODUCED

7 An Act relating to the practice of massage therapy;  
8 transferring powers and duties under the Massage  
9 Therapy Practice Act from the State Board of  
10 Cosmetology and Barbering to the Board of  
11 Chiropractic Examiners; directing certain transfers;  
12 requiring the Office of Management and Enterprise  
13 Services to coordinate certain transfers; providing  
14 for transfer of administrative rules; amending 59  
15 O.S. 2021, Section 4200.2, which relates to  
16 definitions used in the Massage Therapy Practice Act;  
17 modifying and adding definitions; amending 59 O.S.  
18 2021, Section 4200.3, which relates to acts requiring  
19 licensure; conforming language; updating statutory  
20 reference; amending 59 O.S. 2021, Section 4200.4,  
21 which relates to powers and duties; conforming and  
22 updating language; adding and modifying powers and  
23 duties; modifying name of certain advisory board;  
24 removing obsolete language; increasing massage  
therapy license fee; amending 59 O.S. 2021, Section  
4200.5, which relates to license requirements;  
conforming and updating language; modifying certain  
licensure qualifications; removing obsolete language;  
authorizing disciplinary action for certain  
violations; establishing and mandating massage  
therapy establishment license; prohibiting unlicensed  
establishments; creating certain temporary exception;  
providing for application and fee; requiring certain  
designation of massage therapist for specified  
purpose; requiring massage therapists to provide  
certain notice and information to the Board of  
Chiropractic Examiners; authorizing certain  
disciplinary actions; authorizing certain  
inspections; providing for promulgation of certain  
rules; amending 59 O.S. 2021, Sections 4200.6,  
4200.8, and 4200.9, which relate to the practice of

1           massage therapy; conforming and updating language;  
2           amending 59 O.S. 2021, Section 4200.11, which relates  
3           to disciplinary actions and proceedings; updating  
4           statutory language; stipulating certain investigative  
5           procedures; providing for informal complaint  
6           recommendations; providing for confidentiality of  
7           complaint and investigative information; limiting  
8           disclosure of complaint and investigative  
9           information; allowing respondent to acquire certain  
10          information under specified conditions; specifying  
11          effect of certain licensure actions; amending 59 O.S.  
12          2021, Sections 4200.12 and 4200.13, which relate to  
13          the practice of massage therapy; conforming and  
14          updating language; providing for codification; and  
15          providing an effective date.

16           BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17           SECTION 1.        NEW LAW        A new section of law to be codified  
18          in the Oklahoma Statutes as Section 4200.4a of Title 59, unless  
19          there is created a duplication in numbering, reads as follows:

20           A. Upon the effective date of this act, all powers, duties,  
21          functions, and responsibilities of the State Board of Cosmetology  
22          and Barbering related to the Massage Therapy Practice Act shall  
23          transfer to the Board of Chiropractic Examiners.

24           B. All records, matters pending, assets, current and future  
25          liabilities, fund balances, encumbrances, obligations, indebtedness,  
26          and legal and contractual rights and responsibilities of the State  
27          Board of Cosmetology and Barbering related to the regulation of the  
28          practice of massage therapy shall transfer to the Board of  
29          Chiropractic Examiners.

1       C. Any monies accruing to or in the name of the State Board of  
2 Cosmetology and Barbering on and after the effective date of this  
3 act related to the regulation of the practice of massage therapy, or  
4 any monies that accrue in any funds or accounts or are maintained  
5 for the benefit of the State Board of Cosmetology and Barbering on  
6 and after the effective date of this act related to the regulation  
7 of the practice of massage therapy, shall transfer to the Board of  
8 Chiropractic Examiners.

9       D. The Director of the Office of Management and Enterprise  
10 Services shall coordinate the transfer of funds, allotments,  
11 purchase orders, and outstanding financial obligations or  
12 encumbrances as provided for in this section.

13      E. On the effective date of this act, all administrative rules  
14 promulgated by the State Board of Cosmetology and Barbering under  
15 the Massage Therapy Practice Act shall transfer to and become a part  
16 of the administrative rules of the Board of Chiropractic Examiners.  
17 The Office of Administrative Rules in the Office of the Secretary of  
18 State shall provide adequate notice in "The Oklahoma Register" of  
19 the transfer of such rules and shall place the transferred rules  
20 under the Oklahoma Administrative Code title of the Board of  
21 Chiropractic Examiners. Such rules shall continue in force and  
22 effect as rules of the Board of Chiropractic Examiners from and  
23 after the effective date of this act, and any amendment, repeal, or  
24

1 addition to the transferred rules shall be under the jurisdiction of  
2 the Board of Chiropractic Examiners.

