

History of Section.

P.L. 2015, ch. 141, art. 14, § 1.

23-19.16-5. Payment of state funds.

(a) Subject to the provisions of subsection (b), upon the written request of the agency, the general treasurer shall pay to the agency, from time to time, from the proceeds of any bonds or notes issued by the state for the purposes of this chapter or funds otherwise lawfully payable to the agency for the purposes of this chapter, such amounts as shall have been appropriated or lawfully designated for the revolving fund. All amounts so paid shall be credited to the revolving fund in addition to any other amounts credited or expected to be credited to the revolving fund.

(b) The agency and the state shall enter into, execute, and deliver one or more agreements setting forth or otherwise determining the terms, conditions, and procedures for, and the amount, time, and manner of payment of, all amounts available from the state to the agency under this section.

History of Section.

P.L. 2015, ch. 141, art. 14, § 1.

23-19.16-6. Procedure for project approval.

The department of environmental management, in consultation with the Rhode Island commerce corporation, shall promulgate rules and regulations establishing the project evaluation criteria and a project priority list and the process through which an eligible borrower may submit an application for inclusion of a brownfields project on the project priority list. Upon issuance of the project priority list by the department of environmental management, the project priority list shall be used by the Rhode Island infrastructure bank to determine the order in which financial assistance shall be awarded. The Rhode Island infrastructure bank shall promulgate rules and regulations to effectuate the provisions of this section which may include, without limitation, forms for financial assistance applications, loan agreements, and other instruments. All rules and regulations promulgated pursuant to this chapter shall be promulgated in accordance with the provisions of chapter 35 of title 42.

History of Section.

P.L. 2015, ch. 141, art. 14, § 1.

23-19.16-7. Expenses incurred by the department.

In order to provide for the expenses of the department under this chapter, the agency shall transfer to the department an amount from the revolving fund equal to the amount authorized by the general assembly.

History of Section.

P.L. 2015, ch. 141, art. 14, § 1.

23-19.16-8. Severability.

If any provision of this chapter or the application of this chapter to any person, corporations, or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

History of Section.

P.L. 2015, ch. 141, art. 14, § 1.

CHAPTER 20.8**LICENSING OF MASSAGE THERAPISTS**

Section		Section	
23-20.8-1.	Definitions.		or denial of license — Minimum qualifications.
23-20.8-2.1.	Board of massage therapists.	23-20.8-6.	Suspension and revocation of licenses.
23-20.8-3.	Practice of massage therapy — License required — Use of title limited — Qualifications for licenses continuing education — Fees.	23-20.8-7.	Judicial review of license action.
23-20.8-4.	Board of massage therapists — Powers and duties.	23-20.8-8.	Repealed.
23-20.8-5.	Application for license — Issuance	23-20.8-9.	Persons exempt.
		23-20.8-10.	Enforcement.
		23-20.8-11.	Penalties.

23-20.8-1. Definitions.

As used in this chapter:

(1) "Board" means the Rhode Island State Board of Licensed Massage Therapists as established within this chapter.

(2) "Body works" and "body-works services" means body rubs, body stimulation, manipulation, or conditioning of any part or parts of the body, spa services, and spa treatments performed by any person not licensed under this title.

(3) "Continuing education" means a course of study subsequent to the completion of, and in addition to, an approved entry-level program of massage therapy education.

(4) "Continuing education units" means an instructional period of at least fifty (50) continuous minutes per hour in a recognized or approved course.

(5) "Massage" means the systematic and scientific manipulation of the soft tissues of the body accomplished by the use of digits, hands, forearms, elbows, knees, or feet, hand-held tool, or other external apparatus. Massage may include the use of topical applications.

(6) "Massage therapist" means a person engaged in the practice of massage and is licensed in accordance with this chapter of the general laws of the state of Rhode Island.

purposes, including, but not limited to: pain management, stress reduction, promotion of relaxation, and enhancement of general health and well-being. Massage therapy includes, but is not limited to, manipulation of soft tissue and normal movement of the body to develop an appropriate massage therapy session and the delivery of self-care and health maintenance information. Massage therapy does not encompass:

- (i) Diagnosis;
- (ii) The prescribing of drugs or medicines;
- (iii) Spinal manipulation; and
- (iv) Any service or procedure for which a license or registration is required by law, including, but not limited to, the practice of medicine, chiropractic, naturopathy, physical therapy, occupational therapy, nutrition, psychotherapy, behavioral health services, or podiatry.

