

When did Wisconsin begin regulating Massage Therapists and Bodyworkers?

1997 WISCONSIN ACT 156 was enacted April 21, 1998 and published on May 5, 1998. The provisions contained within the Act will go into effect on the first day of the 9th month beginning after publication. Beginning on February 1, 1999 all individuals who do the following must register with the State of Wisconsin as a Massage Therapist or Bodyworker:

1. Use any of the listed titles:

- Wisconsin Registered Massage Therapist and Bodyworker
- Wisconsin Registered Massage Therapist
- Wisconsin Registered Bodyworker
- Registered Massage Therapist and Bodyworker
- Registered Massage Therapist
- Registered Bodyworker
- Massage Therapist and Bodyworker
- Massage Therapist
- Bodyworker

2. Use any title or description that implies that he or she is registered or who represents himself or herself to be registered under this subchapter unless the person has been issued a registration as a massage therapist or bodyworker under this subchapter.

This subchapter does not apply to a person holding a license, permit, registration or certification granted by this state or the federal government who engages in the practice of massage therapy or bodywork within the scope of his or her license, permit, registration or certification and who does not use any title or description that implies that he or she is registered under this subchapter or represent himself or herself to be registered.

In other words, a nurse trained to use massage therapy can engage in the practice of massage therapy or bodywork. Unless that individual is registered with the department as a massage therapist, in addition to his or her other profession, that person must refrain from using any of the protected titles and from representing that he or she is registered under this subchapter.

If I want to continue practicing massage therapy and just not use any of the protected titles, may I do so?

Yes. The practice is not protected from use by others. However, there are many potential problems connected with practicing without being registered. For example, how will you let people know what you do? What will you call yourself? You could be subject to penalties.

If I do use a title without getting registered, what can happen to me?

Using a protected title without authorization (registration with the state) can result in rather stiff forfeitures, criminal fines and/or imprisonment.

How do I become registered to use any of the protected titles?

There are basically three ways to register in Wisconsin from the effective date of February 1, 1999 until August 31, 1999. Then there are two ways to register during the period of February 1, 1999 until February 29, 2000. Beginning March 1, 2000, there is only one way to register. These different routes of registration were designed by the legislators to provide a window of opportunity for those who have been competently practicing their profession but who have not met all of the specific requirements.

WAIVERS: (1) AND (2)

These waivers are intended to include massage therapists and bodyworkers who have met certain requirements before the state began registration of massage therapists and bodyworkers and who have competently practiced massage therapy and bodywork.

(1) 6 MONTH WAIVER-February 1, 1999 until August 31, 1999:

Can be used until August 31, 1999

Submit an application to the department on a form provided by the department that describes the person's education and his or her experience in the practice of massage therapy or bodywork.

Provide evidence satisfactory to the department that he or she satisfies EACH of the following:

1. Has completed: (a) At least 100 classroom hours of instruction in the practice of massage therapy or bodywork OR (b) Has practiced massage therapy or bodywork for compensation for at least 2 years during the 5 year period immediately preceding the date of the application.
2. Has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.
3. Pays the specified fee.

THIS REGISTRATION IS VALID UNTIL 3 YEARS AFTER THE DATE THAT IT IS ISSUED AND MAY NOT BE RENEWED. This means that the holder of this registration has three years to meet the registration requirements. The additional course work will have to be attained as well as completion of any other requirement that has not been met.

(2) 1 YEAR WAIVER-February 1, 1999 until February 29, 2000:

Can be used until February 29, 2000.

1. Submit an application on a form approved by the department that describes the person's education and his or her experience in the practice of massage therapy and bodywork.

2. Pass an oral or written examination administered or approved by the department that determines fitness to practice massage therapy or bodywork, OR provide evidence satisfactory to the department that he or she has passed a massage therapy or bodywork examination administered by a national organization that establishes standards for the practice of massage therapy or bodywork and that is recognized by the department.

3. Pay the specified fee.

THIS REGISTRATION MAY BE RENEWED. At the time of renewal, registrants will be required to submit evidence satisfactory to the department that they have in effect malpractice liability insurance in the amount specified in the statutes.

REGULAR REGISTRATION REQUIREMENTS - Non-waiver - Beginning March 1, 2000 the only option for registration:

Request an application form from the Department of Regulation and Licensing, Health Regulation Registry.

Submit an application for registration on the form provided by the department.

Pay the fee specified on the application form as specified in the statutes.

Subject to Ch. 111, Stat., submit evidence satisfactory to the department that he or she does not have an arrest or conviction record.

Submit evidence satisfactory to the department that education, training or competency requirements are met. An applicant will be required to complete at least 500 classroom hours of study in a course of instruction at an approved school of massage therapy or bodywork. (An examination may be required. This has not been determined as yet.)

Submit evidence satisfactory to the department that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

How does state regulation affect the local ordinances?

No provision of any ordinance enacted by a city, village, town or county that is in effect before the effective date of this section, and that relates to the practice of massage therapy or bodywork, may be enforced against a person who is issued a registration by the department.

Persons who choose to practice massage therapy or bodywork without registering to use the titles are subject to the requirements of the local ordinances.

A city, town, village or county may not enact an ordinance that regulates the practice of massage therapy or bodywork by a person who is issued a registration by the department.

How will the department know how to understand the practice of massage therapy and bodywork enough to develop administrative rules establishing a code of ethics, requirements and standards for the practice of massage therapy or bodywork?

The Secretary of the Department respects the knowledge of the professions and exercises her authority to appoint an advisory committee to assist the department in gaining this understanding while working side by side with the committee to promulgate the required rules. The Advisory Committee will assist with examination questions and disciplinary proceedings. The committee is composed of a diverse group of massage therapists and bodyworkers as well as public members.

Will massage therapists and bodyworkers who are credentialed by another state, territory of the United States or country be allowed to register in Wisconsin?

Yes, upon application and payment of the appropriate fee, the department may issue a credential as a massage therapist or bodyworker to a person who has been issued a similar credential by his or her jurisdiction if all of the following apply:

1. The person is not currently under investigation for a matter related to his or her practice of massage therapy or bodywork.
2. The person has never been disciplined for a matter related to his or her practice of massage therapy or bodywork.
3. Subject to Ch. 111, Stats., the person does not have an arrest or conviction record and submits necessary evidence.
4. The person is not a party in pending litigation in which it is alleged that he or she is liable for damages for acts committed in the course of the practice of massage therapy or bodywork.
5. The person has never been found liable for damages for acts committed in the course of the practice which evidenced a lack of ability or fitness to practice massage therapy or bodywork.
6. The person submits evidence that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

QUESTIONS AND ANSWERS

RELATING TO THE

REGULATION OF MASSAGE THERAPISTS

AND

BODYWORKERS IN WISCONSIN



State of Wisconsin
Department of Regulation & Licensing
Health Regulation Registry
P.O. Box 8935
Madison, WI 53708
E-Mail: dor@mail.state.wi.us

Telephone
(608) 267-7223

TTY# (608) 267-2416, hearing or speech
TRS# 1-800-947-3529, impaired only
FAX: (608) 267-0644

DIFFERENCES IN MESSAGE THERAPY REGISTRY BILLS
Assembly Substitute Amendment 1 to Assembly Bill 461 [LRBs0281/4] (Department Registry Model in the Assembly) compared to Joint Finance approved SSA 2 [LRBs0594/1] with Schultz amendment

AB 461
Assembly Substitute

SB262 Sub (SSA 2)
Joint Finance

Definition of "Adjunctive Therapy"
Definition of "massage therapy"
Physical Therapy

Includes definition of "adjunctive therapy"
Includes adjunctive therapies
Silent on physical therapy - includes improving circulation, etc.

