

Legislative Analysis



PROPRIETARY SCHOOL: LET MASSAGE THERAPY STUDENTS PROVIDE SERVICES UNDER SUPERVISION

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House Bill 5995

Sponsor: Rep. Paul Condino

Committee: Regulatory Reform

Complete to 5-12-08

A SUMMARY OF HOUSE BILL 5995 AS INTRODUCED 4-17-08

The bill would amend Public Act 148 of 1943, which regulates proprietary schools, to rename it the "Proprietary Schools Act". The bill would make numerous changes of a technical nature (i.e., replacing references to the Board of Education with references to the Department of Labor and Economic Growth, to reflect the shift of regulatory duties from the former to the latter several years ago by Executive Order). The bill would also prohibit a person from operating a proprietary school within the state without a temporary permit or license from the DLEG. The department would have to prescribe the form of license and temporary permit.

Currently, the act prohibits the department from granting a temporary permit or a license to operate a proprietary school as part of, or in conjunction with, another business or commercial enterprise that utilizes or sells goods or services provided by students.

The bill would create an exception from the prohibition for massage therapy schools. Under the bill, a proprietary school engaged in teaching massage therapy could not be denied a license or temporary permit solely because the school provides clinical training in massage therapy that includes providing massage therapy to customers by students of the school under the supervision of instructors or qualified employees of the school. The clinical training would have to be an integral part of the massage therapy program, and customers would have to be notified that students are providing the massage therapy and that they are being charged only a nominal fee for the massage therapy services.

"Massage therapy" would mean the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client.

Further, a limited liability company (LLC) would be added to the current definition of "person" contained in the act; therefore, the act would also apply to a proprietary school owned by an LLC.

MCL 395.101 et al.

FISCAL IMPACT:

In permitting massage therapy students to provide services to the general public, the bill eases the operating requirements placed on massage therapy schools, thereby potentially resulting in an increase in the number of proprietary schools offering massage therapy programs. This would increase the work load (and related costs) of the DLEG Office of Post Secondary Services as it relates to the licensing of new proprietary schools, reviewing proposed additions and changes to the programs offered by proprietary schools that are currently licensed, and generally ensuring compliance with other statutory and regulatory requirements placed on proprietary schools. The functions of the office are supported, in part, by a variety of fees imposed on proprietary schools.

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