

You will chair for the following bill.

Senate Bill 262 – Regulation of Massage Therapists and Bodyworkers

Recommendation

Support the bill in its current form (i.e. with standing committee amendments), plus the expected Rep. Harsdorf amendment.

*+ FB tech.
adds a cross reference*

Bill History

Introduced on 07/17/97 by Plache/Harsdorf; adoption of SSA 1 by Senate Committee on Health (6-0) and passage as amended recommended (6-0) on 02/10/98; referred to JFC on 02/12/98.

Executive Action Needed

Move to lay aside SSA 1.
Act on Rep. Harsdorf's sub amendment and any others.
Recommend passage as amended.

Note

This legislation has been problematic from the start. SSA 1 reflects changes made in Sen. Moen's committee which don't stand a chance in the Assembly. Therefore, you should just lay this amendment aside. Instead, you should adopt changes proposed by Rep. Harsdorf which reflect mostly changes requested by Secretary Cummings. The governor says these changes must be incorporated or he will veto the bill.

The Harsdorf sub makes the bill a "title act" rather than a "practice act." It creates a registry for massage therapists rather than a certification process. Also, it creates an advisory council instead of a regulatory board which will be regulated mostly by administrative rules created by DR & L, not by statute.

According to George Brown and Lisa Hilbert, all parties are on board with this version of the bill and no major problems are expected. (So, you know there will some).



Legislative Fiscal Bureau

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March 11, 1998

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Senate Substitute Amendment 1 to Senate Bill 262: Regulation of Massage Therapists and Bodyworkers

Senate Substitute Amendment 1 to Senate Bill 262 would establish requirements for the licensure ("certification") by the Department of Regulation and Licensing (R&L) of persons who could engage in the practice of massage therapy or bodywork. Currently, this profession is not subject to state regulation. The Senate Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs has recommended adoption and passage of the substitute amendment on a vote of 6-0.

SUMMARY OF THE SUBSTITUTE AMENDMENT

Creation of a Massage Therapists and Bodyworkers Affiliated Credentialing Board

Board Established. First effective the day following publication of the act, the bill would create a new seven-member Massage Therapists and Bodyworkers Affiliated Credentialing Board to regulate massage therapists and bodyworkers. This new entity would be attached administratively to the Medical Examining Board and would consist of five certified massage therapists or bodyworkers with at least two years of practice prior to their appointment and two public members. The public members of the new Board would also be prohibited from engaging in any profession or occupation associated with the delivery of physical or mental health care.

In making appointments to the new Board, the Governor would be required to ensure, to the maximum extent practicable, that its membership be diverse, based on the following factors: (1) the massage or bodywork therapies practiced in the state; (2) the affiliation and nonaffiliation

with a professional association for the practice of massage therapy or bodywork; (3) the professional associations with which massage therapists and bodyworkers in the state are affiliated; and (4) practice in urban and rural areas of the state.

Under current law, most of the professional regulatory boards under R&L are independent entities called examining boards. Not all existing independent examining boards operate as unitary boards, however. In the case of the Medical Examining Board, two of the professions currently under its overall jurisdiction (physical therapists and dietitians) are regulated by attached boards called affiliated credentialing boards. An affiliated credentialing board is attached to an examining board to regulate a profession either that does not practice independently of the profession regulated by the examining board or that practices in collaboration with a profession regulated by the examining board. Affiliated credentialing boards are functionally equivalent to examining boards. However, under current law, all administrative rules developed by an affiliated credentialing board must first be submitted for review to the examining board to which the affiliated credentialing board is attached before being promulgated.

Members of all affiliated credentialing boards are appointed by the Governor, with the advice and consent of the Senate, to serve staggered, four-year terms. Terms expire on July 1, and no member may serve more than two consecutive terms. Further, no member of an affiliated credentialing board may be an officer, director or employe of a private organization which promotes the profession regulated by the board. Finally, members of the new Board would be eligible under current law for a \$25 per diem and the actual and necessary expenses incurred in the performance of their duties.