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 4200.2, is  
4 amended to read as follows:

5 Section 4200.2. As used in the Massage Therapy Practice Act:

6 1. "Board" means the ~~State Board of Cosmetology and Barbering~~  
7 Board of Chiropractic Examiners;

8 2. "Direct access" means the ability that the public has to  
9 seek out treatment by a massage therapist without the direct  
10 referral from a medical or health care professional;

11 3. "Massage therapist" means an individual who practices  
12 massage or massage therapy and is licensed under the Massage Therapy  
13 Practice Act. A massage therapist uses visual, kinesthetic, and  
14 palpitory skills to assess the body and may evaluate a condition to  
15 the extent of determining whether massage is indicated or  
16 contraindicated;

17 4. "Massage therapy" means the skillful treatment of the soft  
18 tissues of the human body. Massage is designed to promote general  
19 relaxation, improve movement, relieve somatic and muscular pain or  
20 dysfunction, stress and muscle tension, provide for general health  
21 enhancement, personal growth, education and the organization,  
22 balance and integration of the human body and includes, but is not  
23 limited to:

1           a. the use of touch, pressure, friction, stroking,  
2           gliding, percussion, kneading, movement, positioning,  
3           holding, range of motion and nonspecific stretching  
4           within the normal anatomical range of movement, and  
5           vibration by manual or mechanical means with or  
6           without the use of massage devices that mimic or  
7           enhance manual measures, and

8           b. the external application of ice, heat and cold packs  
9           for thermal therapy, water, lubricants, abrasives and  
10          external application of herbal or topical preparations  
11          not classified as prescription drugs; and

12         5. "Massage therapy establishment" means a place of business

13         where a licensed massage therapist provides massage therapy services  
14         to clients in exchange for payment. Massage therapy establishment  
15         does not include the home of a client; and

16         6. "Massage therapy school" means a facility providing

17         instruction in massage therapy.

18         SECTION 3.       AMENDATORY       59 O.S. 2021, Section 4200.3, is

19         amended to read as follows:

20         Section 4200.3. A. Unless a person is a licensed massage  
21         therapist, a person shall not:

22         1. Use the title of massage therapist;

23         2. Represent himself or herself to be a massage therapist;

1       3. Use any other title, words, abbreviations, letters, figures,  
2 signs or devices that indicate the person is a massage therapist; or

3       4. Utilize the terms "massage", "massage therapy" or "massage  
4 therapist" when advertising or printing promotional material.

5           B. A person shall not maintain, manage or operate a massage  
6 therapy school offering education, instruction or training in  
7 massage therapy unless the school is a licensed massage therapy  
8 school pursuant to ~~Section 7 of this act~~ Section 4200.7 of this  
9 title.

10          C. Individuals practicing massage therapy under the Massage  
11 Therapy Practice Act shall not perform any of the following:

- 12       1. Diagnosis of illness or disease;
- 13       2. High-velocity, low-amplitude thrust;
- 14       3. Electrical stimulation;
- 15       4. Application of ultrasound;
- 16       5. Use of any technique that interrupts or breaks the skin; or
- 17       6. Prescribing of medicines.

18          D. Nothing in the Massage Therapy Practice Act shall be  
19 construed to prevent:

20           1. Qualified members of other recognized professions who are  
21 licensed or regulated under Oklahoma law from rendering services  
22 within the scope of the license of the person, provided the person  
23 does not represent himself or herself as a massage therapist. A  
24 physician or other licensed health care provider providing health

1 care services within the scope of practice of the physician or  
2 provider shall not be required to be licensed by or registered with  
3 the ~~State Board of Cosmetology and Barbering~~ Board of Chiropractic  
4 Examiners for the purposes of the Massage Therapy Practice Act;

5 2. Students from rendering massage therapy services within the  
6 course of study when enrolled at a licensed massage therapy school;

