



## 2003 ASSEMBLY BILL 779

January 29, 2004 – Introduced by Representatives UNDERHEIM, HAHN, JESKEWITZ, GIELOW, MUSSER, MILLER and ALBERS. Referred to Committee on Health.

1     **AN ACT** *to repeal* 20.485 (5) (h); *to repeal and recreate* 460.05 (3); *to create*  
2             20.165 (1) (km) of the statutes; and *to affect* 2001 Wisconsin Act 74, section 23  
3             (5); **relating to:** the certification of massage therapists and bodyworkers and  
4             making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, both the Department of Regulation and Licensing (DRL) and the Educational Approval Board (EAB) make determinations regarding a person's eligibility for certification as a massage therapist or bodyworker. The EAB's duties are limited to certain persons who are not required to satisfy the examination and education requirements that other applicants must satisfy. Current law allows such a person to be certified if the EAB determines that the person has education, training, and experience that are substantially equivalent to the education that other applicants must satisfy.

This bill transfers the EAB's duties described above to DRL. As a result, under the bill, DRL makes determinations for all persons who apply for certification as a massage therapist or bodyworker.

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

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

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1           **SECTION 1.** 20.165 (1) (km) of the statutes is created to read:

2           20.165 (1) (km) *Transitional certifications of massage therapists and*  
3 *bodyworkers.* All moneys transferred under 2003 Wisconsin Act .... (this act), section  
4 6 (1) for the department to make determinations regarding massage therapist and  
5 bodyworker certification under 2003 Wisconsin Act .... (this act), section 5 (2) (b).

6           **SECTION 2.** 20.485 (5) (h) of the statutes, as created by 2001 Wisconsin Act 74,  
7 is repealed.

8           **SECTION 3.** 460.05 (3) of the statutes, as created by 2001 Wisconsin Act 74, is  
9 repealed and recreated to read:

10           460.05 (3) After April 1, 2005, the department shall grant a certificate as a  
11 massage therapist or bodyworker to a person who satisfies the requirements  
12 specified in sub. (1) (a) to (d), (g), and (h) and who includes with the application  
13 specified in sub. (1) (c) all of the following:

14           (a) Evidence satisfactory to the department that, during the 2-year period after  
15 March 1, 2003, the person was actively engaged in the practice of massage therapy  
16 or bodywork.

17           (b) An attestation that the person only recently became aware of the  
18 requirements of this chapter.

19           **SECTION 4.** 2001 Wisconsin Act 74, section 23 (5) is repealed.

20           **SECTION 5. Nonstatutory provisions.**

21           (1) DEFINITIONS. In this SECTION:

22           (a) "Board" means the educational approval board.

23           (b) "Department" means the department of regulation and licensing.

24           (2) TRANSFER OF TRANSITIONAL DUTIES.

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1 (a) Any application received by the board under 2001 Wisconsin Act 74, section  
2 23 (5) (a) that is pending with the board on the effective date of this paragraph is  
3 transferred to the department and all materials submitted to or actions taken by the  
4 board with respect to the pending application are considered as having been  
5 submitted to or taken by the department.

6 (b) Notwithstanding section 460.05 (1) of the statutes, the department shall  
7 issue a certificate as a massage therapist or bodyworker to a person whose  
8 application is transferred to the department under paragraph (a), or a person who  
9 submits to the department, no later than April 1, 2005, an application on a form  
10 provided by the department that describes the person's education, training, and  
11 experience in the practice of massage therapy or bodywork, if the person satisfies the  
12 requirements specified in section 460.05 (1) (a) to (d), (g), and (h) of the statutes and  
13 the department determines that the person's education, training, and experience in  
14 the practice of massage therapy or bodywork are substantially equivalent to the  
15 education required under section 460.05 (1) (e) of the statutes.

**SECTION 6. Appropriation changes.**

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17 (1) The unencumbered balance of the appropriation to the department of  
18 veterans affairs under section 20.485 (5) (h) of the statutes immediately before the  
19 effective date of this subsection is transferred to the appropriation account under  
20 section 20.165 (1) (km) of the statutes, as created by this act.

21 (END)