

ORDINANCE NO. 9305

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING CHAPTER VI, ARTICLE 1, SECTION 6-108.2, AND ENACTING CHAPTER VI, ARTICLE 20, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE LICENSING AND REGULATION OF BODYWORK PRACTITIONERS WITHIN THE CITY OF LAWRENCE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1: Chapter VI, Article 1, Section 6-108.2 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended to read as follows:

6-108.2	<u>BODYWORK</u>			
	<u>Bodywork Practitioner License</u>	<u>\$75</u>	<u>2 year</u>	
	<u>Bodywork Practitioner License Renewal</u>	<u>\$50</u>		<u>2-years after date of issue</u>
	<u>Replacement ID Card</u>	<u>\$15</u>	<u>Lost or stolen</u>	

SECTION 2: The Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, is hereby amended by enacting Chapter VI, Article 20, which reads as follows:

6-2001 PURPOSE.

The purpose of this Article is to protect the health, safety, and welfare of the residents of the City of Lawrence, Kansas. The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate various activities, including those related to the practice of Bodywork.

6-2002 DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (A) **Approved Bodywork Education Program** shall, for the purposes of this Article, mean a school or educational program that, at a minimum, includes 500 clock hours, is authorized in the jurisdiction in which it is located, and reflects a curriculum acceptable to an accrediting body recognized by the U.S. Department of Education. Education received outside of the United

States must be substantially equivalent to the criteria of this Article and must be recognized by the jurisdiction in which it is located.

- (B) **Bodywork** shall, for purposes of this Article, mean any therapeutic or personal development technique that involves working with the human body in a form involving manipulative therapy, breath work, or energy. Bodywork includes Massage Therapy, Structural Integration, and other Manual Therapies, as herein defined.
- (C) **Bodywork Business** shall, for the purposes of this Article, mean any in-office establishment where any person engages in or carries on or permits to be engaged in or carried on any Bodywork, as herein defined, or represents to others as providing such.
- (D) **Bodywork Practitioner** shall, for purposes of this Article, mean any person who, for any consideration whatsoever, engages in the practice of Bodywork as herein defined.
- (E) **Bodywork Practitioner License (License)** shall, for purposes of this Article, mean a certificate granting permission for an individual to work as a Bodywork Practitioner within the City of Lawrence.
- (F) **City Clerk** shall, for purposes of this Article, mean the City Clerk, the interim City Clerk, anyone fulfilling the duties of the City Clerk on either a temporary or permanent basis, or any designee of the City Clerk.
- (G) **Client** shall, for the purposes of this Article, mean any person who utilizes or receives the services of any establishment or person subject to the provisions of this Article and under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration or gratuity.
- (H) **Family or Household Member** shall, for purposes of this Article, mean persons related by blood, marriage, or adoption, or who currently reside together.
- (I) **Manual Therapist** shall, for purposes of this Article, mean a person who, for any consideration whatsoever, engages in the practice of Manual Therapy, as herein defined.
- (J) **Manual Therapy** shall, for purposes of this Article, mean the practice of a manipulative therapy or energy work therapy that is neither Massage Therapy nor Structural Integration, and is not regulated by a Kansas or federal regulation, under such circumstances in which it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity.
- (K) **Massage or Massage Therapy** shall, for the purposes of this Article, mean the mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles, for the purpose of establishing or restoring the

general health or well-being of the client, under such circumstances in which it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity. The term shall include, but is not limited to, effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold application, topical applications, or other therapy which involves movement by either hand, forearm, elbow, or foot, for the purpose of therapeutic massage. Massage Therapy as defined herein does not include use of procedures for which a license is required to practice medicine, physical therapy, podiatry, or chiropractic medicine.