No definition
Does not include adjunctive therapies

Titles
Education

Protects "Wisconsin registered" type titles
Education set by rule

Does not include specific aspects of physical therapy

Insurance
Local regulation of massage therapy

Requires liability insurance (\$50,000)
No statutory restriction on regulation by local ordinance - a likely consequence of the bill is to prohibit local government from credentialing massage therapists and bodyworkers (e.g. the security guards example)- However, through zoning local government probably could regulate establishment location and cleanliness.
No grandparenting

Also protects other titles e.g. "bodyworker."
Education set by rule, but must have at least 500 hours of study in a school of massage therapy.
Requires liability insurance (\$1,000,000)
Local government may not enact an ordinance that regulates the practice of massage therapy by a registrant. Existing ordinances relating to the practice of massage therapy may not be enforced against a registrant. However, local government may regulate non-credential holders.

Grandparenting for:

- (1) Applicants who apply within 1 year from enactment and pass or have passed an exam;
 - (2) Applicants who apply within 6 months and have completed 100 classroom hours of education and practiced at least 2 of the last 5 years, has insurance.
- A license under (2) is only valid for 3 years and may not be renewed.

Transition

- Barbara J. Miller, Madison, self
- Linda Dow, Madison
- Dennis Franke, Cross Plains, self
- Donna McLeod, Madison, self

Appearances against

- Seretary Marlene Cummings, Department of Regulation & Licensing
- Paula Brookmire, Madison, massage therapist, self
- Fred Mathuig, Greenleaf, WI Physical Therapy Assn.

Appearances for Information Only

- None.

Registrations for

- Representative Cloyd Porter
- Marilyn M. Dietz, Burlington
- Kathy Markeland, Monona, Wisconsin Counties Association
- Judy Havdiland, Milwaukee, self
- Marvin J. Freedman, Middleton, self
- Senator Kim Plache, co-sponsor, 21st Senate District
- Senator Brian Burke, 3rd Senate District
- Betsy Carlson Krezenesky, Neenah, self

Registrations against

- Maureen Kaular, Glendale, WPTA

February 26, 1998

EXECUTIVE SESSION

Present: (8) Representatives Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Absent: (0) None.

Moved by Representative Johnsrud, seconded by Representative Urban, that **ASA 1 (LRBs0281/4)** be recommended for introduction.

Ayes: (8) Representative Otte, Johnsrud, Ott, M. Lehman, Urban, Williams, Hasenohrl and Black.

Noes: (0) None.

Absent: (0) None.

INTRODUCTION RECOMMENDED, Ayes 8, Noes 0, Absent 0

Moved by Representative Urban, seconded by Representative Ott,
that **ASA 1** be recommended for adoption.

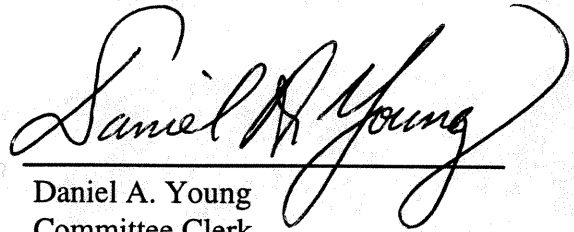
Ayes: (8) Representative Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.
Noes: (0) None.
Absent: (0) None.

ADOPTION RECOMMENDED, Ayes 8, Noes 0, Absent 0

Moved by Representative Johnsrud, seconded by Representative
Hasenohrl, that **Assembly Bill 461** be recommended for passage as
amended.

Ayes: (8) Representatives Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.
Noes: (0) None.
Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 0,
Absent 0



Daniel A. Young
Committee Clerk

Assembly

Committee Report

The committee on **Consumer Affairs**, reports and recommends:

Assembly Bill 461

Relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule-making authority and providing a penalty.

By Representatives Harsdorf, Schafer, Robson, Urban, Wasserman, Nass, Baldwin, Kaufert, Murat, Hanson, Sykora, Porter and J. Lehman; cosponsored by Senators Plache, Wirch, Weeden, Roessler, George, C. Potter, Farrow, Burke, Huelsman and A. Lasee.

INTRODUCTION OF ASA 1 (LRBS0281/4), Ayes 8, Noes 0, Absent
0

Ayes: (8) Representative Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.

Noes: (0) None.

Absent: (0) None.

ADOPTION OF ASA 1, Ayes 8, Noes 0, Absent 0

Ayes: (8) Representative Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.

Noes: (0) None.

Absent: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 0,
Absent 0

Ayes: (8) Representatives Otte, Johnsrud, Ott, M.
Lehman, Urban, Williams, Hasenohrl and
Black.

Noes: (0) None.

Absent: (0) None.



Representative Clifford Otte
Chair

Vote Record

Assembly Committee on Consumer Affairs

Date: 2-26-98
Moved by: Johnsrud Seconded by: Urban
AB: _____ Clearinghouse Rule: _____
AB: _____ SB: _____ Appointment: _____
AJR: _____ SJR: _____ Other: _____
A: _____ SR: _____

A/S Amdt: _____
A/S Amdt: LRBs 0281/4 to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Clifford Otte, Chair
Rep. DuWayne Johnsrud
Rep. Alvin Ott
Rep. Michael Lehman
Rep. Frank Urban
Rep. Annette Polly Williams
Rep. Donald Hasenohrl
Rep. Spencer Black

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Consumer Affairs

Date: 2-26-98
Moved by: Urban Seconded by: Ott
AB: _____ Clearinghouse Rule: _____
AB: _____ SB: _____ Appointment: _____
AJR: _____ SJR: _____ Other: _____
A: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: LRBs 0281/4
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Clifford Otte, Chair

Rep. DuWayne Johnsrud

Rep. Alvin Ott

Rep. Michael Lehman

Rep. Frank Urban

Rep. Annette Polly Williams

Rep. Donald Hasenohrl

Rep. Spencer Black

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Consumer Affairs

Date: 2-26-98
 Moved by: Johnsrud Seconded by: Hasenohrl
 AB: 461 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: LRBs 0281/4
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Passage | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Tabling |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence |
| <input type="checkbox"/> Rejection | <input type="checkbox"/> Nonconcurrence |
| | <input type="checkbox"/> Confirmation |

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Clifford Otte, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Alvin Ott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Michael Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Frank Urban	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Annette Polly Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Hasenohrl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

Before 1:15

Assembly Hearing Slip

(Please print plainly)

Date: 10/23
 Bill No. AB 461
 Or
 Subject _____
 (Name) Sheila Harndorf
 (Street Address or Route Number) 15 N. State Capitol
 (City & Zip Code) _____
 (Representing) _____

Speaking in favor:
 Speaking against:
 Registering in favor:
 Registering against:
 Speaking for information only:
 Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
 Room 411 West
 State Capitol
 Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
 Bill No. AB 461
 Or
 Subject _____
 (Name) PATRICIA HELMAN
 (Street Address or Route Number) 1809 E. MARION ST. #106
 (City & Zip Code) MILWAUKEE, WI
 (Representing) THE FELDENKRAIS GUILD OF NORTH AMERICA