Duties of the New Board. The new Massage Therapists and Bodyworkers Affiliated Credentialing Board would be required to do all of the following:

(1) Assign a unique certificate number to each licensed massage therapy or bodywork practitioner; and

(2) Promulgate administrative rules establishing all of the following:

- A code of ethics for the profession. The code of ethics would have to prohibit a massage therapist or bodyworker from having sexual contact or sexual intercourse with a client;
- Criteria for approving a school of massage therapy or bodywork from which graduation would be required as a condition of being certified. Such rules would have to define the curriculum and qualifications of instructors at the school and would have to prohibit the approval of a school unless the on-premises practice of massage therapy or bodywork by students was under the direct supervision of an instructor;

- Criteria for approving courses of instruction relating to applicable state laws and administrative rules governing the practice of massage therapy or bodywork and to the principles and techniques of massage therapy or bodywork. The Board's rules would have to require at least 500 hours of classroom instruction in these topics;
- Requirements and procedures for obtaining the informed consent of a client prior to engaging in the practice of massage therapy or bodywork;
- Requirements and procedures for making reports to the Board of possible violations of state laws and administrative rules relative to acts of prostitution or sexual contact or intercourse with a client by a licensed massage therapist or bodyworker;
- A definition of what would constitute a "sexually oriented business" for the purpose of reporting to the Board a violation of its prohibition barring a licensed massage therapist or bodyworker from practicing in such a business; and
- Requirements and procedures for a massage therapist or bodyworker to complete continuing education programs or courses of study in order to qualify for a certificate renewal. A minimum of 24 hours of continuing education programs or courses of study would be required for certificate renewal. However, the Board could waive some or all of the continuing education requirement if it determined that a prolonged illness, disability or other exceptional circumstances had prevented a massage therapist or bodyworker from completing the requirement.

Initial Appointments to the New Board. The substitute amendment would establish initial terms for the first seven members appointed to the new Massage Therapists and Bodyworkers Affiliated Credentialing Board. The initial members of the new Board would have to be appointed by the Governor by the first day of the third month following publication of the act. The substitute amendment would also provide that for the purpose of qualifying for appointment to the initial Board, a massage therapist or bodyworker need not be a certificate holder until the first day of the fifteenth month following publication of the act.

Certification Requirements

General Requirements. The substitute amendment would create a new Subchapter V of Chapter 448 of the statutes governing the regulation of the practice of massage therapy and bodywork. The practice itself would be defined as "the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body, and adjunctive therapies, to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility, and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate."

The Board would be required to grant a certificate as a massage therapist or bodyworker to any person who satisfies all of the following conditions:

- (1) Is 18 years of age or older;
- (2) Has graduated from high school (or has the appropriate equivalency degree);
- (3) Submits an application to R&L on a form provided by the Department;
- (4) Pays the current law initial credential fee of \$41;
- (5) Submits evidence satisfactory to the Board that the applicant has satisfied all of the following:
 - Graduation from a school of massage therapy or bodywork approved by the Educational Approval Board that also meets the curriculum and instructional standards established by the Affiliated Credentialing Board;
 - Completion of at least six classroom hours of approved instruction on the laws of the state and the rules of the Board relating to the practice of massage therapy or bodywork; and
 - Completion of a minimum number of classroom hours, as determined by the Board, of approved instruction on the principles and techniques of massage therapy or bodywork.
- (6) Passes all required examinations, as described below; and
- (7) Submits satisfactory evidence of medical malpractice insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

The Board would be authorized to waive any of the educational requirements for certification if an applicant established, to the Board's satisfaction, that he or she has education, training or other experience that is substantially equivalent to the educational requirements specified above.

Examinations. The Board would be required to conduct or arrange for examinations for certification of message therapists or bodyworkers at least semiannually at the times and places determined by the Board. The examinations would consist of written or oral parts, or both, and would have to require the applicant to demonstrate minimum competency in subjects substantially relating to the practice of massage therapy or bodywork.

Certificate Issuances; Types of Certificates. Each person meeting the above requirements and granted certification by the Board would be issued a certificate by the Department. The certificate holder would be required to display the certificate prominently in his or her place of business so that the credential could be easily seen and read.

The Department would also be required to issue renewal certificates to credential holders, upon the credential holder submitting a renewal application on a form provided by the Department, paying a biennial renewal fee of \$41, presenting proof of having met the continuing education requirements established by the Board and providing evidence of continuing medical malpractice insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year. Certificate renewals for massage therapists and bodyworkers would uniformly fall due on July 1 of each even-numbered year.