- (L) **Massage Therapist** shall, for the purposes of this Article, mean any person who, for any consideration whatsoever, engages in the practice of Massage Therapy as herein defined.
- (M) **Minor Traffic Violation** shall, for the purposes of this Article, mean any violation classified as a traffic infraction or ordinance traffic infraction pursuant to K.S.A. 8-2118(c), and amendments thereto.
- (N) **Parking Violation** shall, for the purposes of this Article, mean any violation classified as an ordinance parking violation pursuant to Article 17 of the Code of the City of Lawrence, Kansas, or any other similar violation under the laws of another municipality.
- (O) **Planned Community Event** shall, for purposes of this Article, mean a gathering planned in advance in which a group of people block or reserve or otherwise occupy public property, a right-of-way, or private property for the purpose of participating in a sporting or musical event or a continuing education program.
- (P) **Reiki and Other Forms of Energy Work** shall, for purposes of this Article, mean the application of the practitioner's hands to manipulate the energy of the human body without manipulating the soft tissues of the human body, under such circumstances in which it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity.
- (Q) **Reflexology** shall, for purposes of this Article, mean the application of specific pressure by the use of the practitioner's hands to reflex points in the client's hands, feet, or ears using alternating pressure, under such circumstances in which it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity.
- (R) **Reflexologist** shall, for the purposes of this Article, mean any person who, for any consideration whatsoever, engages in the practice of Reflexology as herein defined.
- (S) **Structural Integration** shall, for the purposes of this Article, mean a system of Manual Therapy and postural and movement education that aims to improve postural balance, ease of movement, and biomechanical

functioning, under such circumstances in which it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity.

- (T) **Structural Integrator** shall, for the purposes of this Article, mean any person who, for any consideration whatsoever, engages in the practice of Structural Integration as herein defined.

6-2003

BODYWORK PRACTITIONER LICENSE REQUIRED.

- (A) Unless otherwise stated in Section 6-2004 of this Article, no person shall work as a Bodywork Practitioner, as herein defined, within the City without first obtaining from the City Clerk a Bodywork Practitioner License. Any person issued a Bodywork Practitioner License must work within the scope of his or her education and training.
- (B) No person, corporation, association, or other entity, however organized, shall employ a Bodywork Practitioner, as herein defined, within the City if such applicant for employment has not first obtained from the City Clerk a Bodywork Practitioner License.
- (C) It is unlawful to work as a Bodywork Practitioner in the City after such person's License has expired or been revoked by the City.
- (D) Only one Bodywork Practitioner License shall be required for a Bodywork Practitioner for activities such person engages in that are permitted by this Article.

6-2004

EXCEPTIONS TO LICENSURE REQUIREMENT.

- (A) This Article shall not be construed to apply to or restrict the practice of Bodywork, as defined by this Article, in the following circumstances:
 - (1) A currently enrolled student in an Approved Bodywork Education Program may practice Bodywork, provided the practice, conduct, activities, or services constitute a part of a required course of study in the program and that such persons are identified as students. Such currently enrolled student shall be prohibited from receiving payment or consideration of any type, except that they may receive tips in accordance with his or her school policy.
 - (2) An individual currently licensed and in good standing to practice Bodywork in another jurisdiction may practice Bodywork in this jurisdiction on a temporary basis for a Planned Community Event for a period not to exceed seven (7) days or until the closing of the event, whichever period is shorter. Such temporary practice privileges shall apply for no more than thirty (30) days per year and are limited to acts related to the practice of Bodywork at planned event(s) and on identified persons of an identified team or participants at planned event(s) including visiting sports teams, planned athletic events, and education

seminars. Practitioners under this subsection are not authorized to practice Bodywork on the general public.

- (3) An individual currently licensed and in good standing to practice Bodywork in another jurisdiction may practice Bodywork on a temporary basis and in response to a disaster or emergency declared by the appropriate authority or Governor of this state. The privileges provided for under this subsection apply only during the length of time indicated in the formal emergency declaration.
- (4) An individual may provide Bodywork services to any Family or Household Member, so long as such person does not offer, hold out, or claim to be a Bodywork Practitioner and does not receive payment or other compensation for such services.