Speaking in favor:
 Speaking against:
 Registering in favor:
 Registering against:
 Speaking for information only:
 Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
 Room 411 West
 State Capitol
 Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23 97
 Bill No. AB 461
 Or
 Subject _____
 (Name) Rob Myran
 (Street Address or Route Number) Route 3 Box 147
 (City & Zip Code) Viroqua WI 54665
 (Representing) Self

Speaking in favor:
 Speaking against:
 Registering in favor:
 Registering against:
 Speaking for information only:
 Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
 Room 411 West
 State Capitol
 Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
461
BILL No. Or Subject: Massage Therapy
Jean Schorwank
(Name)
910 N. Oakland
(Street Address or Route Number)
Milw. WI 53202
(City & Zip Code)
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
ARB-461
BILL No. Or Subject: Massage Therapy licensing
Ron Prokop
(Name)
8811 W. Oklahoma Ave #303
(Street Address or Route Number)
Milwaukee, WI 53227
(City & Zip Code)
SELF
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only; Neither for nor against:

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Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
461
BILL No. Or Subject: MASSAGE THERAPY
MARCIA R. KOEHLER
(Name)
312 So. 4th St. P.O. Box 151
(Street Address or Route Number)
DELIAN, WI 53115-0151
(City & Zip Code)
Massage Therapies & Public Interest
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. 461
Or
Subject MESSAGE MURKIN regulation
Mary Carroll
(Name)
224 N. Vine St
(Street Address or Route Number)
Milwaukee WI 53212
(City & Zip Code)
(Representing)

Speaking In favor:
Speaking against:
Registering In favor:
Registering against:
Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

(Early)

Assembly Hearing Slip

(Please print plainly)

Date: 10/1
Bill No. AB 461
Or
Subject
Cathleen E. Stevens-Lang
(Name)
613 E. Washington St.
(Street Address or Route Number)
Stinger WI. 53086
(City & Zip Code)
(Representing)

Speaking In favor:
Speaking against:
Registering In favor:
Registering against:
Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

early
^{has}
(kids)

Assembly Hearing Slip

(Please print plainly)

Date: Oct. 23 1997
Bill No. AB 461
Or
Subject
Lrisa Lawrence
(Name)
11 Grand Canyon Ct.
(Street Address or Route Number)
Madison, WI. 53705
(City & Zip Code)
Self
(Representing)

Speaking In favor:
Speaking against:
Registering In favor:
Registering against:
Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23, 1997

Bill No. AB 461

Or Subject: amendments to be considered

(Name) Sherry L. Lynch

(Street Address or Route Number) N5821 Fairway Dr

(City & Zip Code) Fredonia, WI 53021

(Representing) Blue Sky Educational Foundation,

WI modifications INC

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

copy

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23

Bill No. AB 461

Or Subject: R. Paula Lee

(Name) R. Paula Lee

(Street Address or Route Number) 5705 Hempstead Road

(City & Zip Code) Madison, WI

(Representing) Self

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23, 1997

Bill No. AB 461

Or Subject: SANDRA W. TAMEZ

(Name) SANDRA W. TAMEZ

(Street Address or Route Number) 5545 S. Quality Ave

(City & Zip Code) Cudahy, WI 53110

(Representing) Self

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Coalition Co-chair

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject MASSAGE THERAPY +
BODYWORK
HANNA
(Name) FRANKE
4765 CTH KC
(Street Address or Route Number)
GROSS PLAINS WI 53528
(City & Zip Code)
MASSAGE THERAPY PROF.
(Representing)

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct. 23, 1997
Bill No. AB-461
Or
Subject _____
Vlad Thomas
(Name)
910 W. Walworth
(Street Address or Route Number)
Whitewater
(City & Zip Code)
WI 53190
(Representing) Wis Coalition

Speaking in favor: of Massage
Speaking against: Therapists
Registering in favor:
Registering against:
Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject Massage Therapy Licensing
Bradley Ererson
(Name)
252 Bonnie Rd
(Street Address or Route Number)
Cottage Grove WI
(City & Zip Code)
53527
(Representing) Self

Speaking in favor:
Speaking against:
Registering in favor:
Registering against:
Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject

(Name) Kurt W Nesgaard
(Street Address or Route Number) 834-05th St
(City & Zip Code) Kenosha 53143
(Representing) SELF

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

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Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: OCTOBER 23, 1997
Bill No. AB 461
Or
Subject

(Name) JAMIE COWLES
(Street Address or Route Number) 1317 E. WILSON
(City & Zip Code) MADISON 53703
(Representing) JAMIE COWLES

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23, 97
Bill No. Massage Licensing
Or
Subject Bill

(Name) Arthur Camp
(Street Address or Route Number) 913 Cedar Pt
(City & Zip Code) Verona WI
(Representing) SELF

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: October 23, 1997

Bill No. AB-461

Or Subject licensing for WI Massage therapists

(Name) Barbara J. Miller

3409 Cross St.

(Street Address or Route Number)

Madison, WI 53711

(City & Zip Code)

MYSELF

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97

Bill No. AB 461

Or Subject MASSAGE THERAPISTS / BODYWORKERS BILL

(Name) LINDA DOW

5309 CHINOOK LN.

(Street Address or Route Number)

MADISON, WI 53704

(City & Zip Code)

PUBLIC/CONSUMER

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: OCT 23, 1997

Bill No. AB 461

Or Subject MASSAGE THERAPY LICENSURE

(Name) DENNIS FRANK

4765 C.R.H. KP

(Street Address or Route Number)

CROSSAINS, WI 53528

(City & Zip Code)

SELF

(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:

Neither for nor against:

Please return this slip to a messenger promptly

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct. 23, 1997
Bill No. 461
Or. 461
Subject: Donna McLeod
3525 Telegraph Rd
(Name) Madison 53705
(Street Address or Route Number) Self
(City & Zip Code) (Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: October 23, 1997
Bill No. Assembly Bill 461
Or. Assembly Bill 461
Subject: Secretary Maxine Cummings
(Name) 1400 E. Washington Ave
(Street Address or Route Number) Madison 53703
(City & Zip Code) Dept. of Regulation & Licensing
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: AB 461
Bill No. AB 461
Or. AB 461
Subject: Massage Licensing
Paula Brookmire
(Name) 4823 W. Townsend St.
(Street Address or Route Number) Milwaukee, WI 53216
(City & Zip Code) Self (massage therapist)
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
Bill No. AB 461
Or
Subject: Assess therapy
D.D. work
Fred Mathwig
(Name)
1603 Hill Rd
(Street Address or Route Number)
Greenleaf, WI 54126
(City & Zip Code)
WI Physical Therapists
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: Oct 23/97
Bill No. AB 461
Or
Subject: Capitol
(Name)
Capitol
(Street Address or Route Number)
309 N
(City & Zip Code)
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97
Bill No. AB 461
Or
Subject: Mardyn M. Dietz
(Name)
6729 Wheatland Rd
(Street Address or Route Number)
Burlington, WI 53105
(City & Zip Code)
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 210 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject

(Name) Kathy Markeland
(Street Address or Route Number) 100 River Place Switel Ol
(City & Zip Code) Monroe 53716
(Representing) Wisconsin Counties Ass'n

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: October 23 1997
Bill No. AB 461
Or
Subject

(Name) Judy Hubbard
(Street Address or Route Number) 733 North 5th Street
(City & Zip Code) Milwaukee WI 53223
(Representing) self

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-22-97
Bill No. AB 461
Or
Subject

(Name) Marvin J. Freedman
(Street Address or Route Number) 6627 Columbus Drive
(City & Zip Code) Middleton, WI 5356
(Representing) self

