

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB237)**

Received: **03/29/99**

Received By: **kunkemd**

Wanted: **Today**

Identical to LRB:

For: **Gregg Underheim 6-1946**

By/Representing: **Ron Sklansky (LC)**

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 and examination requirements

**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>
/?	kunkemd 03/29/99	jgeller 03/29/99		_____			
/1	hubliks 03/30/99	jgeller 03/30/99	martykr 03/30/99	_____	lrb_docadmin 03/30/99	lrb_docadmin 03/30/99	
/2			martykr 03/30/99	_____	lrb_docadmin 03/30/99	lrb_docadmin 03/30/99	

FE Sent For:

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Received: 03/29/99

Received By: kunkemd

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Identical to LRB:

For: Mark Miller (608) 266-5342

By/Representing: Lisa Boyce

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/?	kunkemd 03/29/99	jgeller 03/29/99		_____			
/1		1/2 3/30 jlg	martykr 03/30/99	_____	lrb_docadmin 03/30/99	lrb_docadmin 03/30/99	

FE Sent For:

<END>

*Jacket immediately*

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/?	kunkemd	1 3/29 jlg	km 3/29	wij 3/29			

FE Sent For:

<END>

Lisa Boyce

- His at 12:00pm

STATE REPRESENTATIVE



MARK MILLER

283-  
2608

Mark -

Please draft a substitute  
amendment to AB37 per  
the changes being delivered  
to you by Lisa Boyce  
from Quarles + Brady.

Mark Miller

State Capitol Address: P.O. Box 8953 Madison, Wisconsin 53708  
(608) 266-5342 • Fax: (608) 282-3648  
E-Mail: rep.miller@legis.state.wi.us • Web Site: www.miller4wi.org

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**Proposed Substitute Amendment to AB 237:  
Education and Examination Requirements for Massage Therapists**

Proposed changes to the original bill would:

1. Address the concerns of the VTAE (voc tech) System about the bill, as expressed to Chairperson Underheim and Committee members. Rather than the course of instruction in massage therapy having to be at schools of massage therapy, an approved course of instruction would be acceptable under the substitute amendment. The school then could be a massage therapy one or, for example, a VTAE school. We are advised Regulation and Licensing Secretary Cummings supports this change to AB 237.
2. Specify in the statutes 3 alternative ways for a massage therapist applicant to become certified in Wisconsin as of March 1st, 2000 when an examination requirement of the department goes into effect (see admin rule RL 91.01 (3)(e). Those 3 options are:
  1. Passage of the national exam, which 22 of the 29 states (plus DC) that regulate massage therapy utilize.
  2. Passage of a new national exam that oriental massage therapists and bodyworkers will soon have nationally recognized.
  3. Passage of a comparable exam developed and administered by the Department of Regulation and Licensing, if the department wishes to pursue that approach.
3. Adds to the statutes express authority for the Department of Regulation and Licensing to also do an exam for all applicants concerning their knowledge of Wisconsin laws and administration rules regarding massage therapy and bodywork. With the Department of Reg and Licensing moving in this direction, the thought was that it would be beneficial to address the subject expressly in the statutes.
4. The Substitute Amendment then will deal with both the education and examination requirements for massage therapists in Wisconsin. In order for consumers of health care services from massage therapists to be assured of the basic competency of the individual from whom they are receiving care, both education and testing requirements need to be addressed.

Your support for the Substitute Amendment is respectfully requested.