(B) A person may practice Bodywork during the pendency of their submission of documentation for licensure to the City Clerk, provided that such applicant first register with the City Clerk within three (3) months of the effective date of this Article. A person must register with the City Clerk if he or she requires additional time to submit an application for licensure to the City Clerk. To properly register, an applicant must provide the City Clerk with the following:

- (1) The applicant's full legal name, along with any nicknames;
- (2) The applicant's home address, telephone number, and email address(es);
- (3) A copy of the applicant's government-issued identification, showing that the applicant is at least 18 years of age, such as a state-issued driver's license;
- (4) The applicant's fingerprints, for the purpose of a criminal records check, which will be considered for purposes of qualifications for licensure to the extent permitted by law, in order to verify that the applicant has not been convicted, under the laws of the State of Kansas or any other jurisdiction, of a felony, sexually-related offense, or any violation of this Article. The applicant shall be responsible for the cost of fingerprinting;
- (5) Information pertaining to the employment of the applicant, including the location of work, type of work, and name(s) of employer(s), business owner(s), and/or landlord(s), if applicable.

6-2005

BODYWORK PRACTITIONER'S REGISTER

Every Bodywork Business shall keep at its place of business a current, clean and legible register showing all Bodywork Practitioners practicing at that location, and the practitioners' name, home address, and license number.

6-2006

BODYWORK PRACTITIONER LICENSE FEE.

The fee for a Bodywork Practitioner License shall be \$75.00 per person, and shall be valid for two years from the date of issue. The fee shall not be pro-rated or refunded for any reason, including denial of an application, revocation of a License, or loss or destruction of the License. The renewal fee for such License shall be \$50.00.

6-2007

APPLICATION FOR BODYWORK PRACTITIONER LICENSE.

Every applicant for a Bodywork Practitioner License shall file an application with the City Clerk on an application form made for that purpose. In addition to paying the Bodywork Practitioner License fee, the applicant shall attest to the truthfulness of the application and shall complete the application in full, providing the following information:

- (1) The applicant's full legal name, along with any nicknames;
- (2) The applicant's home address, telephone number, and email address(es);
- (3) A copy of the applicant's government-issued identification, showing that the applicant is at least 18 years of age, such as a state-issued driver's license;
- (4) If applicable, a list of all jurisdictions in which he or she currently holds a license for Bodywork, and all jurisdictions in which he or she has held a license for Bodywork within the previous three (3) years;
- (5) A copy of the applicant's current professional Bodywork and Massage Therapy liability insurance policy;
- (6) Information pertaining to the expected employment of the applicant upon licensure, including the location of work, type of work, and name(s) of employer(s), business owner(s), and/or landlord(s), if applicable.
- (7) A statement indicating whether or not the applicant has had a Bodywork Practitioner License or similar license denied, revoked, or suspended by the City or another jurisdiction within the preceding two (2) years and the reason for the denial, suspension, or revocation;
- (8) A statement indicating whether or not the applicant has ever been convicted, under the laws of the State of Kansas or any other jurisdiction, of a crime, except that Minor Traffic Infractions and Parking Violations shall not be required to be disclosed;
- (9) Fingerprints, for the purpose of a criminal records check, which will be considered for purposes of qualifications for licensure to the extent permitted by law, in order to verify that the applicant has not been convicted, under the laws of the State of Kansas or any other jurisdiction, of a felony, sexually-related offense, or any violation of this Article. The applicant shall be responsible for the cost of fingerprinting. This requirement shall not apply to an applicant who has previously submitted fingerprints pursuant to registration under Section 6-2004(B);

- (10) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license, including authorization for the City to conduct a background check;
- (11) The applicant's signature and the date of the application;
- (12) Written proof of the education and examination requirements set forth at Section 6-2008 herein.

6-2008

BODYWORK PRACTITIONER LICENSE EDUCATION AND EXAMINATION REQUIREMENTS

In addition to the requirements set out in Section 6-2007, applicants for a Bodywork Practitioner License must provide acceptable proof of the following requirements based upon the Bodywork Practitioner's training and certification:

(A) Massage Therapists.

