

**STATE OF WISCONSIN
MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
MESSAGE THERAPY BODYWORK : CR 14-041
THERAPY AFFILIATED :
CREDENTIALING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, are attached.

II. REFERENCE TO APPLICABLE FORMS:

None.

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). Under section 460.04 (2) (a), Stats., the newly formed Board was charged by the legislature to promulgate rules that govern the professional conduct of license holders in practicing massage therapy or bodywork therapy. This mandate prompted the newly formed Board to review its unprofessional conduct rules. As a result of the review, out-of-date language was updated and unnecessary provisions were removed in order to further clarify the ethical goals of the practice of massage and bodywork therapy. The proposed rule did not result in a significant change in policy regarding the standards of professional conduct for licensed massage and bodywork therapists.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Massage Therapy Bodywork Therapy Affiliated Credentialing Board held a public hearing on July 22, 2014. Ramona Trudeau, of the North Eastern Wisconsin School of Massage Therapy appeared at the hearing.

The Board summarizes the comments received by hearing testimony as follows; Ms. Trudeau appeared in support of the proposed rule. She did not provide any written

comments. The Board did not make any modifications to its rule-making proposal due to public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2 e. Section MTBT 5.02 (11) appears to restrict impairment to use of “habit-forming” drugs. If all drugs causing impairment are to be included, “habit-forming” should be stricken.

Response: The Board removed the term habit-forming.

Comment: 2 j. In s. MTBT 5.04, the text regarding audits should be clarified. Does the Board intend to conduct audits of all licensees, or a random audit of any licensee?

Response: The text was amended to clarify that the Board may conduct a random audit of any licensee.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

None.