7 3. Visiting massage therapy instructors from another state or  
8 territory of the United States, the District of Columbia or any  
9 foreign nation from teaching massage therapy, provided the  
10 instructor is duly licensed or registered, if required, and is  
11 qualified in the instructor's place of residence for the practice of  
12 massage therapy;

13 4. Any nonresident person holding a current license,  
14 registration or certification in massage therapy from another state  
15 or recognized national certification system determined as acceptable  
16 by the Board when temporarily present in this state from providing  
17 massage therapy services as a part of an emergency response team  
18 working in conjunction with disaster relief officials or at special  
19 events such as conventions, sporting events, educational field  
20 trips, conferences, traveling shows or exhibitions;

21 5. Physicians or other health care professionals from  
22 appropriately referring to duly licensed massage therapists or limit  
23 in any way the right of direct access of the public to licensed  
24 massage therapists; or

1       6. The practice of any person in this state who uses touch,  
2 words and directed movement to deepen awareness of existing patterns  
3 of movement in the body as well as to suggest new possibilities of  
4 movement while engaged within the scope of practice of a profession  
5 with established standards and ethics, provided that the services  
6 are not designated or implied to be massage or massage therapy.

7 Practices shall include but are not limited to the Feldenkrais  
8 Method of somatic education, Rolf Movement Integration by the Rolf  
9 Institute, the Trager Approach of movement education, and Body-Mind  
10 Centering. Practitioners shall be recognized by or meet the  
11 established standards of either a professional organization or  
12 credentialing agency that represents or certifies the respective  
13 practice based on a minimal level of training, demonstration of  
14 competency, and adherence to ethical standards.

15       E. A physician or other licensed health care provider providing  
16 health care services within their scope of practice shall not be  
17 required to be licensed or registered with the ~~State Board of~~  
18 ~~Cosmetology~~ Board for the purposes of the Massage Therapy Practice  
19 Act.

20       SECTION 4.       AMENDATORY       59 O.S. 2021, Section 4200.4, is  
21 amended to read as follows:

22       Section 4200.4. A. The ~~State Board of Cosmetology and~~  
23 ~~Barbering is hereby authorized to adopt and promulgate Board of~~  
24 Chiropractic Examiners shall have the power and duty to:

1       1. Promulgate rules pursuant to the Administrative Procedures  
2       Act that are necessary for the implementation and enforcement of the  
3       Massage Therapy Practice Act, including, but not limited to,  
4       qualifications for licensure, renewals, reinstatements, and  
5       continuing education requirements.;

6       B. ~~The State Board of Cosmetology and Barbering is hereby~~  
7       empowered to perform 2. Perform investigations, to require and  
8       order or subpoena the attendance of witnesses, the inspection of  
9       records and premises, and the production of records and other  
10      relevant documents relating to the investigation of matters that may  
11      come before the Board or practices regulated by the Massage Therapy  
12      Practice Act, and to seek injunctive relief;

13      3. Employ or contract with one or more investigators, as  
14      needed, for the sole purpose of investigating complaints regarding  
15      the conduct of massage therapists, and fix and pay their salaries or  
16      wages. Any investigator shall be certified as a peace officer by  
17      the Council on Law Enforcement Education and Training and shall have  
18      statewide jurisdiction to perform the duties authorized by the  
19      Massage Therapy Practice Act;

20      4. Require applicants for an original massage therapy license  
21      to submit to a national criminal history record check pursuant to  
22      Section 150.9 of Title 74 of the Oklahoma Statutes. The costs  
23      associated with the national criminal history record check shall be  
24      paid directly by the applicant;

1       5. Establish appropriate fees and charges to implement the  
2 provisions of the Massage Therapy Practice Act; and

3       6. Promulgate, by rule, a code of ethics.

4       C. There is hereby created an Advisory ~~Board~~ Committee on  
5 Massage Therapy. The Advisory ~~Board~~ Committee on Massage Therapy  
6 shall assist the Board in carrying out the provisions of this  
7 section regarding the qualifications, examination, registration,  
8 regulation, and standards of professional conduct of massage  
9 therapists. The Advisory ~~Board~~ Committee on Massage Therapy shall  
10 consist of five (5) members to be appointed by the Governor for  
11 four-year terms as follows:

12       1. Three members who shall be licensed massage therapists and  
13 have practiced in Oklahoma for not less than three (3) years prior  
14 to their appointment;

15       2. One member who shall be an administrator or faculty member  
16 of a nationally accredited school of massage therapy; and

17       3. One who shall be a citizen member.

