



# Judith B. Robson

Wisconsin State Senator

*Testimony of Senator Judy Robson  
Senate Bill 413  
Senate Committee on Health, March 6, 2002*

Senator Moen and Members of the Committee:

Thank you for the opportunity to testify about this bill. Today the committee will be asked to introduce a substitute amendment for Senate Bill 413. Instead of licensure, as provided in the original bill, the substitute amendment will change the level of state regulation for massage therapy from the current system of registration to one of certification.

I would like to thank Senator Moen for working with the Massage Therapy Association to draft the substitute amendment.

The substitute amendment will be beneficial to consumers and to the profession of massage therapy. The substitute version creates an advisory council within the Department of Regulation and Licensing and this council will have significant input into the administrative rules that govern the profession. Thus, for the first time, massage therapists will have a direct say in the regulation of their profession.

In addition, the substitute amendment tightens the requirements that must be satisfied for state recognition. The substitute increases the amount of training that is necessary for certification and requires therapists to attend continuing education classes for renewal of their certificates.

Significantly, the substitute version of the bill also prohibits certified therapists from working in sexually oriented businesses. This practice requirement will help the public distinguish to a greater extent between professional therapists and sexually oriented businesses that advertise as massage parlors.

The changes embodied in the substitute amendment will be beneficial to Wisconsin residents seeking massage therapy and will also help protect professional therapists from others who seek to use the title.

I hope you will join me in supporting the substitute amendment to Senate Bill 413.

**STATE REGULATION  
MESSAGE THERAPY AND BODYWORK**

**30 States and the District of Columbia Currently Regulate  
Massage Therapy and Bodywork**

**Licensure States**

Alabama  
Arkansas  
Connecticut  
Delaware  
Florida  
Hawaii  
Iowa  
Louisiana  
Maryland  
Missouri  
Nebraska  
New Hampshire  
New Mexico  
New York  
North Carolina  
North Dakota (titled Certified)  
Ohio  
Oregon  
Rhode Island  
South Carolina  
Tennessee  
Utah  
Washington  
Washington DC  
West Virginia

**Certification States**

Delaware  
Maine  
Maryland  
New Jersey  
Virginia

**Registration States**

Mississippi  
Texas  
Wisconsin

\*\*\* Delaware - 2 Tier Title Regulations  
\*\*\* Maryland - 2 Tier Title Regulations

States may choose to create an independent oversight Board of Directors or utilize existing Boards (e.g. Nursing, Chiropractic or Medical, to House Massage and Bodywork Sub-Boards). A few states have created Advisory Committees under their Department of Regulation and Licensing.

Scott McCallum  
Governor  
Oscar Herrera  
Secretary



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## SENATE COMMITTEE ON HEALTH, UTILITIES, VETERANS AND MILITARY AFFAIRS

**Senator Rodney Moen, Chairperson**

Statement of William Black, Legal Counsel  
representing the Department of Regulation and Licensing concerning

### **2001 Senate Bill 413**

relating to the regulation of massage therapists and bodyworkers.

411 South, State Capitol  
Wednesday, March 6, 2002 1:30 P.M.

Chairperson Moen and members of the Committee, thank you for the opportunity to appear today to speak on behalf of the Department of Regulation and Licensing regarding Senate Bill 413. My name is William Black and I am a legal counsel to the Department in the office of legal services.

Senate Bill 413 is the companion bill to Assembly Bill 749. On February 12, the Assembly Committee on Health held a hearing on AB 749 and the Department appeared and presented testimony in opposition. Assembly Bill 749 was later amended by Assembly Substitute Amendment 1 to AB 749. The Department of Regulation and Licensing was not part of the discussion that led to the Assembly Substitute Amendment. This hearing in your committee presents the first opportunity for the Department to respond to the changes in the massage therapy proposal made in Assembly Substitute Amendment 1 to AB 749. In commenting today, I am assuming that a similar substitute amendment will be offered to amend Senate Bill 413, before this Committee today, as was proposed in the Assembly.

The Department has concerns with this proposal, and has drafted an amendment to address these concerns. A copy of the amendment is attached to this statement as LRBA1469/1. The Department would not oppose the proposed revisions to the regulation of massage therapists if Senate Bill 413 were amended to reflect the changes made in the Assembly Substitute Amendment 1 to AB 749 and in the changes made in attached amendment.