1999 ASSEMBLY BILL 237

S003271

Assembly Sub Amndmt  
to AB 237

March 23, 1999 - Introduced by Representative UNDERHEIM, cosponsored by Senator ROESSLER. Referred to Committee on Health.

and examination

1 AN ACT to amend 440.982 (1) (b) of the statutes; relating to: educational  
2 requirements for massage therapists and bodyworkers and providing an  
3 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:*

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

## ASSEMBLY BILL 237

1 issued a license of registration under this subchapter. The rules shall require an  
 2 applicant to complete at least 500 classroom hours of study in a course of instruction  
 3 ~~at a school~~<sup>(~)</sup> of massage therapy or bodywork approved by the department or at a  
 4 school approved by the educational approval board under s. 39.51 and the <sup>✓</sup> The rules  
 5 ~~may require an applicant to pass an examination, administered or approved by the~~  
 6 ~~department, to determine fitness to practice massage therapy or bodywork.~~

## SECTION 2. Nonstatutory provisions.

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

15 (END)

~~Effective~~ Effective March 1, 2000, Applicants ←

shall successfully complete the National Certification Exam for  
Therapeutic Massage and Bodywork offered by the National Certification  
Board for Therapeutic Massage and Bodywork, a substantially equivalent  
exam relating to the practice of massage therapy and bodywork  
that is accredited by the National Commission of Certifying  
Agencies or ~~a~~ examination developed and administered by the  
department. <sup>A comparable</sup> The department may also require passage of an  
examination on state laws and administrative rules governing  
massage therapists and bodyworkers.

D-NOTE

1999 - 2000 LEGISLATURE

LRB-~~2524~~

MDK:jlg:km

By (Tues) tomorrow  
9:00 am  
if possible

ASA to

**1999 ASSEMBLY BILL 237**

stays

S 0032/1

RM NOT RUN

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Regen

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ASSEMBLY BILL 237

INSERT  
2-4 ✓

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6 ~~department, to determine fitness to practice~~ massage therapy or bodywork.

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11 under that section, but not to exceed the period authorized under section 227.24 (1)

12 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes,

13 the department need not provide evidence of the necessity of preservation of the

14 public peace, health, safety or welfare in promulgating rules under this subsection.

(END)

on state laws and  
administrative rules  
governing ✓

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0032/lins  
MDK:.....

- 1
- 2
- 3
- 4
- 5
- 6
- 7
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INSERT 2-4:

~~NO~~

The rules shall also require an applicant whose application is received after March  
1, 2000, to successfully complete the national certification examination for  
therapeutic massage and bodywork that is offered by the National Certification  
Board for Therapeutic Massage and Bodywork or a substantially equivalent  
examination relating to the practice of massage therapy or bodywork that is  
approved by the National Commission of Certifying Agencies of the National  
Organization for Competency Assurance or that is developed and administered by  
the department.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0032/1dn

MDK:.....

JK

Representative Miller:

This substitute amendment contains the following nonsubstantive differences from the language that was provided by Lisa Boyce: ✓

1. The substitute amendment identifies the National Commission of Certifying Agencies as part of the National Organization for Competency Assurance.

2. The substitute amendment refers to an examination that is "approved", rather than one that is "accredited", because it seems to me that accreditation generally refers to organizations, rather than something produced by an organization, such as an examination.

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0032/1dn  
MDK:jlg:km

March 29, 1999

Representative Miller:

This substitute amendment contains the following nonsubstantive differences from the language that was provided by Lisa Boyce:

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBs0032/A  
MDK:jlg:km

2

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 237

TODAY

Jacket  
Immediately

Reger

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10 school approved by the educational approval board under s. 39.51 and the. The rules  
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12 successfully complete the national certification examination for therapeutic

1 massage and bodywork that is offered by the National Certification Board for  
2 Therapeutic Massage and Bodywork or a substantially equivalent examination  
3 relating to the practice of massage therapy or bodywork that is approved by the  
4 National Commission of Certifying Agencies of the National Organization for  
5 Competency Assurance or that is developed <sup>scored</sup> ~~and~~ <sup>administered</sup> ~~by the department.~~  
6 The rules may also require an applicant to pass an examination, administered or <sup>or</sup> ~~approved~~  
7 approved by the department, to determine fitness to practice on state laws and  
8 administrative rules governing massage therapy or bodywork.

9 **SECTION 2. Nonstatutory provisions.**

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15 the department need not provide evidence of the necessity of preservation of the  
16 public peace, health, safety or welfare in promulgating rules under this subsection.

17

(END)