18       D. ~~The fee for any license issued between the effective date of~~  
19 ~~this act and May 1, 2017, shall be Twenty-five Dollars (\$25.00).~~

20       The fee or renewal fee for any a massage therapy license ~~issued~~  
21 ~~after May 1, 2017,~~ shall be ~~Fifty Dollars (\$50.00)~~ Seventy-five  
22 Dollars (\$75.00) per year. A duplicate license fee shall be Ten  
23 Dollars (\$10.00).

1 SECTION 5. AMENDATORY 59 O.S. 2021, Section 4200.5, is

2 amended to read as follows:

3 Section 4200.5. A. ~~Between the effective date of this act and~~  
4 ~~May 1, 2017, the State Board of Cosmetology and Barbering~~ The Board  
5 of Chiropractic Examiners shall issue a license to practice massage  
6 therapy to any person who files a completed application, accompanied  
7 by the required fees, and who submits satisfactory evidence that the  
8 applicant:

9 1. Is at least eighteen (18) years of age;

10 2. a. Has one or more of the following, if the applicant  
11 made application for an original license on or before  
12 May 1, 2017:

13 a. (1) documentation that the applicant has  
14 completed and passed a nationally recognized  
15 competency examination in the practice of massage  
16 therapy,

17 b. (2) an affidavit of at least five (5) years of  
18 work experience in the state, or

19 c. (3) a certificate and transcript of completion  
20 from a massage school with at least five hundred  
21 (500) hours of education,

22 b. Meets both of the following, if the applicant makes  
23 application for an original license after May 1, 2017,  
24 and before July 1, 2027:

- (1) has completed the equivalent of five hundred (500) hours of formal education in massage therapy from a state-licensed school, and

(2) has passed a nationally recognized competency examination approved by the Board, or

c. Meets both of the following, if the applicant makes application for an original license on or after July 1, 2027:

- (1) has completed the equivalent of six hundred (600) hours of formal education in massage therapy from a state-licensed school, and

(2) has passed a nationally recognized competency examination approved by the Board;

3. Provides proof of documentation that the applicant currently maintains liability insurance for practice as a massage therapist; and

4. Provides full disclosure to the Board of any criminal proceeding taken against the applicant including but not limited to pleading guilty or nolo contendere to, or receiving a conviction for, a felony crime that substantially relates to the practice of massage therapy and poses a reasonable threat to public safety.

B. To assist in determining the entry-level competence of an applicant who makes application for a license after May 1, 2017, the Board may adopt rules establishing additional standards or criteria

1 for examination acceptance and may adopt only those examinations  
2 that meet the standards outlined in Section 4200.8 of this title.

3 C. 1. ~~After May 1, 2017, except~~ Except as otherwise provided  
4 in the Massage Therapy Practice Act, every person desiring to  
5 practice massage therapy in this state shall be required to first  
6 obtain a license from the Board.

7 2. ~~After May 1, 2017, the Board may issue a license to an~~  
8 applicant who:

- 9 a. ~~is at least eighteen (18) years of age,~~
- 10 b. ~~provides documentation that the applicant has~~
- 11 c. ~~completed the equivalent of five hundred (500) hours~~
- 12 d. ~~of formal education in massage therapy from a state-~~
- 13 e. ~~licensed school,~~
- 14 f. ~~provides documentation that the applicant has passed a~~
- 15 g. ~~nationally recognized competency examination approved~~
- 16 h. ~~by the Board,~~
- 17 i. ~~provides proof that the applicant currently maintains~~
- 18 j. ~~liability insurance for practice as a massage~~
- 19 k. ~~therapist, and~~
- 20 l. ~~provides full disclosure to the Board of any criminal~~
- 21 m. ~~proceeding taken against the applicant including~~
- 22 n. ~~pleading guilty or nolo contendere to, or receiving a~~
- 23 o. ~~conviction for, a felony crime that substantially~~

1                   relates to the practice of massage therapy and poses a  
2                   reasonable threat to public safety.

