

**Department of Planning and Budget
2012 Fiscal Impact Statement**

1. Bill Number: HB 543

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Robinson, Roxann L.

3. Committee: Passed Both Houses

4. Title: Massage therapists; licensure required by Board of Nursing

5. Summary: The enrolled bill requires that massage therapists be licensed, rather than certified, by the Board of Nursing, includes "bodywork" in the definition of "massage therapy," and identifies activities that do not constitute massage therapy and bodywork. The bill also allows the Board of Nursing to issue a provisional license valid until July 1, 2014, to any individual who meets the current requirements for certification as a massage therapist, and requires the Board of Nursing to promulgate regulations to implement the provisions of the act with 280 days.

6. Budget Amendment Necessary: No

7. Fiscal Impact Cannot Be Determined: (See item 8)

8. Fiscal Implications: Massage therapy is currently a certified profession under the Board of Nursing; they have title protection but not a defined and protected scope of practice. Since their practice overlaps with others and with unlicensed, unregulated persons who do similar tasks, there is likely to be an increase in the number of complaints of unlicensed practice which will have to be investigated by the department. Those matters are typically referred to a local Commonwealth's Attorney for prosecution, since unlicensed practice is a criminal act. However, this legislation could result in a modest increase in enforcement costs for the Board of Nursing, which may not be completely offset by an increase in the number of persons who will need to be licensed in order to practice massage therapy. Since an exact dollar impact cannot be determined at this time, additional revenue would have to be appropriated administratively until such time as a clear impact can be included in the Appropriation Act.

9. Specific Agency or Political Subdivisions Affected: Department of Health Professions

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/29/12

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