(8) "Practice of massage therapy" means the exchange of massage therapy services for currency, goods, or services.

(9) "Topical applications" means but is not limited to, lubricants, emollients, non-prescription analgesics, and the use of heat and cold.

History of Section.

P.L. 1978, ch. 230, § 1; G.L. 1956, § 23-58-1; P.L. 1979, ch. 39, § 1; G.L. 1956, § 23-20.8-1; P.L. 1982, ch. 407, § 1; P.L. 1998, ch. 273, § 2; P.L. 2008, ch. 100, art. 6, § 1; P.L. 2013, ch. 165, § 1; P.L. 2013, ch. 222, § 1; P.L. 2016, ch. 211, § 1; P.L. 2016, ch. 213, § 1; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

§ 1 enacted identical amendments to this section.

P.L. 2016, ch. 211, § 1, and P.L. 2016, ch. 213, § 1 enacted identical amendments to this section.

P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

Compiler's Notes.

P.L. 2013, ch. 165, § 1, and P.L. 2013, ch. 222,

23-20.8-2.1. Board of massage therapists.

(a) Within the division of professional regulation of the department of health, there shall be a Rhode Island state board of licensed massage therapists appointed by the director of the department of health with the approval of the governor. Composition of board members: The board shall consist of seven (7) members who reside in the state of Rhode Island. At all times at least four (4) members shall be massage therapists in good standing, and shall have engaged in the practice of massage therapy for not less than five (5) years. One member shall be a member of the general public, who does not have financial interest in the profession, or is married to or in domestic partnership with someone in the profession. At no time shall more than one board member be an owner of, an instructor of, or otherwise affiliated with a board-approved massage therapy school or a course of instruction. The four (4) members who are licensed pursuant to this chapter shall represent both solo practitioners as well as members of a group practice.

(b) The board shall be appointed for staggered terms. All terms shall be for two (2) years. No member shall serve more than three (3) consecutive terms. Upon the death, resignation, or removal of any member the director of the department of health shall, with the approval of

the governor, shall appoint to fill vacancies, as they occur, a qualified person to serve on the board for the remainder of his or her term or until his or her successor is appointed and qualified.

(c) The board shall elect, at its first meeting of the calendar year, from its members a chair and other officers as it deems appropriate and necessary to conduct business. The chair shall preside at meetings of the board and shall be responsible for the performance of all duties and functions of the board and shall perform those duties customarily associated with the position in addition to other duties assigned by the board. The board shall designate a member to serve in the absence of the chair.

(d) The chair and any other officer shall serve a term of one year commencing with the day of his or her election and ending upon the election of his or her successor.

(e) The director of the department of health may remove any member of the board for the neglect of any duty required by law or for any incompetent, unprofessional, or dishonorable conduct. Before beginning his or her term of office, each member shall take the oath prescribed by law, a record of which shall be filed with the secretary of state.

(f) A board member may be suspended or removed by the director of the department of health for unprofessional conduct; refusal or inability of a board member to perform his or her duties as a member of the board in an efficient, responsible, and professional manner; conviction of a felony or of a crime related to the practice of the healthcare profession; failure to meet the qualifications of this statute; or committing any act prohibited by this statute.

(g) Members of the board shall not receive compensation for their attendance at official meetings of the board, or attendance at any meeting that would constitute official board business, including teleconference calls or other board responsibilities.

(h) The board shall meet at least quarterly. The board may hold additional meetings at the call of the chair or at the written request of any three (3) members of the board. The chair of the board shall have the authority to call other meetings at his or her discretion.

(i) The board may appoint committees as it considers necessary to carry out its duties.

(j) A quorum shall be necessary to conduct official board business or any committee thereof. A majority of the members shall constitute a quorum. The board may enter into executive (closed) session according to relevant law.

History of Section.

P.L. 2013, ch. 165, § 2; P.L. 2013, ch. 222, § 2; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

Compiler's Notes.

P.L. 2013, ch. 165, § 2, and P.L. 2013, ch. 222, § 2 enacted identical versions of this section.