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms:
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97

Bill No. AB-461

Or
Subject _____

SEN. KIM PLACHIE
(Name)

Sen. Co-Sponsor
(Street Address or Route Number)

(City & Zip Code)
21st Sen. District
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10-23-97

Bill No. AB 461

Or
Subject _____

Sen. Brian Burke
(Name)

(Street Address or Route Number)
Milwaukee
(City & Zip Code)

2nd Sen. District
(Representing)

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only;
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject
Betsy Carlson Krugensky
(Name)
111 E. North Water St.
(Street Address or Route Number)
Neenah, WI 54956
(City & Zip Code)
herself
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 10/23/97
Bill No. AB 461
Or
Subject Message Therapist
Maureen Kavalat
(Name)
6529 N. Braeburn Ln.
(Street Address or Route Number)
Glendale, WI 53029
(City & Zip Code)
WPTA
(Representing)

- Speaking in favor:
- Speaking against:
- Registering in favor:
- Registering against:
- Speaking for information only; Neither for nor against:

Please return this slip to a messenger promptly.
Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, WI 53702



WISCONSIN ALLIANCE OF CITIES

14 W. MIFFLIN • P.O. BOX 336 • MADISON, WI 53701-0336
(608) 257-5881 • FAX 257-5882 • EMAIL: wiscall@inxpress.net

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Stevens Point
Superior
Two Rivers
Waukesha
Wausau
Wauwatosa
West Allis
West Bend
Wisconsin Rapids

February 26, 1998

To: Members of the Assembly Consumer Affairs Committee

From: Gail Sumi, Intergovernmental Coordinator

Re: AB 461- regulation of massage therapists

The Alliance of Cities has concerns regarding the substitute amendment to AB 461, which provides for a voluntary massage therapy registry. The substitute LRB 0281/4, is scheduled for an executive session today.

It is unclear whether the substitute makes the issue a matter of statewide concern, affecting local control. Many Alliance cities regulate the practice of massage therapy through ordinances licensing massage technicians and massage establishments, including inspections of massage establishments and conditional zoning of the location of massage establishments. They regulate because of the few "bad actors" that use the practice of massage therapy as cover for other illicit businesses.

We ask that the committee clarify the issue of local control, allowing municipalities to maintain the right to regulate the practice of massage therapy in their communities.

Thank you.

History of Senate Bill 262

An Act to amend 15.08 (1m) (b), 50.01 (2), 55.043 (4) (e), 103.10 (1) (e), 146.40 (1) (d), 146.81 (1) (1) and (f), 252.10 (7), 252.15 (1) (ar) 1., 448.03 (2) (a), 448.10 (4), 451.02 (1), 895.48 (1m) (Intro.), 895.48 (1m) (b) and 908.03 (6m) (a); and to create 15.405 (6r), 146.81 (1) (hp), 180.1901 (1m) (h), 440.08 (2) (a) 46r., 448.21 (1) (f) and chapter 460 of the statutes; relating to: the regulation of massage therapists and bodyworkers, creating a massage therapy and bodywork examining board, granting rule-making authority and providing a penalty. (FE)

1997

07-17. S. Introduced by Senators Plache, Wirch, Weeden, Roesler, C. Potter, Farrow, Burke, Huelsman, George and A. Lasee; cosponsored by Representatives Harsdorf, Schafer, Robson, Urban, Wasserman, Nass, Baldwin, Kaufert, Murat, Hanson, Sykora, Porter and J. Lehman.

07-17. S. Read first time and referred to committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs227

08-07. S. Fiscal estimate received.

08-20. S. Fiscal estimate received.

1998

01-14. S. Public hearing held.

02-06. S. Executive action taken.

02-10. S. Report introduction and adoption of Senate substitute amendment 1 recommended by committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs, Ayes 6, Noes 0 by committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs

Military Affairs440

02-10. S. Report passage as amended recommended by committee on Health, Human Services, Aging, Corrections,

Veterans and Military Affairs, Ayes 6, Noes 0440

02-12. S. Available for scheduling453

02-12. S. Read a second time453

Text of Senate Bill 262

Search for another history

**OFFICE OF BUSINESS REGISTRATION
OFFICE OF HEALTH REGISTRATION**

PROPOSAL: To establish the Offices of Business and Health Registration in the Bureau of Real Estate and Direct Licensing

Purpose:

1. To provide the least restrictive form of government regulation when the threat to life, health, safety, and economic well-being is relatively small and other forms of legal redress are available to the public.
2. To provide the public with a roster of practitioners having certain minimum education and or experience qualifications.
3. To provide the agency with investigative and discipline authority to enforce agency set minimum practice standards.
4. To provide regulation of an occupation or profession without excluding others in the same or related field from use of the occupational designation or the practice.
5. To provide for minimal, planned and orderly government regulation of occupations without compromising private sector initiatives.

DISCUSSION POINTS

1.a Credential Type

REGISTRATION is the least restrictive of regulation types and is flexible enough to meet the needs of the agency based on the public interest. A certificate of certification will be provided to each member of the regulated profession upon submission of documents proving they have met certain requirements.

1. Statutes should provide agency with authority to establish qualifications through rule.
2. Agency should establish qualifications based on minimal requirements necessary to safely engage in the practice. This can be done through surveys of other states and reviewing labor publications.

2.a Roster of Practitioners

It is important for the state to provide a list of registered practitioners to those making the inquiry, while explaining that registration does not preclude others from engaging in the practice. It simply verifies that the person who is registered with the state has met certain requirements. It also provides the consumer with a place for redress.

3. a Enforcement and practice standards

1. State should be given the authority to establish some practice standards that must be met.

2. If standards are not met, certain predetermined and standard forms of discipline will be imposed. This discipline authority should include forfeitures, suspension, revocation and public notice.

Myra Shelton
6-8608

- > certification that professional has meet certain standards
- > not mandatory in order to practice or use title
- > revoke certification if the person violates certain rules/laws against unethical contact

Muga

- > self regulating body
- > Natl. Assoc. usually do that
- > issue of health care payments becomes a driving force for state regulation
- > Sec. looking a different process by which to address issues like above through other means.

>

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

LRBs0281/2dn

MDK:kaf:ijs

Myra Shelton

Monday, November 10, 1997

Myra Shelton:

This version is identical to LRBs0281/1, except that it allows DORL to directly assess a forfeiture of up to \$1,000 against a person who commits a violation that is a ground for discipline.

Mark D. Kunkel
Legislative Attorney
266-0131

*cc: MAC
Pmc
BD
RB
PB
KN
JT/SG
File*

FISCAL ESTIMATE

DOA-2048 (R10/94)

- ORIGINAL
- UPDATE
- CORRECTED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

AB 461

Subject

Regulation of massage therapists and bodyworkers

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Increase Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Yes No
- Create New Appropriation
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory
- 3. Increase Revenue
 - Permissive
 - Mandatory
- 3. Decrease Revenue
 - Permissive
 - Mandatory
- 5. Types of local government units affected:
 - Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG-S

Affected Ch. 20 Appropriations

20.165 (1) (g) and 20.165 (1)(i)

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a 7 member massage therapy and bodywork examining board to administer and enforce the regulation of massage therapists and bodyworkers. Annual costs associated with six board meetings include per diems in the amount of \$1,050 and \$80 in fringe benefits; \$3,906 for travel (including meals), and \$2,184 for lodging. During the first year of regulation, the department estimates that there will be a need for monthly board meetings, and so, there would be additional one-time costs of \$7,220.

