

**VILLAGE PRESIDENT**  
Ray Danford

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Corby Valentine  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# VILLAGE OF FREEBURG

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: [www.freeburg.com](http://www.freeburg.com)

**VILLAGE ADMINISTRATOR**  
Dennis Herzing

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
Ronald Dintelmann

**POLICE CHIEF**  
Melvin E. Woodruff, Jr.

**VILLAGE ATTORNEY**  
Stephen R. Wigginton

June 29, 2009

## NOTICE

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, July 1, 2009, at 4:30 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

#### I. Items To Be Discussed

- A. Old Business
  - 1. Approval of June 3, 2009 Minutes
  - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code/Building Code application
  - 3. Status of Public Hazard Homes
  - 4. TIF Litigation
  - 5. Drainage easement grades
  - 6. Bill's Autobody
  - 7. Huelsman drainage problem
  - 8. Resident lawn business parking complaint
  - 9. Masseur's permit
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, July 1, 2009 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:32 p.m. by Chairman Seth Speiser on Wednesday, July 1, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Mayor Ray Danford, Village Administrator and Office Manager Julie Polson. Guests present: Tom Gentry, Carol Gentry, Brenda Anderson, Angie Palmier and Helen Obernagel.

**D. PUBLIC PARTICIPATION:** Tom Gentry, Carol Gentry and Brenda Anderson were present to register their complaint over Ken Stumpf's continued operation of his lawn mowing business. They provided another set of pictures which were taken after the court date. Ray said he spoke to Ken a couple of times and told him the Village views his situation as operating a business. The Gentrys commented Mr. Stumpf is continuing the business on a daily basis. Brenda called the police the weekend before Memorial Day because she was going to take a picture and felt physically threatened by one of his customers. Stumpf told her husband he can do whatever he wants and they can't do anything about it. The Gentrys just want our help. The committee talked about citing Mr. Stumpf and directed Dennis to contact our attorney about the situation and let the Gentrys and Brenda Anderson know what direction the attorney wants us to go.

## A. OLD BUSINESS:

1. Approval of June 3, 2009 Minutes: *Trustee Rita Baker motioned to approve the June 3, 2009 minutes and Trustee Seth Speiser seconded the motion. All voting aye, motion carried.*

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Julie advised the CIB has reviewed the revised nuisance code and are recommending it to the Legal/Ordinance Committee for their action. Dennis asked the committee to review it and discuss at the next committee meeting. Ray asked if we still want to address the building code and Dennis said the Community Improvement Board didn't get into enough detail to write anything up. Dennis said we talked about changing our policy on enforcement of commercial building code but not residential building code. He said it may not require any change to our code. It is more of coming with a policy and guidelines to follow the policy. Our policy in the past has been not to require a permit or inspection on interior remodel for residential or commercial properties. Ray asked where do you draw the line on getting involved to start the inspection process and

Legal and Ordinance Committee Meeting  
Wednesday, July 1, 2009  
Page 1 of 3

Seth said anytime you do something to the structure of the building, the plumbing and electrical. Dennis said John Davinroy's opinion was anytime you open a wall, you need a permit. Dennis questioned how are we going to handle the enforcement aspect of this process? We need to define what we are going to inspect and not going to inspect and need to advertise the policy. Seth suggested a letter could be sent out to businesses advising them of the policy. Rita said when a new business comes into town, we can give them a copy of the policy. We can also send a copy of the policy when a business renews their business license. Seth suggested the policy should be applicable to any interior/exterior remodel of an existing commercial/industrial building. The fee schedule was discussed. The committee agreed to have everyone come in for a permit regardless of the project. The permit application will be broken out with the fee being based upon the value of the project for plumbing, electrical, structural changes. A nominal fee will be charged for those projects that do not require an inspection, i.e. painting, carpet. No decision will be made by the applicant, that will be done by Phil. The committee agreed to have Dennis sit down with Phil to get his opinion and also to start working on the policy.

3. Status of Public Hazard Homes: The committee received a copy of the letter sent to Mary Kinzinger and Julie advised the certified receipt came back showing she had signed for the letter.

4. TIF litigation: Ray said we are still trying to set up a meeting with Koppeis and his attorney.

5. Drainage easement grades: Seth requested this item be taken off the agenda.

6. Bill's Autobody: Seth requested Dennis to have Bill cited since he has not complied with any of the committee's requests to clean up the appearance of his business. Ron inspected the south area of the lot that does not drain well. Seth said if the parking lot was leveled off, it would drain correctly.

7. Huelsman drainage problem: Dennis advised we haven't heard anything from Penny Livingston. Seth said this can be taken off the agenda.

8. Resident lawn business parking complaint: Dennis said the literature Frank provided did not address the problem. Dennis said part of this situation is addressed in the nuisance code. Seth asked if it was illegal for someone to park a trailer on the street and Dennis advised no. Dennis asked if we want to change our ordinance to make it illegal everywhere in town. Ray said is there any difference between a trailer and an RV? Charlie thinks the complaint is based on aesthetics. This item will be left on the agenda.

9. Masseur's permit: Angela and Helen were present to discuss our ordinance requirements. Dennis included a copy of Attorney Wigginton's assessment of our ordinance. Steve feels our ordinance is outdated and the Village should delete the ordinance and follow state statute. We will require that a business license be

applied for, along with a copy of the state license and proof of malpractice insurance. Angela said she does sample ordinances should we want to keep something in our code about this.

**B. NEW BUSINESS:** Ray advised we are in the process of compiling the forms for the TIF in preparation for the public meeting.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** See above.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 5:35 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



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Office Manager

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, June 3, 2009 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:32 p.m. by Chairman Seth Speiser on Wednesday, June 3, 2009, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Mayor Ray Danford and Office Manager Julie Polson. Guest present: Mike Blaies.