3       D. In addition to an applicant's failure to meet any other  
4       requirements imposed by this section or other applicable law, the  
5       Board may deny a license or impose probationary conditions if an  
6       applicant has:

7       1. Pleaded guilty or nolo contendere to, received a deferred  
8       sentence for, or been convicted of a felony crime that substantially  
9       relates to the practice of massage therapy and poses a reasonable  
10      threat to public safety;

11      2. Been the subject of disciplinary action by the Board; or  
12      3. Been the subject of disciplinary action in another  
13      jurisdiction.

14       E. As used in this section:

15       1. "Substantially relates" means the nature of criminal conduct  
16      for which the person was convicted has a direct bearing on the  
17      fitness or ability to perform one or more of the duties or  
18      responsibilities necessarily related to the occupation; and

19       2. "Poses a reasonable threat" means the nature of criminal  
20      conduct for which the person was convicted involved an act or threat  
21      of harm against another and has a bearing on the fitness or ability  
22      to serve the public or work with others in the occupation.

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 4200.5a of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4       A. 1. Beginning January 1, 2026, any massage therapist wishing  
5 to provide massage therapy services at a massage therapy  
6 establishment shall first obtain a massage therapy establishment  
7 license from the Board of Chiropractic Examiners as provided by this  
8 section.

9       2. It shall be unlawful to operate a massage therapy  
10 establishment without a massage therapy establishment license issued  
11 by the Board; provided, however, a massage therapy establishment  
12 currently in operation that makes application to the Board for a  
13 massage therapy establishment license no later than January 1, 2026,  
14 may continue to operate lawfully without such license until the  
15 Board approves or denies the application.

16       B. 1. To obtain a massage therapy establishment license, a  
17 massage therapist shall make application to the Board on a form  
18 prescribed by the Board and shall pay a nonrefundable application  
19 fee of Two Hundred Dollars (\$200.00) to the Board. Massage therapy  
20 establishment licenses shall be renewed biennially.

21       2. If there are multiple massage therapists working at a single  
22 massage therapy establishment, the establishment shall designate one  
23 massage therapist to be responsible for ensuring the establishment  
24 complies with the requirements of the Massage Therapy Practice Act

1 and any rules promulgated by the Board applicable to massage therapy  
2 establishments. It shall be the duty of such designated massage  
3 therapist to notify the Board of any changes to the massage therapy  
4 establishment's physical address or other application information.

5 C. Subject to the Administrative Procedures Act, the Board may  
6 deny, refuse to renew, revoke, suspend, or take other appropriate  
7 action against a massage therapy establishment license if the Board  
8 finds that the massage therapy establishment, or a massage therapist  
9 providing massage therapy services at the massage therapy  
10 establishment, does not meet licensure qualifications prescribed by  
11 the Board or is otherwise in violation of the Massage Therapy  
12 Practice Act or rules promulgated by the Board.

13 D. The Board or designee may enter any massage therapy  
14 establishment for the purpose of inspection on a routine basis or  
15 when a complaint has been filed with the Board regarding the  
16 practice of massage therapy at that establishment. A fee shall not  
17 be charged for any inspection under this subsection.

18 E. The Board may promulgate rules governing massage therapy  
19 establishments including, but not limited to, rules pertaining to  
20 licensure qualifications, minimum standards, sanitation  
21 requirements, recordkeeping requirements, inspections, and  
22 disciplinary action.

23 SECTION 7. AMENDATORY 59 O.S. 2021, Section 4200.6, is  
24 amended to read as follows:

1       Section 4200.6. A. A massage therapy license issued by the  
2 ~~State Board of Cosmetology and Barbering~~ Board of Chiropractic  
3 Examiners shall at all times be posted in a conspicuous place in the  
4 massage therapy establishment or other principal place of business  
5 of the holder.

6       B. A license issued pursuant to the Massage Therapy Practice  
7 Act is not assignable or transferable.

8       SECTION 8.       AMENDATORY       59 O.S. 2021, Section 4200.8, is  
9 amended to read as follows:

10       Section 4200.8. The required examination approved by the ~~State~~  
11 ~~Board of Cosmetology and Barbering~~ Board of Chiropractic Examiners  
12 for licensure under the Massage Therapy Practice Act shall be a  
13 standardized national massage therapy examination that meets the  
14 following criteria:

15       1. Is statistically validated through a job analysis under  
16 current standards for educational and professional testing;

17       2. Complies with pertinent state and federal equal employment  
18 opportunity guidelines;

19       3. Is available to all potential licensing candidates; and

20       4. Is delivered through a professional testing company with  
21 high-security test centers located nationwide.