The Division of Health Professions and Services Licensing will need to hire a .5 Program Assistant 2 to assist in the application processing for massage therapists and bodyworkers. Annual costs associated with the position include \$10,296 for salary, \$3,847 for fringe benefits, and \$3,673 for supplies and space. Other costs associated with regulation include \$4,000 for the printing of codebooks, \$500 for the printing and postage associated with the application process, and \$750 for the printing and postage of newsletters. One-time costs for furniture, computer and supplies would be \$4,515.

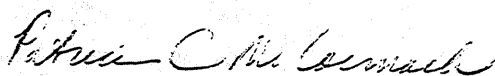
The department is estimating that 600 massage therapists and bodyworkers will apply for licensure. Currently, 413 massage therapists and bodyworkers in Wisconsin are certified by the National Certification Board for Therapeutic Massage and Bodywork. The department estimates that during the first year, it will collect \$23,400 in initial credential fees of which \$2,340 will be general purpose revenue, and \$21,060 will be program revenue. During the first two year renewal period, the department estimates that it will collect \$24,600, of which \$2,460 will be general purpose revenue, and \$22,140 will be program revenue.

Long-Range Fiscal Implications

Agency/Prepared by:

Department of Regulation and Licensing
 Patricia C. McCormack
 (608) 267-2435

Authorized Signature



Date

7/30/97

This bill prohibits anyone from employing a person who is not a licensed massage therapist and bodyworker to perform massage therapy or bodywork. Anyone who violates the statute is subject to a forfeiture of up to \$1,000 under proposed section 460.17, Stats. This statute and the reporting requirements relating to sexual contact and sexual intercourse in proposed sec. 460.12 will be the focus of enforcement efforts by the board and by local law enforcement. Where local police and district attorneys are unable to obtain sufficient evidence to bring criminal charges, they will press the department to conduct investigations of a violation of chapter 460. The department is estimating that it will investigate at least 38 complaints per year. The services which the board and the department will have to provide will require a half-time legal assistant in the Division of Enforcement and a half-time legal assistant in the Office of Board Legal Services. Costs associated with hiring these positions include \$30,597 in salary and fringe benefits, \$7,346 for supplies and space, and \$13,545 in one-time costs for office equipment and furniture.

The regulations in the bill relating to sexual contact or sexual intercourse between a credential holder and a client are vague and will require a substantial amount of staff time to interpret and enforce. They include the following provisions:

- Section 460.12 requires reporting of these violations, but prohibits reporting of the client's identity, unless the client consents, thereby making an investigation of the report difficult and time-consuming.
- A licensee must report if the licensee has reasonable cause to believe that a massage therapist or bodyworker has committed a crime relating to prostitution or has had sexual contact or sexual intercourse with a client. A procedure is described for an investigation and referral to the district attorney. The disciplinary grounds stated in section 460.16, Stats. include committing a crime related to prostitution, but do not identify sexual contact or sexual intercourse with a client as a basis for discipline, suggesting that the board may have no authority to discipline for sexual contact or sexual intercourse with a client, even if included in the board's code of ethics.
- The procedure for following up on a report in proposed section 460.12 (2), (3), and (4) combined with the specific reference to "a crime related to prostitution" as a basis for discipline suggest that in this area of regulation, the authority of the board and department to discipline is restricted to criminal activity.
- The proposed statute prohibiting local regulation of massage therapy or bodywork reverses or at least puts into question the decision in *The City of Madison v. Schultz*, 98 Wis.2d 188 (Ct. App. 180) in which the Court of Appeals upheld a challenge to a City of Madison ordinance governing "Massage Establishments, Massage Technicians and Employees." If the bill becomes law, the board and department will become involved in issues relating to whether particular local regulations may be enforced by board licensees.

This bill gives the examining board authority to establish the classroom hours of education required for the credential. If the board makes its requirements consistent with the requirements of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), then the department can use the NCBTMB exam process to become credentialed. In addition, the department would write a 50 question statute and rules exam. Initial test development would cost \$3,216 plus staff time. The cost for test administration would be approximately \$16 per candidate. The department estimates that the annual costs for the national exam would be \$160 and \$160 for the statutes and rules exam, which is based on an estimate of 10-20 applicants per year.

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL UPDATE
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.	Amendment No.
AB 461	

DOA-2047 (R10/94)

Subject

Regulation of massage therapists and bodyworkers

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 One time costs associated with additional board meetings and new furniture and computers is estimated to be \$19,635.

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$ 45,870	\$ -
(FTE Position Changes)	(1.5 FTE)	(- FTE)
State Operations - Other Costs	\$22,359	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$ 68,229	\$ -
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	68,229	-
SEG/SEG-S		-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Costs	Decreased Costs
GPR Taxes	\$	\$ -
GPR Earned	2,340	
FED		-
PRO/PRS	21,060	
SEG/SEG-S		-
TOTAL State Revenues (20.165 (1) (g))	\$ 23,400	\$

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ 68,229 (20.165 (1) (g)) _____

NET CHANGE IN REVENUES \$ 23,400 (20.165 (1) (g)) _____

Agency/Prepared by:
 Department of Regulation and Licensing
 Patricia C. McCormack
 (608) 267-2435

Authorized Signature

Patricia C. McCormack

Date

7/30/97

Shelia called. 8/21/97

Re: AB 461

The profession wants

industry wants to be legitimate
not used as front

How can an association address concerns

constituent/massage therapist got a call
looking for adult entertainment

This is not a fence me in sell.

would like to meet with Cliff.



CLIFFORD OTTE

WISCONSIN STATE REPRESENTATIVE
27TH ASSEMBLY DISTRICT

August 21, 1997

Representative Shelia Harsdorf
15 North State Capitol
Madison, WI 53702

Dear Representative Harsdorf:

Thank you for writing to let me know that you would like a public hearing on Assembly Bill 116 and Assembly Bill 461.

I am not sure that Assembly Bill 116 is the best solution to address the concern and it may only address the concern of the family of Crazy Horse within the borders of Wisconsin and not in the "over 40 other states" where "The Original Crazy Horse Malt Liquor" is marketed. I am wondering why the family of Crazy Horse can not do as other families, (i.e., Elvis, Marilyn Monroe, and Vince Lombardi) and copyright the name and image in order to control its use. This existing method is applied to all states. Also, if the proposed law were enacted, would not businesses also using the name or image of a deceased individual be forced to either get an estate's consent or discontinue their product, (i.e., Samuel Adams beer and Dolly Madison baked goods). This could have a very detrimental effect on some established businesses. That would not seem fair if the businesses have acted in good faith and without intent to deceive, (unlike the situation with the New Jersey florist where there was obvious intent to mislead consumers). To address that concern, existing use would have to be grandfathered in, including the Crazy Horse beer.

-continued-

Representative Shelia Harsdorf
August 21, 1997
Page Two

I will request the Committee's Legislative Council staff to look at these concerns. Perhaps there is a better solution than AB 116.

I do not feel this proposal in any way is an issue of protecting Wisconsin consumers. (I doubt anyone drinks Crazy Horse or Samuel Adams beer because they feel that either gentleman has endorsed the beer.) It is, however, a consumer issue in that by protecting the name and image of a famous person there is not only control as to how that name and image are used, but who makes money from the use of that name and image. I am willing to give those concerned an opportunity to express their concerns about this issue at a public hearing once time permits.