## A. OLD BUSINESS:

1. Approval of May 7, 2009 Minutes: Trustee Rita Baker motioned to approve the May 7, 2009 minutes and Trustee Seth Speiser seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Julie advised the CIB has received the revised nuisance code and will review it before the next CIB meeting. It was scheduled for June 29th at 7:00 p.m. but a Committee as a Whole meeting was scheduled for the same date and time so Julie will get the CIB meeting rescheduled. Ray commented this will be the last meeting for a while.
3. Status of Public Hazard Homes: Seth noted the Rogers home has been torn down and Ray advised we closed on the property today. Rita asked if Dennis had contacted Mary Kinzinger regarding her home on Main Street and Julie said she didn't know. Rita also said the weeds on Walnut are high again.
4. TIF litigation: Ray said Attorney Wigginton still wants to make one more appeal to Koppeis' lawyer before sending out the letter.
5. Drainage easement grades: Nothing new, item will stay on the agenda.
6. Bill's Autobody: Seth said he, Dennis and Phil met with Bill and came up with some suggestions to improve the appearance of his business. He will move the inoperable vehicles behind the fence and will kill the weeds around the cars at the front of his property. There is a drainage problem on the side lot by Jenkins' home and Seth said we will ask the public works department to take a look at it. Julie will get a copy of the letter sent to Bill in everyone's mailbox. Seth said we will give him 30 days from the date of the letter to comply with our suggestions. Mike asked what options we have and Ray said we might fine him for illegally operating a

Legal and Ordinance Committee Meeting  
Wednesday, June 3, 2009  
Page 1 of 2

junk yard. Dennis will look into whether there was a change in use/grandfather clause.

7. Huelsman drainage problem: Seth said the board decided to send Huelsman's attorney a letter stating the board feels it is not our responsibility to take care of their problem. Julie didn't know if Steve had sent the letter. She has not seen anything in Dennis' email inbox.

8. Resident lawn business parking complaint: This is the situation with a lawn care business and someone is parking their trailer on the street. Julie has received some material from Frank on another town's code that addresses this and will work on putting together something for the next committee meeting.

Rita received a call from Angela who is the President of the American Massage Board and she says Freeburg is not in compliance with Illinois, and has contacted Steve Wigginton about it. Rita called Angela back but didn't get to speak with her. Ray said we can be stricter than Illinois law. Rita said she invited her to come to the meeting but she did not show up. The committee decided to wait and see what Steve says about this.

**B. NEW BUSINESS:** None.

**C. GENERAL CONCERNS:** Ray advised the closing for 502 W. White was not a clean closing. There was a contention with one of the outstanding liens which is being worked out. We have closed on our end.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 5:45 p.m. and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*



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Office Manager

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## MEMO:

**To:** Street Committee

**From:** Dennis R. Herzing, P.E., Village Administrator

**CC:** Mayor Danford

**Date:** 06/19/2009

**Re: Huelsman Drainage Issue**

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Steve Wigginton has spoken with Penny Livingston and relayed the board's position that the Village can not spend public funds to address a drainage problem that is not the village's responsibility. Steve indicated that attorney Livingston asked, hypothetically, if the Huelsmans were willing to pay all of the costs to address the drainage (i.e. new culvert or additional culvert), would the village cooperate and permit construction in the road right-of-way. I told Steve that I thought the board would approve such an arrangement but that it would need to go through committee and the full board for a decision.



**WEILMUNSTER & WIGGINTON, P.C.**

ATTORNEYS AT LAW  
wwlaw1.com

J. BRIAN MANION\*  
E-Mail: jbm@wwlaw1.com

\*Licensed in Illinois

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June 9, 2009

Mr. Dennis Herzing  
Village Administrator  
Village of Freeburg  
14 Southgate Center  
Freeburg, IL 62243

Mayor Ray Danford  
Village of Freeburg  
Freeburg Municipal Center  
14 Southgate Center  
Freeburg, IL 62243

RECEIVED

JUN 11 2009

**Re: Village of Freeburg Ordinances Regulating Massage Parlors**

Gentlemen:

I am writing to provide you with a legal opinion as to whether the Village of Freeburg Code of Ordinance provisions regulating massage parlors have been preempted by state law. Based upon my review of the Illinois statutes, case law and the Village of Freeburg Code of Ordinances, it is my opinion that **Chapter 112: Massage Parlors** of the Village of Freeburg Code of Ordinances has been preempted by the Illinois Massage Licensing Act (225 ILCS 57/1, *et seq.*). The Illinois Massage Licensing Act provides a comprehensive regulatory and licensing scheme for the massage therapy industry. A copy of the Act is attached for your reference.

The Illinois Massage Licensing Act became effective August 12, 2003 and provided that beginning January 1, 2005 the regulation and licensing of massage therapy is an exclusive power and function of the state. Thus, the Illinois Massage Licensing Act expressly preempts local governmental regulation and licensing.

“Municipalities which are not home rule units have only powers that are granted to them by law. They have no inherent powers. They may exercise only those powers that the state legislature confers upon them, either expressly or impliedly, by statute.” *Hawthorne v. Village of Olympia Fields*, 204 Ill.2<sup>nd</sup> 243, 255 (2003).

Mr. Dennis Herzing  
Mayor Ray Danford  
June 9, 2009  
Page Two

In *Hawthorne*, the Illinois Supreme Court held that a Village could not regulate home day care businesses under its zoning ordinance when regulation of home day care was covered by the Illinois Child Care Act of 1969 which required licensing from the Department of Children and Family Services. *Id.* at 259.

Based upon the foregoing, I recommend that the Village of Freeburg repeal **Chapter 112: Massage Parlors** from its Code of Ordinances. It is my opinion that if the ordinances were challenged in court, they would be found to be preempted by the Illinois Massage Licensing Act and as such would be an invalid exercise of municipal authority.

If you have any questions, please do not hesitate to contact me.

