

## **BILL ANALYSIS**

Senate Research Center  
84R11317 TSR-F

H.B. 1049  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Massage therapy schools are licensed by the Texas Department of State Health Services (DSHS) and subject to DSHS oversight. Some licensed schools choose to meet more stringent regulatory requirements for further accreditation as well as Title IV approval by the U.S. Department of Education (DOE). Students who choose to attend these schools are eligible for Title IV student loans administered by DOE.

In 2011, DOE issued new accreditation rules requiring that state agencies regulating these schools certify that these programs are post-secondary education and that the schools are authorized to provide an educational program beyond a secondary level. While it is clear that these education programs are post-secondary, and have been qualified under Title IV for years, Chapter 455, Occupations Code, establishing the regulation of massage therapy schools, makes no mention of the education classification of these types of programs. Therefore, DSHS does not believe they currently possess the authority to certify to DOE a classification that does not exist in the statute giving the agency authority over massage therapy schools.

Because the Texas Legislature only meets every other year, the DOE has provided a time extension, at the request of the Legislature, to make this technical change. This allows students at certain campuses to participate in the Title IV program on a temporary basis while the legislature is in session.

H.B. 1049 clarifies that these programs are post-secondary education as required by DOE and that the schools licensed under this chapter are authorized to provide these programs beyond the secondary school level. H.B. 1049 also clarifies that this additional language is technical only and provides no further regulatory authority for DSHS and creates no additional requirements for schools licensed by DSHS. H.B. 1049 has no effect on schools licensed by DSHS that choose not to seek further accreditation or DOE Title IV approval.

H.B. 1049 amends current law relating to the classification of licensed massage therapy programs as postsecondary education programs.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 455.203, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Provides that the course of instruction in massage therapy provided by a licensed massage school is a postsecondary education program.

(f) Provides that a massage school that provides instruction to persons beyond the age of compulsory education is authorized to operate educational programs in massage therapy at the postsecondary level.

SECTION 2. Provides that the change in law made by this Act to Section 455.203, Occupations Code, does not confer any new or additional regulatory authority on the Department of State Health Services or prescribe any new or additional requirements for massage schools licensed under Chapter 455, Occupations Code.

SECTION 3. Effective date: upon passage or September 1, 2015.