AB 461 is another of the endless bills from professions attempting to use government to regulate themselves in the name of "consumer protection". I agree with those who say, that what these groups are usually doing is seeking licensing or regulation as a way to fence others out. In short, to exercise a degree of monopolization over their professions. The payoff can be considerable. The prices of services invariably rise when a profession is regulated. This is both because the costs of the regulatory process are passed along to consumers, (if not the taxpayers), and because competition is stifled. Also, although there have been efforts to change that, the regulatory boards created to regulate these professions are generally controlled by the profession with only token public or consumer representation.

I believe that these professions can use their own associations to set standards and educate or convince the public that members of their association meet their standards and, as to why the consumer should want to use only a certified association member.

-continued

Representative Shelia Harsdorf

August 21, 1997

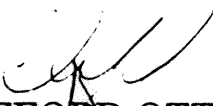
Page Three

Each of these bills seems to always have a "consumer protection" issue. As to this specific bill, the current consumer protection issue is protecting consumers from "adult entertainment". I believe most consumers already know before hand if they are getting "adult entertainment" or legitimate massage therapy. I believe there are already existing laws to adequately deal with this problem, as for example the City of Appleton has done. However, if this is a problem, then it can be addressed without creating another regulatory board. Also, I am unaware of any consumers filing complaints with the state that they went to what they thought was a legitimate massage therapist and to their surprise encountered "adult entertainment."

At this time I do not intend to hold a public hearing on AB 461 or any other professional protection bill. If there is an actual need for public protection, I would prefer to address that issue via specific laws addressing the specific concern, not with more bureaucracy, more self-regulation, and less competition in the market place.

Again, I appreciate your letting me know of your interest in having a public hearing on these two bills. I will be back in touch with you, particularly relating to AB 116.

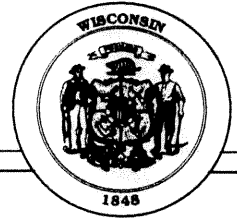
Sincerely yours,



CLIFFORD OTTE
Chair, Assembly Committee on Consumer Affairs

cc: Attorney Russ Whitesel, Legislative Council

SHEILA E. HARSDORF
State Representative
Wisconsin's 30th Assembly District



August 15, 1997

State Representative Clifford Otte, Chair
Committee on Consumer Affairs
109 West, State Capitol
Madison, Wisconsin 53708

Dear Representative Otte:

I am writing to respectfully request a public hearing and executive session at your earliest convenience on Assembly Bill 116 (AB 116) and Assembly Bill 461 (AB 461).

AB 116 proposes to expand the definition of "invasion of privacy" to include the use of the name, portrait or picture of a deceased person for advertising purposes or for purposes of trade without having obtained the written consent of the person's heirs.

Since 1992, "The Original Crazy Horse Malt Liquor," a fortified malt liquor, has been marketed in over 40 states. Although the label is claimed to be a tribute to the famous Lakota leader, the family of Crazy Horse has opposed the use of his name in this fashion and has spent years seeking protection against the unauthorized use of the Crazy Horse name.


AB 461 proposes to create an examining board to regulate and license massage therapy services in Wisconsin. This bill is the product of a 2-year working effort by numerous massage therapists from around the state.

AB 461 would ensure that only qualified individuals represent themselves as massage therapists and would establish minimum education, training and experience requirements for individuals wanting to practice massage therapy. In addition, this bill would distinguish legitimate massage therapists from individuals providing adult entertainment under the guise of a massage therapy, giving consumers peace of mind that their massage therapist is licensed, legitimate and properly educated.

Assembly Bills 116 and 461 are important pieces of legislation for consumers in Wisconsin. I would sincerely appreciate your scheduling a public hearing and executive session on both AB 116 and AB 461 as soon as possible.

Thank you for your assistance. If you would like to further discuss either of these bills, please do not hesitate to contact me.

Sincerely,


SHEILA E. HARSDORF
State Representative
30th Assembly District

MEMBER: JOINT COMMITTEE ON FINANCE

December 1, 1997,

Dear Clifford Otte,
Chairperson- Assembly Consumer Affairs Committee

I am writing to you at this time to ask for your attention and support for the good of consumer and practitioner of massage therapy. I am a practising, licensed, experienced, massage therapist graduated from Marquette with added classes at UWM and the Marquette Medical School. Currently I am retired from the Greendale School System. I have been providing part-time massage therapy for 10 years at the YMCA. I am also involved in many volunteer church and business massage projects. I enjoy my work and have an excellent reputation of ethical integrity and quality performance.

I ask that you consider the following key factors, among others, in developing future legislation for the massage profession:

1. Support of the Grandfather privilege.
2. National Reciprocity.
3. Rules, flexibility, and waiver privileges when appropriate.
4. Testing and evaluation program that is balanced and appropriate awareness of potential limitation of paper/pencil test as a measure of massage therapy skill and mastery.
5. Reasonable requirements for continuing education and growth affording different modalities for learning, ex. video/audio tapes, experiential seminars, etc.

Your help and support in this important legislation matter is greatly appreciated.

Sincerely,

 *Ted L. Wisniewski*  *Message Therapist*

Ted L. Wisniewski, M.Ed
5200 S. Tuckaway Blvd. C146
Greenfield, Wi. 53221
(414) 281-9083



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Governor

Marlene A. Cummings
Secretary

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MADISON, WISCONSIN 53708-8935
(608) 266-2112

**STATEMENT OF
Marlene A. Cummings for the
DEPARTMENT OF REGULATION AND LICENSING
Before The
ASSEMBLY CONSUMER AFFAIRS COMMITTEE
Concerning
1997 Assembly Bill 461**

October 23, 1997

I am Marlene A. Cummings, Secretary of the Department of Regulation and Licensing, and I want to thank Chairperson Otte and members of the committee for this opportunity to present information as to why we have registered in opposition to the proposal to regulate massage therapists and body workers.

The Department of Regulation and Licensing does not think massage therapists are a threat to the health, safety and well being of Wisconsin's consumer who use these services. In addition we have the following concerns:

Licensure is usually reserved for professions that have been documented to cause problems for the consumer of their services and this documentation commonly justifies the restrictions imposed by the licensure route.

Protection of a practice means you have a practice that is definitive and actions conducted through the practice can be measured. This profession appears to still be in a developing phase.

The regulations in the bill relating to sexual contact or sexual intercourse between a credential holder and client are vague and would require a substantial amount of staff time to interpret and enforce. For instance:

Section 460.12 requires reporting of these violations, but prohibits reporting of the client's identity, unless the client consents, thereby making an investigation of the report very difficult and time-consuming.

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

The disciplinary grounds stated in section 460.16, Stats. include committing a crime related to prostitution, but the language does not identify sexual contact or sexual intercourse with a client as a basis for discipline, suggesting that the board may have no authority to discipline for sexual contact or sexual intercourse with a client, even if such language were to be included in the board's code of ethics.

The proposed statute prohibiting local regulation of message therapy or bodywork reverses or at least puts into question the decision in which the Court of Appeals upheld a challenge to the City of Madison ordinance governing "Massage Establishments, Massage Technicians and Employees." If the bill becomes law, the board and department will become involved in issues relating to whether particular local regulations may be enforced by board licensees. Furthermore, by transferring enforcement to the state, this bill will usurp the powers of local units of government.