WEILMUENSTER & WIGGINTON

By:   
J. Brian Manion

JBM:kh  
Enclosure

55/165. Illinois Administrative Procedure Act

§ 165. Illinois Administrative Procedure Act.<sup>1</sup> The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act,<sup>2</sup> which provides that at hearings the license holder has the right to show compliance with all lawful requirements for retention, continuation or renewal of the certificate, is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act<sup>3</sup> is deemed sufficient when mailed to the last known address of a party.

P.A. 87-783, § 165, eff. Jan. 1, 1992; Amended by P.A. 88-670, Art. 3, § 3-62, eff. Dec. 2, 1994; P.A. 90-61, § 20, eff. Dec. 30, 1997.

Formerly Ill.Rev.Stat.1991, ch. 111, ¶ 8351-165.

<sup>1</sup> 5 ILCS 100/1-1 et seq.

<sup>2</sup> 5 ILCS 100/10-65.

<sup>3</sup> 5 ILCS 100/10-25.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 55/1.

55/170. Home rule

§ 170. Home rule. The regulation and licensing of marriage and family therapists and associate marriage and family therapists are exclusive powers and functions of the State. A home rule unit may not regulate or license marriage and family therapists or associate marriage and family therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

P.A. 87-783, § 170, eff. Jan. 1, 1992. Amended by P.A. 91-362, § 5, eff. Jan. 1, 2000.

Formerly Ill.Rev.Stat.1991, ch. 111, ¶ 8351-170.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 55/1.

ACT 57. MASSAGE LICENSING ACT

Section

- 57/1. Short title.
- 57/5. Declaration of public policy.
- 57/10. Definitions.
- 57/15. Licensure requirements.
- 57/20. Grandfathering provision.
- 57/25. Exemptions.
- 57/30. Title protection.
- 57/35. Massage Licensing Board.
- 57/40. Duties of the Department.
- 57/45. Grounds for discipline.
- 57/50. Advertising.
- 57/55. Exclusive jurisdiction.
- 57/60. Administrative Procedure Act.
- 57/65. Renewal of licenses.
- 57/67. Continuing education.

Section

- 57/70. Restoration of expired licenses.
- 57/75. Inactive licenses.
- 57/80. Fees.
- 57/85. Deposit of fees and fines; appropriations.
- 57/90. Violations; injunction; cease and desist order.
- 57/95. Investigations; notice and hearing.
- 57/100. Stenographer; transcript.
- 57/105. Compelling testimony.
- 57/110. Findings and recommendations.
- 57/115. Rehearing.
- 57/120. Director; rehearing.
- 57/125. Appointment of a hearing officer.
- 57/130. Order of certified copy; prima facie proof.
- 57/135. Restoration of suspended or revoked license.
- 57/140. Surrender of license.
- 57/145. Temporary suspension of a license.
- 57/150. Administrative review; venue.
- 57/155. Violations.
- 57/160. Returned checks; fines.
- 57/165. Unlicensed practice; violation; civil penalty.
- 57/170. Severability.

Repeal of Act

Section 4.22 of the Regulatory Sunset Act (5 ILCS 80/4.22) provides for the repeal of the Massage Licensing Act unless, under 5 ILCS 80/4, the General Assembly enacts legislation providing for its continuation.

57/1. Short title

§ 1. Short title. This Act may be cited as the Massage Licensing Act.

P.A. 92-860, § 1, eff. June 1, 2003.

Repeal of Act

For repeal of Act, see note preceding this section.

57/5. Declaration of public policy

§ 5. Declaration of public policy. The practice of massage therapy is hereby declared to affect the public health, safety, and welfare and to be subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to practice massage therapy, to promote high standards of professional performance for those licensed to practice massage therapy in the State of Illinois, and to protect the public from unprofessional conduct by persons licensed to practice massage therapy.

P.A. 92-860, § 5, eff. June 1, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/10. Definitions

§ 10. Definitions. As used in this Act:

"Approved massage school" means a facility which meets minimum standards for training and curriculum as determined by the Department.

"Board" means the Massage Licensing Board appointed by the Director.

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"Compensation" means the payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Massage", or "massage therapy" means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage, as licensed under this Act, is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Section.

"Massage therapist" means a person who is licensed by the Department and administers massage for compensation.

"Professional massage or bodywork therapy association" means a state or nationally chartered organization that is devoted to the massage specialty and therapeutic approach and meets the following requirements:

(1) The organization requires that its members meet minimum educational requirements. The educational requirements must include anatomy, physiology, hygiene, sanitation, ethics, technical theory, and application of techniques.

(2) The organization has an established code of ethics and has procedures for the suspension and revocation of membership of persons violating the code of ethics.

P.A. 92-860, § 10, eff. June 1, 2003. Amended by P.A. 93-524, § 5, eff. Aug. 12, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/15. Licensure requirements

§ 15. Licensure requirements.

(a) Beginning January 1, 2005, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of

any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(b) Each applicant for licensure as a massage therapist shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

P.A. 92-860, § 15, eff. June 1, 2003. Amended by P.A. 93-524, § 5, eff. Aug. 12, 2003; P.A. 93-908, § 5, eff. Aug. 11, 2004.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

P.A. 93-908 incorporated the amendment by P.A. 93-524.

57/20. Grandfathering provision

§ 20. Grandfathering provision.

(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in paragraphs (1) and (2) of subsection (a) and subsection (b) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established pri-

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or to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department.

P.A. 92-860, § 20, eff. June 1, 2003. Amended by P.A. 93-524, § 5, eff. Aug. 12, 2003; P.A. 93-908, § 5, eff. Aug. 11, 2004.

#### Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

P.A. 93-908 incorporated the amendment by P.A. 93-524.

#### 57/25. Exemptions

##### § 25. Exemptions.

(a) This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed.

(b) Persons exempted under this Section include, but are not limited to, physicians, podiatrists, naprapaths, and physical therapists.

