

1999 DRAFTING REQUEST

Bill

Received: 12/13/98

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **Sandy**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Educational requirements for massage therapists and bodyworkers

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|---------------------|---------------------|---------------------|----------------|--------------------------|-------------------------------|-----------------|
| /1 | kunkemd 12/13/98 | jgeller 12/15/98 | martykr 12/15/98 | _____ | lrb_docadmin 12/15/98 | lrb_docadminState 02/25/99 | |

FE Sent For:

03-22-99

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | kunkemd | 11 12/15 JLG | Jm 12/15 | Jm 12/15 | | | |

FE Sent For:

<END>

History: 1997 a. 156; s. 13.93 (1) (b).

99-1252

MDK
2

440.9805 Applicability. This subchapter does not apply to a person holding a license, permit, registration or certification granted by this state or the federal government who engages in the practice of massage therapy or bodywork within the scope of his or her license, permit, registration or certification and who does not use any title or description that implies that he or she is registered under this subchapter or represent himself or herself to be registered under this subchapter.

NOTE: This section is created as s. 440.9705 by 1997 Wis. Act 156 and renumbered s. 440.9805 by the revisor under s. 13.93 (1) (b) all eff. 2-1-99.

History: 1997 a. 156; s. 13.93 (1) (b).

440.981 Use of title.

(1) No person may use the title "Wisconsin registered massage therapist and bodyworker", "Wisconsin registered massage therapist", "Wisconsin registered bodyworker", "registered massage therapist and bodyworker", "registered massage therapist", "registered bodyworker", "massage therapist and bodyworker", "massage therapist" or "bodyworker", use any title or description that implies that he or she is registered under this subchapter or represent himself or herself to be registered under this subchapter unless the person has been issued a license of registration as a massage therapist or bodyworker under this subchapter.

(2) This subchapter does not prohibit a person who is not a registrant from engaging in the practice of massage therapy or bodywork.

NOTE: This section is created as s. 440.971 by 1997 Wis. Act 156 and renumbered s. 440.981 by the revisor under s. 13.93 (1) (b) all eff. 2-1-99.

History: 1997 a. 156; s. 13.93 (1) (b).

440.982 Duties of department.

(1) The department shall do all of the following:

(a) Promulgate rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork.

by the department, ~~except that~~ for schools that are subject to approval

440.982(1)

(b) Promulgate rules establishing the education, training or competency requirements that an applicant for a license must satisfy in order to be issued a license of registration under this subchapter. The rules shall require an applicant to complete at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51 and the rules may require an applicant to pass an examination, administered or approved by the department, to determine fitness to practice massage therapy or bodywork.

ADD

approved by the educational approval board

emergency rule without

(c) Establish and update on at least a bimonthly basis a registry of persons who are issued a license of registration under this subchapter. The department shall make the registry available for public inspection and copying and in any other manner that, as determined by the department, facilitates public access to the registry.

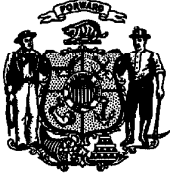
(2) The department may promulgate rules that establish continuing education requirements that a person must satisfy to be eligible to renew a license of registration that is issued under this subchapter.

NOTE: This section is created as s. 440.972 by 1997 Wis. Act 156 and renumbered s. 440.982 by the revisor under s. 13.93 (1) (b) all eff. 2-1-99.

History: 1997 a. 156; s. 13.93 (1) (b).

440.983 Registration requirements. The department shall issue a license of registration as a massage therapist or bodyworker to a person who does all of the following:

- (1) Submits an application for the license to the department on a form provided by the department.
- (2) Pays the fee specified in s. 440.05 (1).
- (3) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.
- (4) Submits evidence satisfactory to the department that he or she satisfies the requirements established in rules promulgated under s. 440.972 [440.982] (1) (b).



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1252/1

MDK:.....

Jlg

1999 BILL

1 *gen cat* AN ACT ...; relating to: educational requirements for massage therapists and
2 bodyworkers and providing an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Under current law, the department of regulation and licensing (DORL) is required to promulgate rules that specify the educational requirements that a person must satisfy in order to be eligible for a massage therapist or bodyworker license. The rules must require completion of a course of instruction in massage therapy or bodywork.

This bill specifies that the rules must require completion of the course of instruction at a school approved by DORL or the educational approval board.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 440.982 (1) (b) of the statutes is amended to read:
4 440.982 (1) (b) Promulgate rules establishing the education, training or
5 competency requirements that an applicant for a license must satisfy in order to be
6 issued a license of registration under this subchapter. The rules shall require an

BILL

1 applicant to complete at least 500 classroom hours of study in a course of instruction
2 at a school of massage therapy or bodywork approved by the department or at a
3 school approved by the educational approval board under s. 39.51 and the. The rules
4 may require an applicant to pass an examination, administered or approved by the
5 department, to determine fitness to practice massage therapy or bodywork.

History: 1997 a. 156; s. 13.93 (1) (b).

6 **SECTION 2. Nonstatutory provisions.**

7 (1) Using the procedure under section 227.24 of the statutes, the department
8 of regulation and licensing may promulgate rules under section 440.982 (1) (b) of the
9 statutes for the period before the effective date of permanent rules promulgated
10 under that section, but not to exceed the period authorized under section 227.24 (1)
11 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes,
12 the department need not provide evidence of the necessity of preservation of the
13 public peace, health, safety or welfare in promulgating rules under this subsection.

14 (END) ✓

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/15/98

To: Representative Underheim

Relating to LRB drafting number: LRB-1252

Topic

Educational requirements for massage therapists and bodyworkers

Subject(s)

Occupational Reg. - misc

1. **JACKET** the draft for introduction



in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney
Telephone: (608) 266-0131