While the department is opposed to the regulation of message therapists, if the committee and legislature thinks the proposal should proceed we want to recommend the following:

Put AB 461 to rest and accept the following regulatory proposal, prepared by the Department of Regulation for your consideration. The proposal is a Registry model for health professions.

The department respectfully proposes this model for the following reasons:

Registration is the least restrictive form of regulation.

Massage therapists and body workers will be required to register if they are to call themselves massage therapists, body workers or WI Registered Massage Therapist or Registered Massage Therapists, etc., and show proof of competency.

Education and examination standards will be set and although it is our recommendation that there be no grandparenting, the proposal will provide that there be alternative methods for proving competency during the first year of regulation.

This proposal will prevent problems from interference in local matters and encourage coordination and cooperation on matters of common interest.

The Registry model will address consumer problems.

The Registry model will provide for clarity as to who practices legitimate massage therapy,

It will provide the consumer with protection, i.e.; a requirement that every person registered as a massage therapist shall have insurance coverage since applicants

for registration would be required to show proof of liability insurance affording personal protection in a total amount deemed adequate by the department in an amount not less than \$50,000.

Regulation by the department with the assistance of advisory committees seems to work out well. We share knowledge with each other to arrive at decisions that provide for consumer protection. Department regulation does not imply that the department will have more power over the profession. It means, simply that the department will provide regulation that is in best interest of the consumer and meets the needs of the state. Credentialing is a privilege.

In summary, in our opinion, there does not seem to be a need for regulating massage therapists and body workers. Regulation was not intended to serve as a means to improve public relations for a profession whose image is tarnished by those who engage in illicit and illegal activities. Nor was regulation intended to act as a screening device for insurance companies, HMOs or PPOs (Planned Provider Organizations). I have included a specific provision we have suggested to the sponsors of this bill and we have been working with them on a regular basis, but in the interest of time, I will now answer whatever questions you may have.

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Chairman Clifford Otte
PO Box 8953
Madison, WI 53708

November 4, 1997

Dear Chairman Otte,

I am sending you a copy of my response to the testimony of Paula Brookmire, Massage Therapist, given before the Assembly Consumers Affairs Committee, Open Hearing on October 23, 1997, regarding licensing of massage therapists. I was disappointed in the testimony given by Paula. Paula was speaking for organizations that I belong to, and making generalizations about all the massage therapist she knows. I personally know Paula, and am astounded at her inappropriate statements and her need to speak for the profession as a whole. I also question her integrity on speaking for all of the massage school owners.

I am a member of ABMP, IMF, WAM, certified at the professional level. This means that I have taken a 6 hour written exam, and hands on test of technique. In order to stay at the certified level I must complete 25 hours of CEU's for 2 years. I am a graduate of Blue Sky Educational Foundation. At the time of graduation I completed 700 hours of in class instruction and 26 hours of staff massages and 174 hours of practice massage that was self directed.

I am employed by Koehler Enterprises Inc., a corporation that I own. I have attached a copy of the yellow page add that I run in our local phone book. I feel it is very important that you realize the slanted views that Paula Brookmire gave were Paula's, and by no means should the profession as a whole be pictured as Paula perceives it to be.

Thank you for taking time to consider my response.

Sincerely,

Marcia R. Koehler

Paula Brookmire, Editor WAM
4823 W. Townsend St.
Milwaukee, WI 53216

Oct. 28, 1997

Dear Paula,

As the editor of IMF and WAM I feel that there are some issues that you need to clarify with the membership. Your presentation of objections to the Wisconsin Licensing—Open Hearing with the Assembly Consumers Affairs Committee on October 23, 1997, was very upsetting. I felt your statements impacted me as a member of IMF and WAM. I am not questioning your opposition, just the delivery and generalizations that were made. You introduced your self as the editor for IMF and WAM, which has 200 plus members in Wisconsin, and said that you also were speaking for other massage therapists, and school owners. You stated that you felt that massage should not be licensed because "we" are not making money and putting in enough hours to be considered career professional massage therapists, so the need for licensing is not valid. It is considered something to do part time, for most, in your eyes, from what I gather of your statements at the meeting in Madison. You also stated most therapists can not afford extra advertising, if any at all. I also feel that you took your personal opinion and made it look like the massage therapists associated with WAM and IMF are totally undecided on the legislation. You stated that "we" have not had time to research the issues, this is why you stated that "we" need more time to decide if we want it or not. The "we" you referred to was very vague and broad, but your introduction made it sound like WAMs(200 plus members), IMF, massage therapists you associate with, and all schools were being represented by your statements. Your presentation made it look as the group of organization members, therapists, and schools you were speaking for just dabble in massage. Your statement as presented did nothing to promote the professional image that most massage therapists try to achieve. I was especially upset with the way IMF and WAM memberships were represented in a poor light, the way you presented your objections to the bill. As a member I am ready for the bill to proceed as are many others, shown by the support for the bill on Oct. 23. We have had time to research this and form opinions. I was upset by the statements made about our profession, as were most of the other "Professional Massage Therapists" present. Those upset—make a living, afford advertising and are dedicated to their work, profession and want to protect their right to do massage as a career and are looking out for the interests of the consumer.

Your other strong argument was on the number of classroom hours needed for the educational requirement. You stated that you were speaking on behalf of school owners. You state that this bill would put undue burden on the schools with large enrollments. To achieve the 500 in class hour requirement, there would be problems with staff and space and accommodating large numbers of students. Why should the profession lower our standards of wanting a 500 minimum requirement of in class instruction by the school staff? If unsupervised hours were allowed, do you think that

schools would still give the students the 500 hours of in class instruction? There is plenty of material to present in the 500 hour requirement, and maybe 500 hours should be more. As "allied health professionals" would it be fair for the consumers to expect less in education from massage therapists? Students as consumers would also be protected from schools using an excess amount of hours for profit. Yes, the field placements, volunteer service, and practice massage, etc. are important as valuable experience is gained from this work. The schools that offer this as an addition to the basic 500 hours will draw the serious career students. The bill will not dictate that all hours must be in class and supervised, only the hours that count for the minimum 500 supervised in class hours. This gives schools a base line and latitude to structure programs, do field placements etc. that they feel benefit the students. I feel that for the tuition charged by the schools, students should be guaranteed 500 staffed hours of in class instruction. Why should students have to pay tuition for field placements, volunteer work, working at the schools, and doing massages for school profit and pay tuition at the same time. If the schools can not accommodate the number of students for the 500 hour minimum requirement, then the school has a problem, with space and or staffing. Why should we, as therapists, be a concern that schools put through large numbers of students? It seems that lowering the standards of education would make our profession less professional. Why would schools promote lowering the educational standards and then turn around and say that continuing educational credits are detrimental in keeping our profession professional? Karen Lewis has been a promoter in IMF to increase the CEUs so we can be on the cutting edge with other organizations' requirements. Why should students get less in class hours for their tuition if education is so important? I am sure the schools would argue for some educational standards, but school profit margins should not be the issue for setting criteria. This legislation is not to guarantee the schools a profit, but to have a guarantee that students receive a basic minimum education that will protect the consumer.

These arguments were presented as your own and that of several massage therapists and the school owners. I would like to know which schools and therapists you are speaking for and on what issues. Are they aware of the presentation of their objections, and that they really are not doing this for a profession? I am sure that with each objection, you had specific feedback from someone, but your disclaimer is too broad, and the way you presented, you were speaking for the profession as "we" and as a whole.