(c) Nothing in this Act prohibits qualified members of other professional groups, including but not limited to nurses, occupational therapists, cosmetologists, and estheticians, from performing massage in a manner consistent with their training and the code of ethics of their respective professions.

(d) Nothing in this Act prohibits a student of an approved massage school or program from performing massage, provided that the student does not hold himself or herself out as a licensed massage therapist and does not charge a fee for massage therapy services.

(e) Nothing in this Act prohibits practitioners that do not involve intentional soft tissue manipulation, including but not

limited to Alexander Technique, Feldenkrais, Reike, and Therapeutic Touch, from practicing.

(f) Practitioners of certain service marked bodywork approaches that do involve intentional soft tissue manipulation, including but not limited to Roling, Trager Approach, Polarity Therapy, and Orthobionomy, are exempt from this Act if they are approved by their governing body based on a minimum level of training, demonstration of competency, and adherence to ethical standards.

(g) Practitioners of Asian bodywork approaches are exempt from this Act if they are members of the American Organization of Bodywork Therapies of Asia as certified practitioners or if they are approved by an Asian bodywork organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by their governing body.

(h) Practitioners of other forms of bodywork who restrict manipulation of soft tissue to the feet, hands, and ears, and who do not have the client disrobe, such as reflexology, are exempt from this Act.

(i) Nothing in this Act applies to massage therapists from other states or countries when providing educational programs or services for a period not exceeding 30 days within a calendar year.

(j) Nothing in this Act prohibits a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

P.A. 92-860, § 25, eff. June 1, 2003.

#### Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

#### 57/30. Title protection

##### § 30. Title protection.

(a) Persons regulated by this Act are designated as massage therapists and therefore are exclusively entitled to utilize the terms "massage", "massage therapy", and "massage therapist" when advertising or printing promotional material.

(b) Anyone who knowingly aids and abets one or more persons not authorized to use a professional title regulated by this Act or knowingly employs persons not authorized to use the regulated professional title in the course of their employment, commits a violation of this Act.

(c) Anyone not authorized, under the definitions of this Act, to utilize the term "massage", "massage therapy", or "massage therapist" and who knowingly utilizes these terms when advertising commits a violation of this Act.

P.A. 92-860, § 30, eff. June 1, 2003.

#### Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

#### 57/35. Massage Licensing Board

##### § 35. Massage Licensing Board.

(a) The Director shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Director.

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The Board shall consist of 7 members, of whom 6 shall be massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One member of the Board shall be a member of the public who is not licensed under this Act or a similar Act in Illinois or another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State.

(b) Members shall be appointed to a 3-year term, except that initial appointees shall serve the following terms: 2 members shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to exceed 9 years. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacant term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Director shall consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Director in regard to any matter affecting the administration of this Act. The Director shall give due consideration to all recommendations of the Board. If the Director takes action contrary to a recommendation of the Board, the Director shall provide a written explanation of that action.

(f) The Director may terminate the appointment of any member for cause which, in the opinion of the Director reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

P.A. 92-860, § 35, eff. June 1, 2003. Amended by P.A. 93-524, § 5, eff. Aug. 12, 2003.

#### Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

#### 57/40. Duties of the Department

§ 40. Duties of the Department. Subject to provisions of this Act, the Department shall:

(1) Formulate rules required for the administration of this Act. Notice of proposed rule making shall be transmitted to the Board and the Department shall review the Board's response and any recommendations made in the response.

(2) Determine the qualifications of an applicant for licensure by endorsement.

(3) Conduct hearings or proceedings to refuse to issue or renew or to revoke a license or to suspend, place on probation, reprimand, or otherwise discipline a person licensed under this Act.

(4) Solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(5) Maintain a roster of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. The roster shall be available upon written request and payment of the required fee.

P.A. 92-860, § 40, eff. June 1, 2003.

#### Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

#### 57/45. Grounds for discipline

§ 45. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action, as the Department considers appropriate, including the imposition of fines not to exceed \$1,000 for each violation, with regard to any license or licensee for any one or more of the following:

(1) being convicted of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor, an essential element of which is dishonesty, or any that is directly related to the practice of massage. Conviction, as used in this paragraph, shall include a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere;

(2) advertising in a false, deceptive, or misleading manner;

(3) aiding, assisting, procuring, or advising any unlicensed person to practice massage contrary to any rules or provisions of this Act;

(4) engaging in immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice;

(5) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(6) practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;

(7) knowingly delegating professional responsibilities to a person unqualified by training, experience, or licensure to perform;

(8) failing to provide information in response to a written request made by the Department within 60 days;

(9) having a habitual or excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(10) having a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act;

(11) making a material misstatement in furnishing information to the Department or otherwise making misleading, deceptive, untrue, or fraudulent representations in violation of this Act or otherwise in the practice of the profession;

(12) making any misrepresentation for the purpose of obtaining a license; or

(13) having a physical illness, including but not limited to deterioration through the aging process or loss of motor skills, that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(b) The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, to pay the tax, penalty, or interest shown in a filed tax return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code<sup>1</sup>, operates as an automatic suspension. The suspension will end only upon (i) a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of a court order so finding and discharging the patient and (ii) the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(d) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted,

continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

P.A. 92-860, § 45, eff. June 1, 2003.

<sup>1</sup> 406 ILCS 5/1-100 et seq.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/50. Advertising

§ 50. Advertising. It is a misdemeanor for any person, organization, or corporation to advertise massage services unless the person providing the service holds a valid license under this Act, except for those excluded licensed professionals who are allowed to include massage in their scope of practice. A massage therapist may not advertise unless he or she has a current license issued by this State. "Advertise" as used in this Section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the words "massage", "massage therapist", "therapeutic massage", or "massage therapeutic"; or commercials broadcast by any means.