- (1) Successful completion of a course of instruction, consisting of not less than 500 hours, in the theory, method or practice of Massage. The required curriculum must include the subjects of anatomy, physiology, kinesiology, pathology, first aid and hygiene and practical instruction in Massage technique. Proof of completion of educational and training requirements must be by certified transcripts, from one or more accredited or state-approved schools, signed by the school registrar, either presented with a raised seal or faxed or emailed directly to the City Clerk by the school. The passage of such course may have occurred prior to the effective date of this Article; and
- (2) Successful passage of the Massage and Bodywork Licensing Exam (MBLex) developed and administered by the Federation of State Massage Therapy Boards (FSMTB) or the National Certification Examination (NCE) produced by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) and/or evidence that the applicant has maintained "Board Certification" by NCBTMB. The passage of such exam(s) may have occurred prior to the effective date of this Article

(B) Structural Integrators.

- (1) Successful completion of a course of instruction from a Structural Integration school that is recognized by the International Association of Structural Integrators (IASI) and compliant with IASI's current educational standards, such as The Rolf Institute, The Guild of Structural Integration, SOMA, or Hellerwork International. Proof of completion of education and training requirements must be by certified transcripts, signed by the school registrar, either presented with a raised seal or faxed or emailed directly to the City Clerk by the school. The passage of such course may have occurred prior to the effective date of this Article.

(C) Other Bodyworker Practitioners.

- (1) For Manual Therapy, including but not limited to the practice of Trager, Feldenkrais, Mind-Body Centering, Polarity Therapy, and Ortho Bionomy, successful completion of a minimum 500-hour nationally-recognized Manual Therapy training program.
- (2) For a practitioner holding a health care license, including but not limited to the practice of CranioSacral Therapy, Lymph Drainage Therapy, and Visceral Manipulation, successful completion of a minimum of 96 hours of continuing education in a specific Manual Therapy modality.
- (3) For a practitioner practicing Reflexology, successful completion of 30 hours of Anatomy and Physiology, 5 hours of Business Ethics, 56 hours of in-person training, and successful passage of a National Board Certification examination.
- (4) Any person who practices Manual Therapy or any other non-massage Bodywork modality that is not listed herein, including but not limited to the practice of Reiki and other forms of energy work, may obtain a Bodywork Practitioner License upon acceptable proof that he or she has been trained and/or certified to perform the specific modality alleged. Minimum training requirements include successful completion of 30 hours of Anatomy and Physiology, 5 hours of Business Ethics, and 56 hours of in-person training.

- (D) In determining whether an applicant has provided satisfactory proof of the education and examination requirements listed herein, the City Clerk may consult with the Bodywork Advisory Board.

6-2009

LICENSURE FOR EXISTING BODYWORK PRACTITIONERS.

Notwithstanding the qualifications under Sections 6-2007 and 6-2008 of this Article and for a period not to exceed 18-months from the effective date of this Article, persons who have engaged in the practice of Bodywork within the City or who have taught core clinical courses at an Approved Bodywork Education Program within the City may be eligible for expedited licensure. Applicants for licensure under this Section must provide the following information to the City Clerk:

- (1) A completed Bodywork Practitioner License application;
- (2) License fee;
- (3) Documentation evidencing that the applicant meets the following requirements:
 - a. Has regularly practiced Bodywork in Lawrence, Kansas, for at least two (2) of the last three (3) years; or

- b. Has regularly taught core clinical courses at an Approved Bodywork Education Program in Lawrence, Kansas, for two (2) of the last three (3) years;

Such documentation may include, but is not limited to, tax returns, tax forms, or a notarized affidavit under penalty of perjury from three (3) clients or two (2) Bodywork Practitioners licensed under this Article stating that such applicant has been practicing Bodywork in Lawrence for the requisite time period.

- (4) Documentation evidencing that the applicant has completed training and/or a course of study related to his or her Bodywork practice. Such documentation may include, but is not limited to, an official school transcript signed by the school registrar, either presented with a raised seal or faxed or emailed directly to the City Clerk by the school. If such a transcript is unavailable, the applicant may provide the name, city, and state of the institution in which the applicant trained or studied, or the applicant's mentor and dates of training, if applicable, along with the dates of attendance.

