

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 910

SHORT TITLE: Massage Therapy Practice

SPONSOR(S): Representatives Stamey, Black and Gamble

FISCAL IMPACT: **Expenditures:** **Increase ()** **Decrease ()**
 Revenues: **Increase ()** **Decrease ()**
 No Impact (X)
 No Estimate Available ()

FUND AFFECTED: **General Fund ()** **Highway Fund ()** **Local Fund ()**
 Other Fund ()

BILL SUMMARY: Massage Therapy Practice. "REGULATING THE PRACTICE OF MASSAGE THERAPY." Adds GS Ch. 90, Art. 28 to be known as the Massage Therapy Practice Act to provide licensing requirements for all massage therapists, which term is defined by the Act to exclude all medical personnel otherwise license to practice medicine. License to be granted by seven-member Board of Massage Therapy appointed by the Governor. Five members must be licensed massage therapists with at least five years experience and two shall be public members. All applicants for licensure must be 19 years of age or older, have a high school diploma or the equivalent, successfully complete a 500-hour course which includes a curriculum approved by the Board, determined to be of good moral character by the Board, and pass an exam. Provides for reciprocity for licensees from another state with equivalent licensing requirements. Provides for a provisional license for persons of 500 hours of massage experience within two years prior to application. Board to establish rules and registration process for massage therapy schools. All licenses must be renewed biennially and to remain licenses, therapist must complete 15 hour of approved study each two years. Practice of massage therapy without a license to be a misdemeanor and Board may seek injunction in Superior court to restrain unlicensed practice.

Introduced by Stamey, Black, and Gamble

AMENDMENTS/COMMITTEE SUBSTITUTES- Apr. 30, 1993-DailyBulletin 55

H 910. MASSAGE THERAPY PRACTICE. Intro. 4/14. House committee substitute changes original bill by (1) rewriting the definition of "massage therapy," (2) adding definition of "practice of business or massage therapy," (3) providing that establishment employing or contracting with licensed massage therapists may advertise on behalf of therapists, (4) changing from 19 to 18 the minimum age at which a person may be licensed, (5) making act effective October 1, 1993, and providing that enforcement provisions (new GS 90-425) become effective December 1, 1993, and apply to offenses occurring on or after that date, and (6) making other minor or technical changes.

EFFECTIVE DATE: October 1, 1993.. G.S. 90-425 becomes effective December 1, 1993, and applies to offenses occurring on or after that date.

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

FISCAL IMPACT

	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
	1993-94	1994-95	1995-96	1996-97	1997-98
EXPENDITURES					
TOTAL EXPENDITURES					
STATE FUNDS					
FEDERAL FUNDS					
LOCAL FUNDS					
OTHER FUNDS					
RECEIPTS/FEES	\$75,000	\$6,000	\$31,000	\$8,000	\$33,000

Fees assessed at an amount less than the maximum outlined in the bill should generate revenues than are more than sufficient to meet the anticipated expenditures of the Board.

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: All salaries, compensations, and expenses incurred or allowed for the purposes of this article shall be paid by the Board exclusively out of fees received by the Board as authorized by this article, or funds received from other sources. In no case shall any salary, expense, or other obligations of the Board be charged against the State Treasury. The estimated annual expenditures of the Board are as follows:

Per Diem	\$ 980.00	(7 members x \$35.00 x 4 meetings)
Travel	\$1,050.00	(7 members x 150 miles x \$.25 x 4 meetings)
Subsistence	\$1,540.00	(7 members x \$55.00 x 4 meeting days)
Clerical Staff	\$1,920.00	(\$12.00 per hour x 160 hrs) (160 = 40 hours for each of 4 meetings)
Postage and Phone	\$250.00	
Copying and Printing	\$1,000.00	
	=====	
ESTIMATED TOTAL	\$6,740.00	

The estimated revenues from receipts are based on the following assumptions and are as follows:

The following assumptions are used to estimate revenues from fees: (1) Approximately 500 persons would make application and receive a license. This information is based on the number of persons currently certified in North Carolina by the American Massage Therapy Association (AMTA). (2) An average of 40 persons per year over the past five years have been certified by the AMTA (this number is not expected to decrease in the near future and has been used to estimate annual new license issued), and (3) License is renewed biennially.

ESTIMATED REVENUES
FROM FEES

1st year fee	\$75,000	500 new applicants x \$100 app fee + \$50 lic fee
2nd year	\$ 6,000	40 new applicants x \$100 app fee + \$50 lic fee
3rd year	\$31,000	500 renewals x \$50 fee + 40 new applicants x \$100 app fee + \$50 lic fee
4th year	\$ 8,000	40 new applicants x \$100 app fee + \$50 lic fee 40 renewals x \$50 fee
5th year	\$33,000	540 renewals x \$50 fee + 40 new applicants x \$100 app fee + \$50 lic fee

SOURCES OF DATA: Secretary of State, American Massage Therapy Association

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION
733-4910

PREPARED BY: Denese D. Lavender

APPROVED BY: TomC

DATE: May 10, 1993

[FRD#002]



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