P.A. 92-860, § 50, eff. June 1, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/55. Exclusive jurisdiction

§ 55. Exclusive jurisdiction. Beginning January 1, 2005, the regulation and licensing of massage therapy is an exclusive power and function of the State. Beginning January 1, 2005, a home rule unit may not regulate or license massage therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

P.A. 92-860, § 55, eff. June 1, 2003. Amended by P.A. 93-524, § 5, eff. Aug. 12, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

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§ 60. Administrative incorporation were incorporated into subsection (b) of this Section. This Act has the right to be retained. It is not required by the Act to be addressed to the

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§ 65. Renewal period set by rule. P.A. 92-8

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§ 67. Rules for Act that continue in part of the Department of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. P.A. 92-8

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§ 70. A person who has had her license suspended or her fitness to practice revoked shall be required to take a written examination to be eligible to practice. P.A. 92-8

**57/60. Administrative Procedure Act**

§ 60. Administrative Procedure Act. The Illinois Administrative Procedure Act<sup>1</sup> is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act<sup>2</sup> that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

P.A. 92-860, § 60, eff. June 1, 2003.

<sup>1</sup> 5 ILCS 100/1-1 et seq.

<sup>2</sup> 5 ILCS 100/10-65.

**Repeal of Act**

*For repeal of Act, see note preceding 225 ILCS 57/1.*

**57/65. Renewal of licenses**

§ 65. Renewal of licenses. The expiration date and renewal period for each license issued under this Act shall be set by rule.

P.A. 92-860, § 65, eff. June 1, 2003.

**Repeal of Act**

*For repeal of Act, see note preceding 225 ILCS 57/1.*

**57/67. Continuing education**

§ 67. Continuing education. The Department shall adopt rules for continuing education for persons licensed under this Act that require a completion of 24 hours of approved continuing education per license renewal period. The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by the licensee, by requiring the filing of continuing education certificates with the Department, or by other means established by the Department.

P.A. 92-860, § 67, eff. June 1, 2003.

**Repeal of Act**

*For repeal of Act, see note preceding 225 ILCS 57/1.*

**57/70. Restoration of expired licenses**

§ 70. Restoration of expired licenses. A massage therapist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the

required restoration fee and showing proof of completion of required continuing education. Licensees must provide proof of completion of 24 hours approved continuing education to renew their license.

If the massage therapist has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule his or her fitness to resume active status and may require the massage therapist to complete a period of evaluated clinical experience and may require successful completion of an examination.

A massage therapist whose license has been expired or placed on inactive status for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction, by paying the required restoration fee, and by showing proof of the completion of 24 hours of continuing education.

However, a massage therapist whose license has expired while he or she has been engaged (i) in active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees or restoration fee if, within 2 years after termination of the service, training, or education, other than by dishonorable discharge, he or she furnishes the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been terminated.

P.A. 92-860, § 70, eff. June 1, 2003.

**Repeal of Act**

*For repeal of Act, see note preceding 225 ILCS 57/1.*

**57/75. Inactive licenses**

§ 75. Inactive licenses. Any massage therapist who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

A massage therapist requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in Section 70 of this Act.

Any massage therapist whose license is on inactive status shall not practice massage therapy in the State, and any practice conducted shall be deemed unlicensed practice.

P.A. 92-860, § 75, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/80. Fees

§ 80. Fees. The fees assessed under this Act shall be set by rule.

P.A. 92-860, § 80, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/85. Deposit of fees and fines; appropriations

§ 85. Deposit of fees and fines; appropriations. All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department of Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department.

P.A. 92-860, § 85, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/90. Violations; injunction; cease and desist order

§ 90. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If, after January 1, 2005, any person practices as a massage therapist or holds himself or herself out as a massage therapist without being licensed under the provisions of this Act, then the Director, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon him or her obedience.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

P.A. 92-860, § 90, eff. June 1, 2003. Amended by P.A. 98-524, § 5, eff. Aug. 12, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/95. Investigations; notice and hearing

§ 95. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person holding or claiming to hold a license. The Department shall, before refusing to issue or renew a license or to discipline a licensee pursuant to Section 45, notify the applicant or holder of a license in writing, at least 30 days prior to the date set for the hearing, of the nature of the charges and that a hearing will be held on the date designated. The notice shall direct the applicant or licensee to file a written answer to the Board under oath within 20 days after the service of the notice, and shall inform the applicant or licensee that failure to file an answer will result in a default judgment being entered against the applicant or licensee. A default judgment may result in the license being suspended, revoked, or placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine; without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present statements, testimony, evidence and argument that may be pertinent to the charges or to the licensee's defense. The Board may continue a hearing from time to time.

P.A. 92-860, § 95, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

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## 57/100. Stenographer; transcript

§ 100. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the order of the Department shall be the record of the proceeding.

P.A. 92-860, § 100, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/105. Compelling testimony

§ 105. Compelling testimony. Any circuit court, upon application of the Department or its designee or of the applicant or licensee against whom proceedings pursuant to Section 95 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

P.A. 92-860, § 105, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/110. Findings and recommendations

§ 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Director.

The report of findings and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of a license unless the Director shall determine that the Board's report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

P.A. 92-860, § 110, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/115. Rehearing

§ 115. Rehearing. In any case involving the refusal to issue or renew a license or discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion, in writing and specifying particular grounds, for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon the denial, the Director may enter an order in accordance with recommendations of the Board, except as provided in Section 110 of this Act. If the respondent shall order from the reporting service and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

P.A. 92-860, § 115, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/120. Director; rehearing

§ 120. Director; rehearing. Whenever the Director is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Director may order a rehearing by the same or other examiners.

P.A. 92-860, § 120, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/125. Appointment of a hearing officer

§ 125. Appointment of a hearing officer. The Director shall have the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or for the discipline of a licensee. The hearing officer shall have full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

P.A. 92-860, § 125, eff. June 1, 2003.

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## 57/100. Stenographer; transcript

§ 100. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a license or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the order of the Department shall be the record of the proceeding.