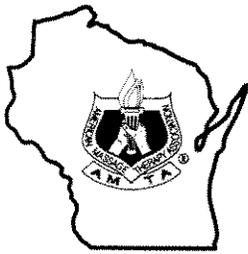
1. Substitute Amendment 1 to AB 749 requires that massage therapy educational programs either be approved by the Educational Approval Board or meet standards set by Department (DRL) rule. Current rules explicitly approve training programs in massage therapy at the state's technical colleges. The Substitute Amendment 1 to AB 749 would require Department rules to be consistent with new criteria of either the "Commission on Massage Therapy Accreditation" or the "Accreditation Commission on Acupuncture and Oriental Medicine." These private industry-accrediting standards are not specified by publication or adoption date and were not included in the original bill. The consequence of adopting, by reference, the criteria of these two private industry-accrediting groups may be significant and would need careful study. The Department's proposed amendment addresses this concern and retains law currently in effect, whereby the Department can approve training programs in massage therapy.

2. Substitute Amendment 1 to AB 749 retains a provision authorizing the issuance of a temporary credential if a student satisfies all credential requirements except for completion of a required examination. This provision is unnecessary for the title protection regulation proposed in the substitute amendment because the underlying practice may be performed in any event without a credential.

3. Substitute Amendment 1 to AB 749 mandates continuing education with mandatory completion of 24 hours of continuing education programs every 2 years to qualify for renewal. The Department's proposed amendment would retain current law whereby the Department may institute continuing education when issues of public harm need to be addressed.

4. Substitute Amendment 1 to AB 749 currently contains a transition provision which will adversely affect one current class of credential holders. This class of current credential holders who originally obtained a credential pursuant to a waiver provision effective in 1998 will have that credential taken away and must requalify under the current standards of AB 749. The Department's proposed amendment preserves those credential holders' rights to obtain a new certificate should this legislation be enacted. The Department also proposes a technical change to the recertification process because the entire class of renewable credentials is up for renewal in March of 2003. Therefore it is proposed that the new credential certificate be issued at the usual renewal time rather than 7 months after the date that this legislation would become effective.

Thank you for the opportunity to appear today.



*American Massage Therapy Association  
Wisconsin Chapter*

Voice Mail 414-299-9201

*"Promoting Wellness Through Massage"*

Senate Health Committee Hearing, Substitute Amendment **SB413/AB749**  
March 6, 2002

Good afternoon! My name is Betsy Krizenesky. I am a Wisconsin Registered Massage Therapist from Neenah and am President of the American Massage Therapy Association, Wisconsin Chapter. Thank you, Senator Moen, for the tremendous amount of time and energy you and your staff have put into our massage therapy certification bill. We also thank you for your help in getting an exam component included in our law in 1998.

My association initiated this legislation because we have a sincere desire to improve the standards for our emerging profession. We demonstrate our commitment to this most clearly by making continuing education our top priority. We bring nationally known presenters to Wisconsin every four months and heavily subsidize tuition for our members.

Whether or not you personally receive massage therapy I am sure you are aware that consumer use is growing by leaps and bounds. A national survey conducted in July 2001 reports that over the past five years, annual usage of massage therapy by consumers has doubled. You have that report in front of you.

When I graduated from massage school in 1983 and began my practice I was seeing healthy people for stress reduction and pain relief. With the recent boom in consumer use of massage therapy, my colleagues and I are encountering a much broader segment of the population in our offices. As a group they have more health problems, some with serious implications for our work. We need to be educated as a profession to clearly recognize when massage therapy is appropriate and when we must refer our clients to other healthcare practitioners to avoid doing harm. We do not diagnose and we do not treat disease processes. Our job is to manipulate soft tissue to improve circulation, reduce tension, relieve soft tissue pain and increase flexibility.

We firmly support upgrading our current regulatory status from registration to state certification. The word "certified" is a standard designation of quality in our profession. We demonstrate competency to the public by taking the National Certification Exam for Therapeutic Massage and Bodywork. For the past four years I have answered our chapter voice mail, which is advertised in phone books around the state. Never once has anyone asked for a referral for a "registered" massage therapist. They invariably ask for a "certified" massage therapist.

If you look in any yellow page directory under "massage therapist" you will see a confusing array of titles: state registered massage therapist, massage practitioner, state licensed massage therapist, nationally certified therapist, eastern massage practitioner, etc. Two-thirds of the listings have no stated credentials.