23-20.8-3. Practice of massage therapy — License required — Use of title limited — Qualifications for licenses continuing education — Fees.

(a) A person shall not practice, or hold himself or herself out to others as practicing massage therapy, or as a massage therapist, without first receiving from the board a license to engage in that practice.

(b) A person shall hold himself or herself out to others as a massage therapist when the person adopts or uses any title or description, including: "massage therapist," "masseur," "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage technician," "massage practitioner," or any derivation of those terms that implies this practice.

(c) It shall be unlawful to advertise the practice of massage therapy using the term massage therapy, or any other term that implies a massage technique or method, in any public or private publication or communication by a person not licensed by the state of Rhode Island department of health as a massage therapist. Any person who holds a license to practice as a massage therapist in this state may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may assume this title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage therapist. A massage therapist's name and license number must conspicuously appear on all of the massage therapist's print and electronic material. A massage therapist licensed under this chapter must have available his or her license in all places of business practice.

(d)(1) The board shall, by rule, establish requirements for continuing education. The board may establish such requirements to be completed and verified annually. The board shall require no more than six (6) continuing education units annually.

(2) Applicants for annual licensure renewal shall meet continuing education requirements as prescribed by the board. On application for renewal of license, massage therapists shall attest to completion of six (6) continuing education units annually that may include, but not be limited to:

- (i) Formal presentations;
- (ii) Conferences;
- (iii) Coursework from a massage school or program, accredited college/university; and/or
- (iv) Self-study or online coursework.

The programs or offerings shall be approved or sponsored by a board-approved organization.

(3) A licensee who fails to complete the continuing education requirements described herein may be subject to disciplinary action pursuant to § 5-40-13.

(4) A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to massage therapy as required herein.

(5) The board may waive the requirement for continuing education if the board is satisfied that the applicant has suffered hardship that may have prevented meeting the educational requirements.

(e) The fee for original application for licensure as a massage therapist and for annual license renewal shall be as set forth in § 23-1-54. Fees for all other licenses under this chapter shall be fixed in an amount necessary to cover the cost of administering this chapter.

(f) Any person applying for a license under this chapter shall undergo a national criminal background check. Such persons shall apply to the bureau of criminal identification of the state police or local police department for a national criminal background check. Fingerprinting shall be required. Upon the discovery of any disqualifying information as defined in subsection (g), the bureau of criminal identification of the state police or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information, and, without disclosing the nature of the disqualifying information, shall notify the board, in writing, that disqualifying information has been found. In those situations in which no disqualifying information has been found, the bureau of criminal identification shall inform the applicant and the board in writing of this fact. An applicant against whom disqualifying information has been found may request that a copy of the national criminal background report be sent to the board, which shall make a judgment regarding the licensure of the applicant. The applicant shall be responsible for payment of the costs of the national criminal background check.

(g) "Disqualifying information" means those offenses, including, but not limited to, those defined in chapters 34, 34.1, and 37 of title 11, and § 23-17-37.

(h) Notwithstanding the above, any city or town may, by ordinance, regulate the opening, the presence, the location, and the operation of any body-works business or any business providing body-works services. Provided, however, no ordinance may impose additional qualifications beyond those adopted by the department of health pursuant to this chapter respecting national criminal background checks for persons applying for a license.

History of Section.

P.L. 1978, ch. 230, § 1; G.L. 1956, § 23-58-3; P.L. 1979, ch. 39, § 1; G.L. 1956, § 23-20.8-3; P.L. 1982, ch. 407, § 1; P.L. 1993, ch. 138, art. 71, § 9; P.L. 2001, ch. 77, art. 14, § 32; P.L. 2004, ch. 467, § 4; P.L. 2005, ch. 411, § 1; P.L. 2007, ch. 73, art. 39, § 32; P.L. 2012, ch. 241, art. 9, § 44; P.L. 2013, ch. 165, § 3; P.L. 2013, ch. 222, § 3; P.L. 2016, ch. 211, § 1; P.L. 2016, ch. 213, § 1; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

Compiler's Notes.

P.L. 2013, ch. 165, § 3, and P.L. 2013, ch. 222, § 3 enacted identical amendments to this section.
P.L. 2016, ch. 211, § 1, and P.L. 2016, ch. 213, § 1 enacted identical amendments to this section.
P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

23-20.8-4. Board of massage therapists — Powers and duties.