6-2010 **LICENSURE BY RECIPROCITY.**

A person who is licensed to practice Bodywork, as herein defined, in another jurisdiction within the United States may seek licensure by providing evidence satisfactory to the City Clerk that the applicant is currently licensed and in good standing in another state, territory, or jurisdiction and has actively practiced for at least two (2) of the previous three (3) years in such other state, territory, or jurisdiction. The City Clerk may assess a reasonable fee for costs incurred to the City Clerk in verifying such information. In addition, such applicant must provide to the City Clerk the information listed in Section 6-2007 (1) - (12) of this Article.

6-2011 **BODYWORK PRACTITIONER LICENSE ISSUANCE; DENIAL.**

- (A) The City Clerk shall review each application for a Bodywork Practitioner License. For applications for licensure by reciprocity, the City Clerk shall have a reasonable amount of time to review and process each application and to issue a License, when appropriate. Otherwise, the Clerk shall approve all other applications within twenty one (21) days of the receipt of the application unless any of the following apply:
 - (1) The application is incomplete;
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement;
 - (3) The applicant has had a Bodywork Practitioner License, or similar license or permit, revoked by the City or any other jurisdiction for any reason within the preceding two (2) years;
 - (4) The applicant has ever been convicted, under the laws of the State of Kansas, or any other jurisdiction, of a sexually-related felony or

misdemeanor. Additionally, the applicant cannot have any of the following violations within the preceding three (3) years:

- a. A person felony;
 - b. A person misdemeanor; or
 - c. Any violation of this Article;
- (5) The applicant has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or any other jurisdiction;
 - (6) The applicant does not meet the requirements of Section 6-2008 or such education and examination requirements could not be verified; or
 - (7) The applicant has not paid all applicable fees.

For purposes of this section, a conviction shall include, in addition to a guilty plea or conviction after trial, being placed on diversion, entering into a deferred judgment program, or being adjudged guilty upon entering a plea of no contest.

- (B) If review of the application discloses that any of the criteria of Section 6-2011 (A)(1)-(7), inclusive, are met, then the City Clerk shall deny the application, by giving Notice of Denial to the applicant. Notice of Denial shall be in writing, shall be mailed to the applicant by certified mail at the given address, shall inform the applicant of the reason for denial, and shall state that the applicant has fourteen (14) days from the date of the Notice of Denial in which to appeal the denial of the application to the Bodywork Advisory Board. The City Clerk shall maintain a copy of the Notice of Denial in his or her files and shall transmit a copy of the Notice of Denial to the Chief of Police.
- (C) Any applicant, whose application is denied for any reason, except for the failure to fulfill the requirements of the application under Sections 6-2011 (A)(1), (6) & (7), is hereby prohibited from filing with the City Clerk an application for a Bodywork Practitioner License for a period of one (1) year, commencing the date after the Notice of Denial. An applicant, whose application is denied for any other reason, may file a subsequent application at any time during normal business hours.
- (D) Any person issued a License under this Article shall notify the City Clerk, in writing, of any change in the information such applicant provided on his or her initial application for licensure, including but not limited to any change in the location of work. Such notification shall be made within 14 days from the date of change.

6-2012

BODYWORK PRACTITIONER IDENTIFICATION CARD; DISPLAY.

All Bodywork Practitioners issued a Bodywork Practitioner License by the City Clerk pursuant to this Article, shall, at all times when working in the City, have in

their possession a valid identification card issued by the City Clerk. The cost of such identification cards shall be incorporated as part of the licensure fee, provided however, that if a licensee requires replacement of such card the cost shall be \$15. The identification card shall include information the City Clerk deems appropriate, including but not limited to the name of the licensee and the type of Bodywork for which the licensee has provided the requisite education and examination documentation. The identification card shall be laminated to prevent alteration. Bodywork Practitioners shall produce their identification cards for inspection upon request of any person who by law may inspect the same.

6-2013 **BODYWORK PRACTITIONER LICENSE, REGISTRATION NON-TRANSFERABLE.**

No Bodywork Practitioner License or proof of registration issued in accordance with the provisions of this Article shall be used by any person other than the person in whose name it was issued.