22       SECTION 9.       AMENDATORY       59 O.S. 2021, Section 4200.9, is  
23 amended to read as follows:

1       Section 4200.9. A. The ~~State Board of Cosmetology and~~  
2 ~~Barbering Board of Chiropractic Examiners~~ may license an applicant,  
3 provided that the applicant possesses a valid license or  
4 registration to practice massage therapy issued by the appropriate  
5 examining board under the laws of any other state or territory of  
6 the United States, the District of Columbia or any foreign nation  
7 and has met educational and examination requirements equal to or  
8 exceeding those established pursuant to the Massage Therapy Practice  
9 Act.

10      B. 1. Massage therapy licenses shall expire biennially.  
11 Expiration dates shall be established by the Board through adoption  
12 of a rule.

13      2. A license shall be renewed by submitting a renewal  
14 application ~~on a form provided by~~ to the Board in the manner  
15 prescribed by the Board.

16      3. A thirty-day grace period shall be allowed each license  
17 holder after the end of the renewal period, during which time a  
18 license may be renewed upon payment of the renewal fee and a late  
19 fee as prescribed by the Board.

20      C. 1. If a massage therapy license is not renewed by the end  
21 of the thirty-day grace period, the license shall be placed on  
22 inactive status for a period not to exceed one (1) year. At the end  
23 of one (1) year, if the license has not been reactivated, it shall  
24 automatically expire.

1       2. If within a period of one (1) year from the date the license  
2 was placed on inactive status the massage therapist wishes to resume  
3 practice, the massage therapist shall notify the Board in writing  
4 and, upon receipt of proof of completion of all continuing education  
5 requirements and payment of an amount set by the Board in lieu of  
6 all lapsed renewal fees, the license shall be restored in full.

7           D. The Board shall establish a schedule of reasonable and  
8 necessary administrative fees.

9           E. The Board shall fix the amount of fees so that the total  
10 fees collected shall be sufficient to meet the expenses of  
11 administering the provisions of the Massage Therapy Practice Act  
12 without unnecessary surpluses.

13           SECTION 10.       AMENDATORY       59 O.S. 2021, Section 4200.11, is  
14 amended to read as follows:

15           Section 4200.11. A. The ~~State Board of Cosmetology and~~  
16 ~~Barbering Board of Chiropractic Examiners~~ may take disciplinary  
17 action against a person licensed pursuant to the Massage Therapy  
18 Practice Act as follows:

- 19           1. Deny or refuse to renew a license;
- 20           2. Suspend or revoke a license;
- 21           3. Issue an administrative reprimand; or
- 22           4. Impose probationary conditions when the licensee or  
23 applicant has engaged in unprofessional conduct that has endangered

1 or is likely to endanger the health, welfare or safety of the  
2 public.

3       B. The Board shall take disciplinary action upon a finding that  
4 the licensee or person has committed an act of unprofessional  
5 conduct or committed a violation of rule or law.

6       C. 1. Disciplinary proceedings may be instituted by sworn  
7 complaint of any person, including members of the Board, and shall  
8 conform to the provisions of the Administrative Procedures Act.

9 After an initial complaint is received by the Board, the Executive  
10 Director of the Board and the chair of the Advisory Committee on  
11 Massage Therapy, or designee, shall determine whether the complaint  
12 merits further investigation. If a determination is made that the  
13 complaint merits further investigation, the Executive Director, in  
14 consultation with the chair of the Advisory Committee, or designee,  
15 shall assign the complaint to an investigator. The focus and scope  
16 of an investigation shall pertain only to the subject of the  
17 complaint.

18       2. The complaint and findings of the investigator shall be  
19 presented to the Advisory Committee for review. The Advisory  
20 Committee, in consultation with the Board's prosecuting attorney,  
21 shall make an informal recommendation for disposition of the  
22 complaint to the Board.

23       D. 1. The Board, its employees, appointed Advisory Committee  
24 members, independent contractors, or other agents of the Board shall

1      keep confidential the complaint and information obtained during an  
2      investigation into violations of the Massage Therapy Practice Act;  
3      provided, however, such information may be introduced by the state  
4      in administrative proceedings before the Board and the information  
5      then becomes a public record.