P.A. 92-860, § 100, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/105. Compelling testimony

§ 105. Compelling testimony. Any circuit court, upon application of the Department or its designee or of the applicant or licensee against whom proceedings pursuant to Section 95 of this Act are pending, may enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

P.A. 92-860, § 105, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/110. Findings and recommendations

§ 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Director a written report of its findings and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Director.

The report of findings and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of a license unless the Director shall determine that the Board's report is contrary to the manifest weight of the evidence, in which case the Director may issue an order in contravention of the Board's report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

P.A. 92-860, § 110, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/115. Rehearing

§ 115. Rehearing. In any case involving the refusal to issue or renew a license or discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after service, the respondent may present to the Department a motion, in writing and specifying particular grounds, for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon the denial, the Director may enter an order in accordance with recommendations of the Board, except as provided in Section 110 of this Act. If the respondent shall order from the reporting service and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which the motion may be filed shall commence upon the delivery of the transcript to the respondent.

P.A. 92-860, § 115, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/120. Director; rehearing

§ 120. Director; rehearing. Whenever the Director is satisfied that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license, the Director may order a rehearing by the same or other examiners.

P.A. 92-860, § 120, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/125. Appointment of a hearing officer

§ 125. Appointment of a hearing officer. The Director shall have the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or for the discipline of a licensee. The hearing officer shall have full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his or her findings and recommendations to the Board and the Director. The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

P.A. 92-860, § 125, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/130. Order of certified copy; prima facie proof

§ 130. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:

- (1) the signature is the genuine signature of the Director;
- (2) the Director is duly appointed and qualified; and
- (3) the Board and the members of the Board are qualified to act.

P.A. 92-860, § 130, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/135. Restoration of suspended or revoked license

§ 135. Restoration of suspended or revoked license. At any time after the suspension or revocation of a license, the Department may restore it to the accused person upon the written recommendation of the Board, unless after an investigation and a hearing, the Board determines that restoration is not in the public interest.

P.A. 92-860, § 135, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/140. Surrender of license

§ 140. Surrender of license. Upon the revocation or suspension of any license, the licensee shall surrender the license to the Department and, if the licensee fails to do so, the Department shall have the right to seize the license.

P.A. 92-860, § 140, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/145. Temporary suspension of a license

§ 145. Temporary suspension of a license. The Director may temporarily suspend the license of a massage therapist

without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 95 of this Act, if the Director finds that the evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Director temporarily suspends the license of a massage therapist without a hearing, a hearing by the Board must be held within 30 calendar days after the suspension has occurred.

P.A. 92-860, § 145, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/150. Administrative review; venue

§ 150. Administrative review; venue. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure<sup>1</sup>.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for relief resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

P.A. 92-860, § 150, eff. June 1, 2003.

<sup>1</sup> 735 ILCS 5/3-101.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

## 57/155. Violations

§ 155. Violations. A person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offense.

P.A. 92-860, § 155, eff. June 1, 2003.

## Repeal of Act

*For repeal of Act, see note preceding 225 ILCS 57/1.*

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57/160. Returned checks; fines

§ 160. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

P.A. 92-860, § 160, eff. June 1, 2003. Amended by P.A. 98-524, § 5, eff. Aug. 12, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/165. Unlicensed practice; violation; civil penalty

§ 165. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice massage therapy or as a massage therapist without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

P.A. 92-860, § 165, eff. June 1, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

57/170. Severability

§ 170. Severability. If any provision of this Act or the application of any provision of this Act to any person or

circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

P.A. 92-860, § 170, eff. June 1, 2003.

Repeal of Act

For repeal of Act, see note preceding 225 ILCS 57/1.

ACT 60. MEDICAL PRACTICE ACT OF 1987

- Section 60/1. Short title.
- 60/2. Definitions.
- 60/3. Licensure requirement.
- 60/3.5. Unlicensed practice; violation; civil penalty.
- 60/4. Exemptions.
- 60/5. Service on committees; exemption from civil liabilities.
- 60/6. Exclusive State power or function.
- 60/7. Medical Disciplinary Board.
- 60/7.5. Complaint Committee.
- 60/8. Medical Licensing Board.
- 60/9. Application for license.
- 60/9.5. Social Security Number on license application.
- 60/9.7. Criminal background check.
- 60/10. Rules and regulations.
- 60/11. Minimum education standards.
- 60/11.1. Repealed.
- 60/12. Examinations.
- 60/13. Medical students.
- 60/14. Chiropractic students.
- 60/15. Physician licensed to practice without drugs and operative surgery; license for general practice.
- 60/16. Ineligibility for examination.
- 60/17. Temporary license.
- 60/18. Visiting professor, physician, or resident permits.
- 60/19. Licensure without examination.
- 60/20. Continuing education.
- 60/21. License renewal; restoration; inactive status; disposition and collection of fees.
- 60/22. Disciplinary action.
- 60/23. Reports relating to professional conduct and capacity.
- 60/24. Report of violations; medical associations.
- 60/25. Summary suspension.
- 60/26. Advertising.
- 60/27. Advertising violations; third party payments.
- 60/28. Use of titles.
- 60/29. Releases from liability prior to, or as a condition of treatment.
- 60/30. Emergency care; civil liability.
- 60/31. Liability exclusion; free medical clinic.
- 60/32. Practice by person licensed in another state pending examination.
- 60/33. Legend drugs; dispensing drugs or medicines.
- 60/34. Construction and administration of Act.
- 60/35. Hearing officers.