6-2014 **BODYWORK PRACTITIONER LICENSE RENEWAL.**

- (A) In order to retain a Bodywork Practitioner License, the person holding such License must renew said License on a biennial basis from the date the License was originally effective. To renew a Bodywork Practitioner License, the licensee must, BEFORE the expiration date of that License, remit to the City Clerk the appropriate Bodywork Practitioner License fee, and any information necessary to insure up-to-date renewal application processing as determined by the City Clerk, including but not limited to, proof of a current liability insurance policy, the applicant's current work location, type of work, and employer(s), business owner(s), and/or landlord(s), if applicable.
- (B) There shall be assessed a \$25.00 late fee for any Bodywork Practitioner License that is not renewed BEFORE the expiration date of said License and the holder of said License seeks to renew after the License expiration date.

6-2015 **APPEAL.**

- (A) Any person aggrieved by the action of the City Clerk in denying an application for a Bodywork Practitioner License or in revoking the same shall have the right to appeal that action to the Bodywork Advisory Board. Such appeal shall be taken by filing with the City Clerk a Notice of Appeal within fourteen (14) days of the date of the Notice of Denial or the Notice of Revocation. The Notice of Appeal must be in writing and must set forth why the applicant or licensee believes that the denial or the revocation is erroneous. After the Notice of Appeal is filed, the Bodywork Advisory Board shall set a time and place for hearing the appeal. Notice of the hearing shall be given to the applicant or licensee in the same manner as the Notice of Denial or the Notice of Revocation.
- (B) When a Notice of Appeal is filed, the burden of proof shall be on the applicant or licensee to show, by a preponderance of the evidence

presented, that the allegations set forth in the Notice of Appeal are true. If the applicant or licensee, or his or her representative, fails to appear at the scheduled hearing date, the Bodywork Advisory Board may nonetheless proceed with the hearing. For good cause shown, the Bodywork Advisory Board may grant a continuance, hold a hearing open, allow additions to the record after the hearing has concluded, or take other action in the interest of justice.

- (C) An applicant or licensee who is the subject of a Bodywork Advisory Board action may appeal any decision of the Bodywork Advisory Board to the City Commission by filing a notice of appeal with the Bodywork Advisory Board within thirty (30) days of the decision. The thirty (30) day appeal period shall commence three (3) days after the date the decision is received by mail at the applicant or licensee's address, as evidenced by a certificate of mailing, which shall be included with the Bodywork Advisory Board decision. The Bodywork Advisory Board shall forward the Bodywork Advisory Board decision and appeal to the City Commission together with the Bodywork Advisory Board record. Appeals to the City Commission shall be de novo and no action shall be taken by the Bodywork Advisory Board during a pending appeal. Any decision by the City Commission shall be the City's final determination on such matter.

6-2016

BODYWORK ADVISORY BOARD

- (A) There is hereby established a Bodywork Advisory Board for the purpose of providing technical expertise and guidance to the City Clerk and City Commission regarding the enforcement of this Article as well as providing recommendations on amendments to this Article. The Bodywork Advisory Board shall also hear appeals filed by an aggrieved person regarding the denial or revocation of a License or any disciplinary action taken against him or her pursuant to Section 6-2017. The Board shall consist of five members, and effort should be made to include a diversity of practitioners, including four (4) Bodywork Practitioners and one (1) member from the public at large who works or resides within the City of Lawrence. Board members shall be either a City of Lawrence, Kansas resident or work within the City of Lawrence, Kansas. Three (3) members of the Board shall constitute a quorum for the transaction of business. The City Manager, or his or her designee, shall appoint a staff liaison.
- (B) Membership is voluntary and no voting member shall receive payment for service on the Board. Members will be appointed by the City Commission upon the recommendation of the Mayor.
- (C) Voting members of the Board shall serve no more than two consecutive three (3) year terms, except that a member appointed to fill an unexpired term shall be entitled to serve two three (3) year terms in addition to the partial term. Upon the resignation of any such member, the City Commission shall, upon recommendation of the Mayor, appoint a new member to serve the unexpired portion of the resigning member's term. The Mayor, with majority consent of the City Commission, shall have the ability to remove a Board member for reasons of just cause, including but not limited to, poor attendance or personal conduct inconsistent with the expectations of the City of Lawrence.

