

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0321.02 Kristen Forrestal x4217

HOUSE BILL 22-1226

HOUSE SPONSORSHIP

Tipper and Carver,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF LICENSING REQUIREMENTS FOR
102 MASSAGE THERAPISTS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS OF THE 2021 SUNSET
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Judiciary Committee. The bill implements the recommendations of the department of regulatory agencies' (department) sunset review and report on the licensing of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

massage therapists by:

- Continuing the licensing requirements for 9 years, until September 1, 2031 (**sections 1 and 2** of the bill);
- Granting sole discretion to the director of the division of professions and occupations to approve the licensure examination for massage therapists by repealing the reference to national licensure examinations as an option for massage therapist applicants to take in lieu of another examination approved by the director (**section 3**); and
- Adding, as grounds for disciplining a massage therapist:
 - Engaging in fraud, misrepresentation, deception, or cheating in taking or furnishing the results of a required examination or having the person's score on the examination invalidated by the testing provider because the person was determined to have cheated or engaged in fraud, misrepresentation, or deception in taking the examination (**section 4**); and
 - Failing to timely respond to a complaint against the massage therapist (**section 4**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-235-120
3 as follows:

4 **12-235-120. Repeal of article - review of functions.** This article
5 235, and the functions of the director as set forth in this article 235, are
6 repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2031. Before the
7 repeal, the functions of the director are scheduled for review in
8 accordance with section 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (23)(a)(V); and **add** (32)(a)(VII) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
14 are scheduled for repeal on September 1, 2022:

1 (V) ~~The licensure of massage therapists by the director of the~~
2 ~~division of professions and occupations in accordance with article 235 of~~
3 ~~title 12;~~

4 (32) (a) The following agencies, functions, or both, are scheduled
5 for repeal on September 1, 2031:

6 (VII) THE LICENSURE OF MASSAGE THERAPISTS BY THE DIRECTOR
7 OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE
8 WITH ARTICLE 235 OF TITLE 12.

9 **SECTION 3.** In Colorado Revised Statutes, 12-235-108, **amend**
10 (1)(b) as follows:

11 **12-235-108. License - denial of license application.** (1) Every
12 applicant for a license to practice massage therapy shall:

13 (b) Pass ~~one of the following examinations:~~

14 ~~(I) The massage and bodywork licensing examination offered by~~
15 ~~the Federation of State Massage Therapy Boards;~~

16 ~~(II) A national certification examination offered by the National~~
17 ~~Certification Board for Therapeutic Massage and Bodywork; or~~

18 ~~(III) an examination approved by the director;~~

19 **SECTION 4.** In Colorado Revised Statutes, 12-235-111, **amend**
20 (1)(d) and (1)(p); and **add** (1)(r) as follows:

21 **12-235-111. Grounds for discipline - definitions.** (1) The
22 director is authorized to take disciplinary action pursuant to section
23 12-235-112 against any person who has:

24 (d) Falsified information in any application; ~~or~~ attempted to obtain
25 or obtained a license by fraud, deception, or misrepresentation; ENGAGED
26 IN FRAUD, MISREPRESENTATION, DECEPTION, OR CHEATING IN TAKING OR
27 FURNISHING THE RESULTS OF THE EXAMINATION REQUIRED BY SECTION

1 12-235-108 (1)(b); OR HAD THE PERSON'S SCORE ON THE EXAMINATION
2 REQUIRED BY SECTION 12-235-108 (1)(b) INVALIDATED BY THE TESTING
3 PROVIDER BECAUSE THE PERSON WAS DETERMINED TO HAVE CHEATED OR
4 ENGAGED IN FRAUD, MISREPRESENTATION, OR DECEPTION IN TAKING THE
5 EXAMINATION;

6 (p) Used fraudulent, coercive, or dishonest practices, or
7 demonstrated incompetence or untrustworthiness, in this state or
8 elsewhere; ~~or~~

9 (r) FAILED TO RESPOND TO A COMPLAINT AGAINST THE PERSON
10 WITHIN THE TIME FRAME SPECIFIED BY THE DIRECTOR IN THE NOTICE OF
11 THE COMPLAINT SENT TO THE PERSON.

12 **SECTION 5. Act subject to petition - effective date.** This act
13 takes effect September 1, 2022; except that, if a referendum petition is
14 filed pursuant to section 1 (3) of article V of the state constitution against
15 this act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2022 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.