This process of legislation has been in the works for some time and we may see things happen at a brisk pace. I was happy to be part of the process in Madison on Thursday, voicing my opinion. I hope Wisconsin massage therapists will become more involved in the issue. Thursday was clearly a case where therapists and school owners having a vested interest and should represent themselves and not depend on others involvement. The issues concern our profession's future. I feel that IMF and WAM members should know that Wisconsin is moving along on AB-461. The bill was not killed, but we are unsure as to the direction that this will go. There are changes being made with each step. What was talked about at the town meetings has been modified many times, and modifications will still take place. There is talk of registration for our profession instead of licensing. Now is the time for everyone to be involved as things may happen quickly. You can not blame anyone on the outcome unless you become involved. Attending one meeting on this is not enough. Oppose or support the bill. Be clear in your arguments. If you see problems with areas, let it be known to those that

represent you in government. It is very important that your concerns are presented in a clear and precise manner. If unable to attend in person, register your views in writing.

For the information of WAM Members—

Other points of discussion:

Local laws and the disparity between municipalities and how licensing would help with latitude of treating where needed, as other licensed professionals enjoy. (Guess what? Madison does not have any city regulation for massage.)

Being licensed instead of regulated would keep the profession in the medical light, and a possibility of insurance viewing us differently for consumer payments. This is the strongest point for licensing as opposed to regulation. This is not a strong point for licensing, should it be?

The Wisconsin Physical Therapy Association presented arguments against our bill. They feel there is no need for licensing due to our small amount of education. If we become licensed or regulated, they want very strict educational standards and CEU requirements even though PT's have no CEU requirement.

Not requiring license number in advertising was an issue with a few therapists..

Clients made statements on the importance of licensing for consumer protection and minimum educational standards and told stories of the benefits of massage. I felt that this had an impact on the committee, and gave them a better picture of the profound effect we have on clients lives.

There were other issues presented, but those mentioned above seemed to come up more often. I have been asked by Vlad Thomas to be the liaison between the coalition and WAM, in keeping WAM informed of the progress of the bill AB-461/SB-262. I will not speak on behalf of WAM as an organization unless directed by the organization to do so. I am in support of the bill, but feel there are a few places that changes could be made. I will also share the information with anyone else that is interested. I will relay your concerns to the coalition also, if you put your views in writing, and sign your name. This will dispel a problem of interpretation by another person. If your views are in writing than they can be copied and passed on as the process continues for support or opposition. Now is the time to be involved in shaping your future. Chryse Bay-Voit is in the process of setting up a meeting with Tony, one of the bill writers to answer questions we have and clarify issues of concern. If you are concerned—be at the meeting. This is a changing process. The direction the bill will take can not be determined. How the bill will look in the final stages is yet to be determined. There is not an exact time frame that this follows. You need to be involved in the process to keep abreast of current happenings. Do not count on someone to do the work for you.

Sincerely,



Marcia R. Koehler

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13407 Tower Road
Thurmont, Maryland 21788
October 31, 1997

The Honorable Clifford Otte, Chair
Assembly Committee on Consumer Affairs
P.O. Box 8953
Madison, WI 53708

Dear Representative Otte:

Vlad Thomas, Co-chair of the Wisconsin Coalition of Massage Therapists and Bodyworkers, asked me to write you with my observations regarding the registration measure that was proposed by the Department of Regulation and Licensing during the October 23 hearing on AB 461.

For the past decade I have closely followed and written about the policy issues related to the emerging massage therapy profession. I published my own newsletter for seven years. At this time I am a columnist for *Massage Therapy Journal* and a correspondent on policy issues for *Massage Magazine*. My comments here, however, are my own, based on my 15 years of experience as a massage therapist and ten years as a reporter in the field of public policy.

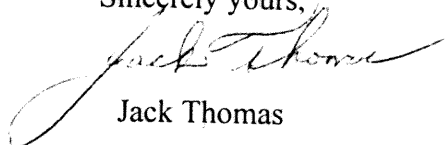
Currently 25 states and the District of Columbia regulate massage therapy. Twelve of those jurisdictions have enacted their massage statutes during the ten years I have kept records on policy developments in the massage therapy field.

Maine enacted a massage therapy *registration* law in 1991 (Public Law 403). In 1992 the state regulator in the Division of Licensing and Enforcement told me the law was not achieving the desired objectives, and that a measure "with more teeth in it" was being drafted. In 1993 a revised law was enacted that added a level of *certification* for massage therapists, with a requirement for meeting an educational standard (Public Law 245).

Of the other 11 states that have enacted massage therapy legislation in the past ten years, two regulate at the level of certification, one with a dual-tiered system of certification and licensure, and eight at the level of licensure.

I hope this information is useful to you. Please let me know if I can be of further assistance.

Sincerely yours,



Jack Thomas



CITY OF WEST ALLIS

WISCONSIN



MAYOR'S OFFICE

JEANNETTE BELL
Mayor

October 31, 1997

Representative Clifford Otte, Chair
Assembly Consumer Affairs Committee
P.O. Box 8953
Madison, WI 53708

RE: Assembly Bill 461

Dear Chairman Otte:

I am writing to express my support, with reservations, for Assembly Bill 461. Recognizing massage therapy as a medical profession, and having it licensed and regulated by the State makes sense. As with all other health care professions, regulation is a matter of statewide concern.

However, the exemptions in the Bill may be overbroad as to undermine the intent of the legislation and permit the unregulated practice of massage therapy. In particular, Sections 460.03(4)(b) and (c) of the Bill would exempt from licensing persons who use "touch or spoken words to increase awareness of existing or potential patterns of movement in the human body" and "a laying on of hands to influence energy fields within or around the human body."

Also, I think that Section 460.15 of the Bill regarding local regulation needs to be clarified to permit municipalities to prohibit or regulate unlicensed or exempted massage therapy or bodywork to assure protection of the public health and morals.

I note that the City's Legislative Committee took action to favor this legislation with the reservations I have expressed above. Thank you for consideration of my position with respect to this important matter.

Yours very truly,

Jeannette Bell
Mayor, City of West Allis

JB:da

R:\RepOtte.may

cc: Representative Anthony J. Staskunas
Representative Marc Duff
Representative Margaret Krusick

October 22, 1997

Representative Clifford Otte
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Otte:

The massage therapists in your district appreciate your efforts towards moving AB-461 through the system. I regret that I will not be able to attend the public hearing on our bill on October 23, 1997, but I do want to pass on some comments.

I have recently started a massage therapy business in Elkhart Lake. Although it was challenging to develop, after about one year of persistence I am enjoying serving a steady and growing number of clients. After expending the amount of time and effort that I have to get my business started, I am concerned with the lack of regulation that massage therapy has in my area. There are presently no local ordinances concerning the practice of massage in Elkhart Lake. Without licensing or uniform guidelines in place at the state level, my efforts to bring competent professional massage therapy to clients seeking out responsible alternative health care is in jeopardy. At present, there are no restrictions to prevent someone with no formal training from capitalizing on the popularity of therapeutic massage that competent and formally trained massage therapist professionals have built by reputation.

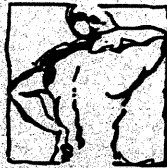
I want to emphasize my support for AB-461. It protects the initiative and hard work that certified massage therapists have expended to ensure a standard of practice that all massage therapy clients can rely on. Please continue to protect the high level of professional service that is now in place for massage therapy by your continued support for AB-461.

Sincerely,



Karen Puchalski, NCTMB
Serenity Therapeutics
Nationally Certified Massage Therapist

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