# American Massage Therapy Association

## 2009 Massage Therapy Industry Fact Sheet

*The following is a compilation of data gathered from U.S. government statistics, surveys of consumers and massage therapists and recent clinical studies on the efficacy of massage. These data provide an overview of the current state of the massage therapy profession, public and medical acceptance of the value of massage and increasing consumer usage of massage therapy.*

### Massage Therapy as a Profession

In 2005, massage therapy was projected to be a \$6 to \$11 billion a year industry.<sup>1</sup>

It is estimated that there are 280,000 to 320,000 massage therapists and massage school students in the United States.<sup>2</sup>

According to the U.S. Department of Labor employment for massage therapists is expected to increase 20 percent from 2006 to 2016, faster than average for all occupations.<sup>3</sup>

Between August 2007 and June 2008, a fifth of adult Americans (20 percent) had a massage at least once.<sup>4</sup>

### Who is Today's Massage Therapist?

#### Today's massage therapists are...<sup>5</sup>

Most likely to enter the massage therapy profession as a second career.

Predominantly female (88 percent).

In their early-40s, on average.

Most likely to be members of a professional organization.

Most likely to be sole practitioners.

Working an average of 19 hours a week providing massage. (excluding time spent on other business tasks such as billing, bookkeeping, supplies, maintaining equipment, marketing, scheduling, etc.)

Charging an average of \$63 for one hour of massage.

Earning an average wage of \$41.50 an hour (including tips) for all massage related work.

Giving an average of 41 massages per month.

Working in the industry an average of 6.3 years.

Likely to provide massage therapy in a number of settings, including their own home, spa/salon, their own office, a healthcare setting, health club/athletic facility, or massage therapy only franchise or chain.

Eighty-nine percent (89 percent) of massage therapists provide Swedish massage, followed by 82 percent who provide deep tissue massage, 52 percent trigger point, and 49 percent sports massage.

### Massage Therapy as a Career

#### Massage therapy can be a rewarding and flexible career

In 2008, the average annual income for a massage therapist (including tips) who provides 15 hours of massage per week was \$31,500, compared to incomes in 2006 of \$28,170 for full-time healthcare support workers; \$27,190 for full-time medical assistants and \$23,290 for occupational therapist aides.<sup>6</sup>

While massage therapists work in a variety of work environments, sole practitioners or independent contractors account for the largest percentage of practicing therapists (92 percent). Forty-four percent

work at least part of their time at a client's home/business/corporate setting, 29 percent in a spa and 27 percent in a healthcare setting.<sup>5</sup>

Eighty-two percent started practicing massage therapy as a second career.<sup>5</sup>

Forty-nine percent of massage therapists say they would not want to work more hours of massage than they presently do.<sup>5</sup>



## American Massage Therapy Association

More than half of massage therapists (58 percent) also earn income working in another profession.<sup>5</sup> Of those massage therapists who earn income working in another profession, 26 percent work in healthcare, while 21 percent practice other forms of body work and 20 percent work in education.<sup>5</sup>

### Education and Credentials Valued In the Massage Therapy Profession

There are over 300 accredited massage schools and programs in the United States.<sup>8</sup> Today there are 91,000 nationally certified massage therapists and bodyworkers. To become nationally certified, a massage therapist must demonstrate mastery of core skills and knowledge, pass an exam, uphold the standards of practice and code of ethics of the National Certification Board for Therapeutic Massage & Bodywork and take part in continuing education.<sup>9</sup>

Ninety-two percent of massage therapists strongly or somewhat agree there should be minimum education standards for massage therapists.<sup>5</sup>

Massage therapists have an average of 633 hours of initial training.<sup>5</sup>

The vast majority of massage therapists (92 percent) have taken continuing education classes.<sup>5</sup>

The average number of hours spent in continuing education is 25 per year.<sup>5</sup>

The most popular choices for continuing education are training for new modalities/techniques, advanced training for specific modalities, and massage for specific populations (e.g. pregnant women, geriatrics and athletes).<sup>5</sup>

### State Regulation of the Massage Profession Rapidly Growing

Currently, 42 states and the District of Columbia regulate massage therapists or provide voluntary state certification.<sup>8</sup>

In states that regulate massage therapy, massage therapists must meet the legal requirements to practice which may include minimum hours of initial training and passing an exam.

In states that do not regulate massage therapists, this task may fall to local municipalities.

### Who Gets Massage, Where and Why?

According to annual AMTA consumer surveys since 2003, an average of 21 percent of adult Americans received at least one massage each year and an average of 32 percent of adult Americans received a massage in the previous five years.<sup>6</sup>

In July 2008, 45 percent of women and 21 percent of men reported having a massage in the past five years.<sup>4</sup>

Spas are where most people now receive massage, with 23 percent of those surveyed in 2007 saying this is where they had their last massage.<sup>4</sup>

**While the use of massage is growing, the reasons people are turning to massage therapy are also expanding. More and more people recognize it as an important element in their overall health and wellness.**

Almost one-quarter of adult Americans say they've used massage therapy at least one time for pain relief.<sup>4</sup>

Of the people who had at least one massage in the last five years, 31 percent report they did so for health conditions such as pain management, injury rehabilitation, migraine control, or overall wellness.

Thirty-six percent sought massage for stress relief and 38 percent said they would consider using massage therapy for stress relief or stress management.

Eight-eight percent agree that massage can be effective in reducing pain.

Eighty-seven percent agree that massage can be beneficial to health and wellness.