The Wisconsin public should be able to easily find a qualified professional massage therapist. With your support of our bill that will happen. Thank you!

Betsy Krizenesky, WRMT  
111 E. North Water St., Neenah, WI 54956  
920-725-0224 Krizenesky@aol.com

## Various Types of Check-Off Programs

	Political	Wildlife	Children	Other
Alabama	X	X	X	1,2,3,4,5,6,7,8, 16
Arizona	X	X	X	10,11,18
Arkansas				12,13
California		X	X	1,13,14,15,16,17,18,19,20,21, 38, 43
Colorado		X	X	9,10,12,22
Connecticut		X		16,23,24, 30
Delaware		X	X	9,12,16,24
Georgia		X	X	16
Hawaii	X			
Idaho	X	X	X	
Illinois		X	X	9,15,16
Indiana		X		
Iowa	X	X	X	27
Kansas		X		
Kentucky	X	X	X	3,28
Louisiana		X		1, 29, 16
Maine	X	X	X	
Maryland	X			31
Massachusetts	X	X		12,23,24
Michigan	X	X	X	
Missouri			X	1,3,44
Minnesota	X	X		
Mississippi		X		17, 18, 47
Montana		X	X	25
Nebraska	X	X		
New Jersey	X	X	X	16,21,32
New Mexico	X	X		19,21,33
New York		X	X	12,16
North Carolina	X	X		34
North Dakota		X		33
Ohio	X	X		35
Oklahoma		X		16,21,36
Oregon		X	X	15,23,37
Pennsylvania		X		12,16,21,24
Rhode Island	X	X		2,12,19,24,38

South Carolina		X	X	1, 3, 24, 39, 45
Utah	X	X		9,18,24,42
Vermont	X	X	X	
Virginia	X	X	X	1,2,9,12,31,35,41, 42, 46, 46
West Virginia			X	
Wisconsin	X	X		
Dist. of Columbia				19

1. Aging/Elderly Fund 2. Arts/Tourism 3. Veterans 4. Penny Trust Fund 5. Indian Children 6. Foster Care 7. Mentally Ill Fund 8. Home Weatherization 9. Homeless 10. Special Olympics 11. Energy Assistance 12. Olympic Fund 13. Disaster Relief 14. California Seniors 15. Alzheimer's 16. Breast Cancer Research 17. Firefighters Memorial 18. Public Education/Library 19. Drug Education/Enforcement 20. Military Museum 21. Veterans' Memorial 22. Childcare 23. AIDS Research 24. Organ Transplant 25. Agriculture Education 26. Community Forestry 27. State Fairgrounds 28. Bluegrass Games 29. Chapter of Ducks 30. Safety Net 31. Chesapeake Bay 32. Battleship NJ Memorial 33. Forestry Programs 34. Campaign Fund 35. Scenic/Open Space Areas 36. Poor Healthcare 37. Domestic Abuse 38. Childhood Diseases 39. DARE Fund 40. Board of Regents 41. Community Policing 42. Historic Resources 43. Emergency Food 44. National Guard Fund 45. First Steps 46. Family and Children (FACT) 47. Volunteer Service

# Vote Record

## Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 3/6/07  
Bill Number: SB 413  
Moved by: Robson Seconded by: Moen  
Motion: Intro + adopt. of Sen. Amend I to  
Sen Sub I

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Rodney Moen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

Motion Carried

Motion Failed

# Vote Record

## Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 5/6/02  
Bill Number: SB 413  
Moved by: Meyer Seconded by: Cowles  
Motion: Intro + adoption of Sen Sub I

### Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Rodney Moen, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mark Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Peggy Rosenzweig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Cowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

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Motion Carried

Motion Failed

# Vote Record

## Senate - Committee on Health, Utilities, Veterans and Military Affairs

Date: 3/10/02

Bill Number: SB 413

Moved by: Robson

Seconded by: Cowles

Motion: Passage as amended

### Committee Member

Sen. Rodney Moen, Chair

Sen. Roger Breske

Sen. Judith Robson

Sen. Jon Erpenbach

Sen. Mark Meyer

Sen. Peggy Rosenzweig

Sen. Robert Cowles

Sen. Scott Fitzgerald

Sen. Mary Lazich

Aye

No

Absent Not Voting

Totals:

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Motion Carried

Motion Failed