

Fiscal Estimate Narratives
EAB 3/5/02

LRB Number	01s0319/3	Introduction Number	ASA1- AB749	Estimate Type	Supplemental
Subject					
Regulation of massage therapists and bodyworkers					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, in order to use the title "massage therapist" or "bodyworker", an individual must be registered with the Department of Regulation and Licensing (DRL). In addition, schools that offer massage therapy and bodyworker training must be approved the Educational Approval Board (EAB).

Assembly Bill 749 would replace the existing registration requirements with licensure requirements, and create a seven-member massage therapy and bodywork examining board attached to DRL that would administer and enforce the licensure requirements. Instead of licensure requirements, Assembly Substitute Amendment 1 to AB 749 creates voluntary certification requirements for certain protected titles and creates a seven-member massage therapy and bodywork council, appointed by the Governor, to advise DRL in implementing the certification requirements.

CONSUMER PROTECTION

To protect consumers and provide them with innovative educational choices, the EAB currently approves 120 for-profit and non-profit private schools, colleges, and universities, including 17 private massage therapy and bodywork schools (13 in Wisconsin, 3 in Minnesota, and 1 in Michigan). The four out-of-state schools serve Wisconsin residents thereby requiring EAB approval. Annually, these schools enroll and graduate more than 500 Wisconsin adults as massage therapists and bodyworkers. Madison Area Technical College offers the only other recognized massage therapy program in Wisconsin, but it is outside the scope of the EAB's regulatory authority and is approved by DRL.

Current law requires a person to be registered with the state if he or she wants to use the title "massage therapist" or "bodyworker". However, it does not prohibit anyone, regardless of a person's qualifications or training, from practicing massage therapy or bodywork. Because the certification requirements contained in ASA 1 to AB 749 are not mandatory, the ability to practice massage therapy or bodywork without a certification will continue as long as the individual does not use the term massage therapist or bodyworker.

CLASSROOM INSTRUCTION OF LAWS AND RULES

Current DRL administrative rules require that registered massage therapists complete a 600-hour classroom program, of which 50 hours are focused on "business, ethics, laws and regulations". This requirement is incorporated into massage therapy or bodywork programs of EAB-approved schools. To register with DRL as a "massage therapists" or "bodyworker", an individual must also submit and pass an examination on state laws and regulations for massage therapy and bodywork.

For individuals seeking state certification, ASA 1 to AB 749 would require a person to complete at least 6 classroom hours in the laws of this state and rules of the department relating to the practice of massage therapy or bodywork in a course of instruction approved by the department. This new requirement of a six (6) classroom hours course of instruction is in addition to the required 600 classroom hours program for massage therapy or bodywork and is likely to increase costs for EAB-approved schools offering a massage therapy and bodywork program.

To meet student needs, schools will need to add six (6) classroom hours to this program, will incur additional instructor time and training costs, and will increase administrative costs to coordinate with DRL about how to comply to this additional state mandate. Some of these additional costs will likely be passed on to students through tuition increases. It is not possible to determine the amount to which this provision would increase school costs.

EAB CERTIFYING REQUIREMENTS

Under current law, the EAB approves private schools offering a massage therapy or bodywork program and the DRL registers individuals as massage therapists or bodyworkers. The provisions of ASA 1 to AB 79 will require the EAB to create an application and review process for individuals wanting state certification as a massage therapist or bodyworker. The review process would determine if a person has the proper education, training, and experience in the practice of massage therapy or bodywork. Individuals would be charged \$53.

It should be noted that the primary purpose of the EAB is to approve schools, not people who are engaged in professions. Although the EAB could develop expertise the capacity to perform these functions, it would likely duplicate those currently performed by DRL for other professions.

It is difficult to estimate the amount of revenue that would be generated as a result of this provision. Because the provision only applies to those individuals who choose to be certified, the EAB has no way of determining the number of individuals that will apply. Moreover, the provision under s.460.05 (2) of the substitute amendment would allow the DRL to establish waiver requirements for individuals with substantially equivalent education, training or other experience, which may affect the number of applications and reviews the EAB will perform.

Long-Range Fiscal Implications