# American Massage Therapy Association

## Massage and Healthcare

### **Healthcare providers are increasingly promoting the benefits of massage to their patients.**

In July 2008, thirteen percent of adult Americans reported discussing massage therapy with their doctors or healthcare providers.<sup>4</sup>  
Of those 13 percent, more than half (57 percent) said their doctor strongly recommended or encouraged it.<sup>4</sup>

More than half of massage therapists (69 percent) receive referrals from healthcare professionals.<sup>5</sup>

### **Massage therapy usage in hospitals is common.**

The number of hospitals offering massage therapy increased by 30 percent from 2004 to 2006.<sup>10</sup>  
Of the hospitals that have massage therapy programs, 71 percent indicate they offer massage for patient stress management and comfort, while more than two-thirds (67 percent) utilize massage for pain management.<sup>10</sup>  
Sixty-seven percent of hospitals with massage therapy programs offer massage to their staff for stress management.<sup>10</sup>

### **Massage therapists and consumers are in favor of integration of massage into healthcare.**

Over half of adult Americans (60 percent) would like to see their insurance cover massage therapy.<sup>4</sup>  
Ninety-six percent of massage therapists agree massage therapy should be considered part of the healthcare field.<sup>5</sup>

## Massage Therapy Research

### **The therapeutic benefits of massage continue to be researched and studied. Recent research has shown the effectiveness of massage for the following conditions:**

- Cancer-related fatigue.<sup>11</sup>
- Low back pain.<sup>12</sup>
- Osteoarthritis of the knee.<sup>13</sup>
- Reducing post-operative pain.<sup>14</sup>
- Boosting the body's immune system functioning.<sup>15</sup>
- Decreasing the symptoms of carpal tunnel syndrome.<sup>16</sup>
- Lowering blood pressure.<sup>17</sup>
- Reducing headache frequency.<sup>18</sup>
- Easing alcohol withdrawal symptoms.<sup>19</sup>
- Decreasing pain in cancer patients.<sup>20</sup>

The American Massage Therapy Association (AMTA) is a non-profit, professional association with 58,000 members. The association is directed by a volunteer Board of Directors chosen by its members through a national election and encourages members to participate through its 51 chapters.

The American Massage Therapy Association provides information about massage therapy to the public and it helps consumers and healthcare professionals locate professional massage therapists nationwide, through AMTA's Find a Massage Therapist® national locator service. The free national locator service is available via AMTA's website at [www.FindaMassageTherapist.org](http://www.FindaMassageTherapist.org) or toll-free at 888-THE-AMTA [888-843-2682].

<sup>1</sup> Center for Medicare & Medicaid Services. (2004) *National Health Expenditure Projections 2004-2014*. Barnes P, Powell-Griner E, McFann K, Nahin R. *CDC Advance Data Report #34*.



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- <sup>2</sup> Data compiled by American Massage Therapy Association (AMTA) 2008.
- <sup>3</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Occupational Outlook Handbook*
- <sup>4</sup> 2008 and 2007 AMTA Consumer Surveys
- <sup>5</sup> 2008 AMTA Industry Survey
- <sup>6</sup> AMTA Consumer Surveys 2003-2008
- <sup>7</sup> Based on a comparison of results of an AMTA 2008 Industry Survey and 2006 U.S. Department of Labor, Bureau of Labor Statistics data.
- <sup>8</sup> American Massage Therapy Association
- <sup>9</sup> The National Certification Board for Therapeutic Massage and Bodywork
- <sup>10</sup> National Survey conducted by the Health Forum/American Hospital Association 2006
- <sup>11</sup> Currin, J. Meister, E.A. (2008) A hospital-based intervention using massage to reduce distress among oncology patients. *Cancer Nurs.* 31(3):214-21.  
[http://www.ncbi.nlm.nih.gov/pubmed/18453878?ordinalpos=3&itool=EntrezSystem2.PEntrez.Pubmed.Pubmed\\_ResultsPanel.Pubmed\\_DefaultReportPanel.Pubmed\\_RVDocSum](http://www.ncbi.nlm.nih.gov/pubmed/18453878?ordinalpos=3&itool=EntrezSystem2.PEntrez.Pubmed.Pubmed_ResultsPanel.Pubmed_DefaultReportPanel.Pubmed_RVDocSum)
- <sup>12</sup> Preyde M. (2003) Effectiveness of massage therapy for subacute low back pain: a randomized controlled trial. *Journal of Soft Tissue Manipulation*, 8, 4 – 10.
- <sup>13</sup> Perlman AI, Sabina A, Williams AL, Njike VY, Katz DL. (2006) Massage Therapy for Osteoarthritis of the Knee. *Arch Intern Med.* 166(22):2533-8.
- <sup>14</sup> Piotrowski, M., Paterson, C., Mitchinson, A., Kim, H. M., Kirsh, M., Hinshaw, D. B. (2003) Massage as Adjuvant Therapy in the Management of Acute Postoperative Pain: A Preliminary Study in Men. *Journal of the American College of Surgeons*, 197(6), 1037-1046.
- <sup>15</sup> Zeitlin D, Keller SE, Shiflett SC, Schleifer SJ, Bartlett JA. (2000) Immunological Effects of Massage Therapy During Academic Stress. *Psychosomatic Medicine.* 62(1):83-87.
- <sup>16</sup> Field, T., Diego, Miguel, Cullen, Christy, Hartshorn, Kristin, Gruskin, Alan, Hernandez-Reif, Maria, Sunshine, William. (2004). Carpal tunnel syndrome symptoms are lessened following massage. *Journal of Bodywork and Movement Therapies.* 8:9-14.  
<http://www.massagetherapyfoundation.org/pdf/Massage%20and%20carpal%20tunnel%20syndrome.pdf>
- <sup>17</sup> Hernandez-Reif M, Field T, Krasnegor J, Theakston H, Hossain Z, Burman I (2000). High blood pressure and associated symptoms were reduced by massage therapy. *Journal of Bodywork and Movement Therapies*, 4, 31 – 38.
- <sup>18</sup> Quinn C, Chandler C, Moraska A. Massage Therapy & Frequency of Chronic Tension Headaches. (2002) *American Journal of Public Health.* 92(10):1657-61
- <sup>19</sup> Reader M, Young R, Connor JP. (2005) Massage therapy improves the management of alcohol withdrawal syndrome. *J Altern Complement Med.* 11(2):311-3. PMID: 15865498.



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<sup>20</sup> American College of Physicians. (2008) Massage Therapy May Have Immediate Positive Effect On Pain And Mood For Advanced Cancer Patients. *Science Daily* 16 September. <http://www.sciencedaily.com/releases/2008/09/080915174534.htm>.

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