The Board would also be authorized to grant a temporary, nonrenewable certificate to practice massage therapy or bodywork to an applicant who: (1) meets all of the requirements specified above for a regular certificate except for taking the required examination; (2) submits an application to take the next available examination; (3) has not previously failed the examination; and (4) pays the \$10 fee for the temporary certificate. The temporary certificate would expire on the date which the person receives the results of the examination.

Finally, the Board would be authorized to grant a reciprocal certificate as a massage therapist or bodyworker upon payment of a \$41 fee, provided: (1) the applicant holds a similar certificate in another state or territory of the United States; (2) the Board determines that the requirements for the certificate in the other jurisdiction are substantially similar to those in Wisconsin; and (3) the applicant provides evidence of medical malpractice insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

Exceptions to Certification Requirements. Under the substitute amendment, a certificate to practice massage therapy or bodywork in Wisconsin would not be required for any the following individuals:

(1) Any person holding a license, permit, registration or similar certification granted by this state or the federal government who engages in the practice of massage therapy or bodywork within the scope of that credential, provided the person does not imply that he or she is a massage therapist or bodyworker;

(2) Any massage therapy or bodywork student practicing without compensation and within the scope of the student's education or training;

(3) Any massage therapist or bodyworker licensed in another state or country who is providing a consultation to or a demonstration with a massage therapist or bodyworker who is certified in Wisconsin;

(4) Any person who restricts his or her manipulation of soft tissue to the hands or feet and who does not imply that he or she is a massage therapist or bodyworker; or

(5) Any person who uses touch or spoken words to increase awareness of existing or potential patterns of movement in the human body and who does not imply that he or she is a massage therapist or bodyworker.

Waiver of Certain Certification Requirements for Initial Credential Holders

The substitute amendment would direct the Board to waive the new certification requirements and grant a certificate as a massage therapist or bodyworker to any practitioner who applies for the credential during the first six months following the general effective date of the act, if the applicant satisfies all of the following:

(1) Submits an application to the Board on a form approved by it that describes the applicant's education and his or her experience in the practice of massage therapy and bodywork;

(2) Provides evidence satisfactory to the Board that the applicant has satisfied all of the following conditions:

- Has completed at least 100 classroom hours of instruction in the practice of massage therapy and bodywork or has practiced massage therapy and bodywork for compensation for at least two of the five years preceding the date of the application;
- Has in effect medical malpractice insurance coverage of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year; and
- Has paid the required \$41 initial credential fee.

Restricted Use of Title

The substitute amendment would prohibit an individual from designating himself or herself as a massage therapist or bodyworker or using the title "massage therapist or bodyworker," "massage therapist" or "bodyworker" or appending to the person's name the letters "M. T." [massage therapist], "C. M. T." [certified massage therapist], "B. W." [bodyworker] or "C. B. W." [certified bodyworker] or use any other title representing or tending to represent the person as a massage therapist or bodyworker unless the person was actually certified as such by the Board.

This provision would not apply in the case of any individual who had previously been registered (prior to July 11, 1953) as a massage and hydrotherapy practitioner and continued to practice in that capacity after that date. Persons certified as massage and hydrotherapy practitioners, commencing July 11, 1953, were required by Chapter 411, Laws of 1953, to be licensed as physical therapists.

Standards of Practice

Client Informed Consent Requirement. The substitute amendment would prohibit a massage therapist or bodyworker from practicing massage therapy or bodywork on any client unless the practitioner has first obtained the informed consent of the client. The client would also have to be advised that he or she may withdraw the consent at any time.

Client Information Confidentiality Standard. The substitute amendment would require that a massage therapist or bodyworker keep confidential any information that a client has given in confidence to the practitioner. This confidentiality standard would also apply to any information that the credential holder has obtained about a client during the course of practicing massage therapy or bodywork that a reasonable person in the client's position would want to keep confidential, unless: (1) the information would otherwise be required by law to be disclosed; or (2) the client specifically authorizes the disclosure.

Practice in Sexually Oriented Business Prohibited. The substitute amendment would prohibit a certified massage therapist or bodyworker from practicing massage therapy or bodywork for any sexually oriented business, as defined by the Board.