Subject to the provisions of this chapter, the board shall have the

authority to implement, interpret, and enforce this statute including, but not limited to, the authority to:

- (1) Adopt rules and regulations governing the licensure of massage therapists in a manner consistent with the provisions of this chapter and in accordance with the procedures outlined in the administrative procedures act and promulgated in accordance with state law;
- (2) Evaluate the qualifications of applicants for licensure;
- (3) Assess entry-level competence through the use of an examination approved by the board;
- (4) Recommend the issuing or renewal of a license to applicants or licensed massage therapists who meet the qualifications of the statute and all rules applicable to this chapter as promulgated by the board;
- (5) Establish and enforce standards of professional and ethical conduct for licensed massage therapists;
- (6) Adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity; hold hearings, as necessary, in accordance with the administrative procedures act;
- (7) Maintain a complete record of all licensed massage therapists, ensure licensee compliance with all established requirements;
- (8) The board will make an annual report to the governor that shall contain duties performed, actions taken, and appropriate recommendations;
- (9) The board will consult and advise other regulatory entities as necessary regarding issues pertaining to massage therapy education and/or issues related to the regulation of massage therapists;
- (10) Upon receipt of a complaint, the department of health shall authorize the investigation of any allegations of wrongdoing undertaken by any person, entity, license or organization related to the practice of massage therapy;
- (11) The board shall review investigative reports deemed necessary by the director and make appropriate recommendations to the director for action including, but not limited to, issuance of a letter of concern or warning of the possible infraction of this statute; issuance of a letter initiating a ten-day (10) corrective action period allowing the person practicing to address an infraction; suspension for a period not to exceed ninety (90) days of any license issued under the authority of this chapter; and may, after due notice and hearing, revoke the license if it is found that the person practicing massage therapy is in violation of those rules and regulations or any provision of this chapter. The holder of a license shall upon its revocation promptly surrender it to the board or its designee.

History of Section.

P.L. 1978, ch. 230, § 1; G.L. 1956, § 23-58-4; P.L. 1979, ch. 39, § 1; G.L. 1956, § 23-20.8-4; P.L. 2001, ch. 86, § 5; P.L. 2013, ch. 165, § 3; P.L. 2013, ch. 222, § 3; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

Compiler's Notes.

P.L. 2013, ch. 165, § 3, and P.L. 2013, ch. 222, § 3 enacted identical amendments to this section. P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

23-20.8-5. Application for license — Issuance or denial of license — Minimum qualifications.

(a) Every person desiring to begin the practice of massage therapy, except exempt persons as provided in this chapter, shall present satisfactory evidence to the division of professional regulation of the department of health that he or she:

- (1) Is over eighteen (18) years of age;
- (2) Has submitted to a national criminal background check in accordance with § 23-20.8-3;
- (3) Has successfully completed an educational program, meeting minimum requirements established by the board, including at least six hundred fifty (650) hours of supervised in-class, hands-on coursework and clinical work; and

(4) Has successfully completed an examination approved by the board. Any examination approved by the board must meet generally recognized standards including development through the use of a job-task analysis and must meet appropriate psychometric standards.

(b) The department may grant a license to any applicant satisfying the requirements of subsection (a), has completed all appropriate forms, paid all appropriate fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate or registration issued by any other state or territory of the United States or by a foreign country.

(c) The department shall, within sixty (60) days from the time any application for a license is received, grant the application and issue a license to practice massage therapy for a year from that date if the department is satisfied that the applicant complies with the rules and regulations promulgated in accordance with this chapter. An applicant, whose national criminal background check reveals a conviction for any sexual offense, including, but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall be denied a license under this chapter.

(d) The fee for original application for licensure as a massage therapist and the fee for annual license renewal shall be determined by the department of health.

History of Section.

P.L. 1978, ch. 230, § 1; G.L. 1956, § 23-58-5; P.L. 1979, ch. 39, § 1; G.L. 1956, § 23-20.8-5; P.L. 1998, ch. 273, § 2; P.L. 2005, ch. 411, § 1; P.L. 2008, ch. 100, art. 6, § 1; P.L. 2013, ch. 165, § 3; P.L. 2013, ch. 222, § 3; P.L. 2018, ch. 176, § 16; P.L. 2018, ch. 289, § 16; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

Compiler's Notes.