6      2. The complaint and information obtained during the  
7      investigation but not introduced in administrative proceedings shall  
8      not be subject to subpoena or discovery in any civil or criminal  
9      proceedings, except that the Board may give such information to law  
10     enforcement and other state agencies as necessary and appropriate in  
11     the discharge of the duties of that agency and only under  
12     circumstances that ensure against unauthorized access to the  
13     information.

14     3. The respondent may acquire information obtained during an  
15     investigation, unless the disclosure of the information is otherwise  
16     prohibited, except for the investigative report, if the respondent  
17     signs a protective order whereby the respondent agrees to use the  
18     information solely for the purpose of defense in the Board  
19     proceeding and in any appeal therefrom and agrees not to otherwise  
20     disclose the information.

21     D. E. The Board shall establish the guidelines for the  
22     disposition of disciplinary cases. Guidelines may include, but  
23     shall not be limited to, periods of probation, conditions of  
24     probation, suspension, revocation or reissuance of a license.  
25

1       E. F. A license holder who has been found culpable and  
2 sanctioned by the Board shall be responsible for the payment of all  
3 costs of the disciplinary proceedings and any administrative fees  
4 imposed.

5       F. G. The forfeiture, nonrenewal, surrender, or voluntary  
6 relinquishment of a license by a licensee shall not deprive the  
7 Board of jurisdiction to proceed with disciplinary action any  
8 investigation, action, or proceeding to revoke, suspend, condition,  
9 or limit the licensee's license or fine the licensee.

10      SECTION 11.     AMENDATORY        59 O.S. 2021, Section 4200.12, is  
11 amended to read as follows:

12      Section 4200.12. A. No member or employee of the ~~State Board~~  
13 ~~of Cosmetology and Barbering~~ Board of Chiropractic Examiners shall  
14 bear liability or be subject to civil damages or criminal  
15 prosecution for any action undertaken or performed within the scope  
16 of duty imposed pursuant to the Massage Therapy Practice Act.

17      B. No person or legal entity providing truthful and accurate  
18 information to the Board, whether as a report, a complaint or  
19 testimony, shall be subject to civil damages or criminal  
20 prosecutions.

21      SECTION 12.     AMENDATORY        59 O.S. 2021, Section 4200.13, is  
22 amended to read as follows:

23      Section 4200.13. A. A person who does any of the following  
24 shall be guilty of a misdemeanor upon conviction:  
25

1       1. Violates a provision of the Massage Therapy Practice Act or  
2 rules adopted pursuant to the Massage Therapy Practice Act;  
3       2. Renders or attempts to render massage therapy services or  
4 massage therapy instruction without the required current valid  
5 license issued by the ~~State Board of Cosmetology and Barbering Board~~  
6 of Chiropractic Examiners;

7       3. Advertises or uses a designation, diploma or certificate  
8 implying that the person offers massage therapy instruction or is a  
9 massage therapy school unless the person holds a current valid  
10 license issued by the Oklahoma Board of Private Vocational Schools  
11 or is a technology center school accredited by the ~~Oklahoma~~ State  
12 Board of Career and Technology Education; or

13       4. Advertises or uses a designation, diploma, or certificate  
14 implying that the person is a massage therapist unless the person  
15 holds a current valid license issued by the ~~State Board of~~  
16 ~~Cosmetology and Barbering Board of Chiropractic Examiners.~~

17       B. 1. Therapists regulated by the Massage Therapy Practice Act  
18 shall be designated as "massage therapists" and entitled to utilize  
19 the term "massage" when advertising or printing promotional  
20 material.

21       2. Any person who uses a professional title regulated by the  
22 Massage Therapy Practice Act who is not authorized to use the  
23 professional title shall be subject to disciplinary action by the  
24 Board.

1       3. Any person who knowingly aids and abets one or more persons  
2 not authorized to use a professional title regulated by the Massage  
3 Therapy Practice Act or knowingly employs or contracts with a person  
4 or persons not authorized to use a regulated professional title in  
5 the course of the employment, shall also be subject to disciplinary  
6 action by the Board. It shall be a violation of the Massage Therapy  
7 Practice Act for any person to advertise massage therapy services in  
8 any combination with any escort or dating service.

9 SECTION 13. This act shall become effective November 1, 2025.  
10

11       60-1-22                  DC                  1/13/2025 1:26:35 PM  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25