Required Reports Relating to Other Practitioners. The substitute amendment would require that a certified massage therapist or bodyworker submit a report to the Board if the practitioner has reasonable cause to believe that another credential holder has committed a crime relating to prostitution, or has had sexual contact or sexual intercourse with a client. If the matter relates to sexual contact or sexual intercourse with a client, the report could not identify the client, unless the client has provided written consent for the disclosure.

Required Reports Relating to the Practitioner. The substitute amendment would also require that a certified massage therapist or bodyworker submit a report to the Board if the credential holder has been convicted of a felony, misdemeanor or violation in this state or elsewhere, the circumstances of which substantially relate to the practice of massage therapy or bodywork. Under this provision, a "violation" would be deemed to be a violation of any state or local law that is punishable by a forfeiture. The report required under this provision would have to identify the date, place and nature of the conviction or finding and would have to be submitted within 30 days of entry of judgment of conviction or judgment finding that the credential holder had committed the violation. If the report is submitted by mail, the report would be considered submitted on the date of the mailing.

Advertising. The substitute amendment would prohibit a certified massage therapist or bodyworker from advertising that he or she is a practitioner of massage therapy or bodywork unless the advertisement also includes the person's certificate number and the statement that the practitioner is a "certified massage therapist and bodyworker," "certified massage therapist" or "certified bodyworker."

Enforcement Procedures and Penalties

General Disciplinary Proceedings and Actions. The substitute amendment would authorize the Massage Therapists and Bodyworkers Affiliated Credentialing Board to make investigations and conduct hearings to determine whether any violation had occurred of any statutory or administrative rules provisions governing the regulation of massage therapists or bodyworkers. The procedures governing the Board's investigations and hearings would be subject to R&L's general administrative rules governing these types of proceedings.

The Board would be authorized to reprimand a practitioner or deny, limit, suspend or revoke a practitioner's certificate, if the Board found that the applicant or certificate holder had done any of the following:

- (1) Made a material misstatement in any application for an initial or a renewal certificate;
- (2) Been convicted of any offense the circumstances of which relate to the practice of massage therapy or bodywork;
- (3) Advertized in a false, deceptive or misleading manner;
- (4) Advertised, practiced or attempted to practice under another's name;
- (5) Practiced massage therapy or bodywork while the certificate holder's ability to practice was impaired by alcohol or other drugs;
- (6) Intentionally made a false statement in a required report relating to conduct of other practitioners;
- (7) Engaged in unprofessional or unethical conduct in violation of the code of ethics promulgated by the Board;
- (8) Engaged in conduct while practicing massage therapy or bodywork which jeopardized the health, safety or welfare of a client or which evidenced a lack of knowledge of, inability to apply, or the negligent application of, the principles or skills of massage therapy or bodywork;
- (9) Committed a crime relating to prostitution; or
- (10) Violated any statutory or administrative rules provisions governing the regulation of massage therapists of bodyworkers.

Disciplinary Proceedings and Actions with Respect to Required Reports. Under the substitute amendment, if a certificate holder files a required report that there is reasonable cause to believe that another credential holder has committed a crime relating to prostitution, sexual contact or sexual intercourse with a client, the Board would be required to use the report as the basis for investigating the alleged violation. Following this investigation, if the Board has reasonable cause to believe that a credential holder has committed a crime, the Board would be required to report the belief to the district attorney of the county in which the crime, in the opinion of the Board, has occurred.

Where the Board determines, after an investigation, that the reported violation has no merit, the Board would be required to remove the report from the record of the massage therapy and bodywork who was subject of the report.

The substitute amendment provides that all reports and records made from such reports maintained by R&L, the Board, district attorneys or other persons, officials or institutions would be confidential and would be exempt from disclosure under the state open records law. Further, the substitute amendment requires that information pertaining to the identity of any client of a credential holder suspected of having sexual contact or sexual intercourse could not be disclosed by persons who have received or have access to the reports or records, except as consented to in writing by the client. Further, the substitute amendment stipulates that the disclosure in the original required report of an alleged violation would not be deemed to violate current law standards with respect to the confidentiality of patient records. Finally, the reports and records relating to the matter could be disclosed only to R&L, the Board and the appropriate staff of a district attorney or law enforcement agency in the state for the purposes of investigation or prosecution.

Penalties. The substitute amendment provides that any person found to have violated any statutory or administrative rules provisions governing the regulation of massage therapists or bodyworkers would be required to forfeit not more than \$1,000 for each violation.