LICENSEE DISCIPLINARY ACTION.

- (A) The following shall be grounds for the City to impose one or more disciplinary actions:
1. Conduct that violates any provision of this Article;
 2. Aiding or abetting another person in the violation of this Article;
 3. Practicing outside the scope of authority, training and education;
 4. Delegation of professional responsibilities to a person who is not educated or trained to undertake such responsibilities;
 5. Conviction of:
 - a. a felony;
 - b. a sexually-related misdemeanor; or
 - c. any crime related to the practice of Bodywork;
 6. Failure to pay the costs or fines assessed by the City;
 7. Being subject to any disciplinary sanction from this or any other jurisdiction against any professional license, including any license related to the practice of Massage Therapy or other Bodywork;
 8. Negligence, gross negligence, or incompetence, as determined by a judge or court;
 9. Deceptive, untrue, or fraudulent billing, charges, use of title, terms or representations in the practice of Massage Therapy or other Bodywork; or
 10. Fraud, misrepresentation, or false statement contained in any application for a License.
- (B) Disciplinary Actions. The City Clerk may impose the following disciplinary actions upon any person or entity for one or more of the Grounds for Disciplinary Action of this subsection:
1. Refuse to issue, renew, or reinstate a License;
 2. Revoke, suspend, restrict, or limit a License;
 3. Place a License holder on probation, including placing limits on the licensee's practice and/or requiring supervision;
 4. Issue a reprimand; or

5. Require payment of a fine; or
 6. Refer the matter to the City Prosecutor or other appropriate entity for criminal sanctions, pursuant to Section 6-2018.
- (C) Summary Suspension: The City may impose an immediate suspension of licensure in cases where continued practice by a Bodywork Practitioner poses an imminent and continuing threat to public health, welfare, or safety so long as the City Clerk schedules a hearing to occur within 14 days of the effective date of the suspension order.
- (D) In any case where a License is revoked, the City Clerk shall cause a Notice of Revocation to be issued in writing and such Notice shall be mailed by certified mail to the licensee, the Notice shall inform the licensee of the reason for revocation, and shall state that the license holder has fourteen (14) days from the date of the Notice of Revocation is received to appeal the revocation, as provided for in Section 6-2015. Such Notice of Revocation shall be effective on the date it is received by certified mail. The City Clerk shall maintain a copy of the Notice of Revocation in his or her files and shall transmit a copy of the Notice of Revocation to the Chief of Police.

6-2018

MUNICIPAL OFFENSE.

- (A) It is unlawful for any person or entity to:
1. Engage in conduct that violates any provision of this Article;
 2. Aid or abet another person in the violation of any provision of this Article;
 3. Own, operate, or manage a business which employs, contracts with, or allows one or more unlicensed persons to offer or provide Massage Therapy or other Bodywork;
 4. Represent, hold out, offer or advertise that he or she is a licensed Bodywork Practitioner unless licensed by the City;
 5. Advertise or use the words Massage Therapy, massage, massage-Bodywork, Bodywork, massage Bodywork Practitioner, massage therapist, Bodywork Practitioner, Structural Integration, Reflexology, Reiki or Other Energy Work, or the letters "LMT" or any other words, abbreviations or insignia indicating or implying that Massage Therapy or other Bodywork is provided, or supplied, unless such persons providing the services are licensed pursuant to this Article;
 6. Commit fraud, deceit or misrepresentation in obtaining or attempting to obtain or renew a License; or

7. Misuse a License certificate, including sale or barter of a License; use of another's License; or allowing use of a License by an unlicensed person or entity.

In addition to any administrative disciplinary sanctions imposed pursuant to Section 6-2017, any person, upon an adjudication of guilt or the entry of a plea of no contest under this Section, shall be subject to a maximum fine of \$1,000.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. After passage and publication as provided by law, this ordinance shall be in full force and effect commencing September 1, 2018.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of July 2018.

APPROVED:

Stuart Boley, Mayor

ATTEST:

Sherri Riedemann, City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler, City Attorney