P.L. 2013, ch. 165, § 3, and P.L. 2013, ch. 222,

§ 3 enacted identical amendments to this section.

P.L. 2018, ch. 176, § 16, and P.L. 2018, ch. 289, § 16 enacted identical amendments to this section.

P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

enforced by the director of health or any city or town licensing authority.

History of Section.

P.L. 1978, ch. 230, § 1; G.L. 1956, § 23-58-10; P.L. 1979, ch. 39, § 1; G.L. 1956, § 23-20.8-10; P.L. 1998, ch. 273, § 2; P.L. 2013, ch. 165, § 3; P.L. 2013, ch. 222, § 3; P.L. 2016, ch. 211, § 1; P.L. 2016, ch. 213, § 1.

§ 3 enacted identical amendments to this section.
P.L. 2016, ch. 211, § 1, and P.L. 2016, ch. 213, § 1 enacted identical amendments to this section.

Compiler's Notes.

P.L. 2013, ch. 165, § 3, and P.L. 2013, ch. 222,

23-20.8-11. Penalties.

(a) Any person who practices massage therapy or acts in any capacity where a license is required by this chapter, without a license provided for in this chapter, shall be guilty of a misdemeanor.

(b) Any owner, operator, manager, or licensee in charge of or in control of a massage therapy practice who knowingly employs a person who is not licensed as a massage therapist, or who allows an unlicensed person to perform, operate, or practice massage therapy is guilty of a misdemeanor.

(c) The practice of massage therapy by a person without a license issued under this chapter is declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or disciplinary remedy, the attorney general or prosecuting attorney of any municipality where the person is practicing, or purporting to practice, may maintain an action to enjoin that person from practicing massage therapy until this person secures a valid license.

(d) [Deleted by P.L. 2008, ch. 100, art. 6, § 1].

History of Section.

P.L. 1998, ch. 273, § 3; P.L. 2008, ch. 100, art. 6, § 1; P.L. 2019, ch. 114, § 1; P.L. 2019, ch. 140, § 1.

Compiler's Notes.

P.L. 2019, ch. 114, § 1, and P.L. 2019, ch. 140, § 1 enacted identical amendments to this section.

CHAPTER 20.8.1

REGISTRATION OF MUSIC THERAPISTS

Section

23-20.8.1-1. Definitions.
23-20.8.1-2. Applicability and scope.
23-20.8.1-3. Issuance of registration — Minimum qualifications.

Section

23-20.8.1-4. Suspension and revocation of registration.
23-20.8.1-5. Waiver of examination.
23-20.8.1-6. Rules and regulations.

23-20.8.1-1. Definitions.

As used in this chapter:

(1) "Board certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association; has passed the certification board for music therapists certification examination; or

transitioned into board certification, and remains actively certified by the certification board for music therapists.

(2) "Music therapist" means a person registered to practice music therapy pursuant to this chapter.

(3) "Music therapy" means the clinical and evidence based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music. Music therapy is a distinct and separate profession from other licensed, certified, or regulated professions, including speech-language pathology. The practice of music therapy does not include the diagnosis of any physical, mental, or communication disorder. This term may include:

(i) Accepting referrals for music therapy services from medical, developmental, mental health, or education professionals; family members; clients; or caregivers. Before providing music therapy services to a client for a medical, developmental, or mental health condition, the registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental health professional to review the client's diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the registrant shall collaborate, as applicable, with the client's treatment team;

(ii) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;

(iii) Developing an individualized music therapy treatment plan for the client;

(iv) Carrying out an individualized music therapy treatment plan that is consistent with any other medical, developmental, mental health, or educational services being provided to the client;

(v) Evaluating the client's response to music therapy and the individualized music therapy treatment plan and suggesting modifications, as appropriate;

(vi) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician, or other provider of healthcare or education of the client, any appropriate member of the family of the client, and any other appropriate person upon whom the client relies for support;

(vii) Minimizing any barriers so that the client may receive music therapy services in the least restrictive environment; and

(viii) Collaborating with and educating the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which those needs are addressed.