Further, any person not otherwise licensed who used the title "certified massage therapist and bodyworker," "certified massage therapist" or "certified bodyworker" or the like would be required to forfeit not more than \$500 for each separate offense, with each day of violation constituting a separate offense.

Local Regulations and Ordinances Superseded

Effect of Local Regulations. The substitute amendment would prohibit a city, village, town or county from enacting an ordinance that regulates the practice of massage therapy or bodywork by a person licensed by the Massage Therapists and Bodyworkers Affiliated Credentialing Board. Further, no provision of any such ordinance enacted before the general effective date of this act that relates to the practice of massage therapy or bodywork could be enforced against a person certified by the Board.

Effect of Zoning Restrictions. The substitute amendment would prohibit a city, village, town or county from enacting a zoning ordinance that restricts the location of an office in which a certificate holder engaged in the practice of massage therapy and bodywork, unless the zoning ordinance applies the same restrictions to the location of any physician's office. Further, no provision of any such zoning ordinance enacted before the general effective date of this act that related to the location of the office of a certified practitioner of massage therapy or bodywork could be enforced, unless the zoning ordinance applies the same restrictions to the location of any physician's office.

Other Provisions

The substitute amendment also includes the following miscellaneous provisions relating to regulation of massage therapy and bodywork practitioners:

- Rules established by the Department of Health and Family Services governing hospital standardized operations would not be deemed to supersede any rights of the Massage Therapists and Bodyworkers Affiliated Credentialing Board in carrying out its duties.

- Certified massage therapists and bodyworkers would be deemed "health care providers" for the purpose of inclusion under standardized hospital billings and insurance claims.

- Certified massage therapists and bodyworkers be deemed not to be "health care providers" for the purpose of: (1) being referenced as providers who may issue certifications under the state family and medical leave law; (2) being able to dispense certain drugs through public health dispensaries; or (3) being subject to applicable state laws governing confidentiality and restrictions on testing for HIV infection.

- Certified massage therapists and bodyworkers would be authorized to organize and be shareholders in a health care professional service corporation.

- Certified massage therapists and bodyworkers would be exempted from civil liability for rendering voluntary care to participants at certain athletic events and contests.

- Current exceptions to the hearsay rule would be expanded to allow the patient records of certified massage therapists and bodyworkers to be entered into evidence without the need of an authenticating witness.

- The patient records of certified massage therapists and bodyworkers would be made subject to subpoena where the health care provider was a party to an action, the subpoena was authorized by an ex parte order of a judge, or if, following the authorized request of an attorney, the health care provider had failed to provide legible copies of the records within two business days.

Effective Date

Except for the establishment of the Massage Therapists and Bodyworkers Affiliated Credentialing Board, which would take effect on the day following publication of the act, all other provisions of the proposal would take effect on the first day of the ninth month following publication of the act.

TECHNICAL AMENDMENT

A provision of the substitute amendment would prohibit the public members of the Massage Therapists and Bodyworkers Affiliated Credentialing Board from engaging in any profession or occupation concerning the delivery of physical or mental health. This provision has not been referenced under the accelerated effective date provisions otherwise applicable to the creation of the new Board. A technical amendment is required to make this provision

effective on the day following publication of the act, rather than on the first day of the ninth month following publication of the act.

FISCAL EFFECT

The substitute amendment would not appropriate any funds or authorize any positions to the Department of Regulation and Licensing. However, the provisions of the substitute amendment are expected to result in additional costs and workload for R&L in the following areas: (1) the operations of the new Massage Therapists and Bodyworkers Affiliated Credentialing Board, including the development of administrative rules and examinations for the newly regulated profession; (2) the initial credentialing of newly certified members of the profession; and (3) enforcement activities. Costs are projected by R&L in the following areas:

Establishment of the New Board. Since the substitute amendment would establish a new seven-member board, whose members would qualify under current law for a \$25 per diem and actual and necessary meeting expenses, additional Board-related expenses would occur once the new Board members assumed office. R&L estimates that the new Massage Therapists and Bodyworkers Affiliated Credentialing Board would normally meet six times annually at a cost of \$1,100 PR in per diems with an additional \$6,100 PR annually for members' lodging, meals and travel expenses (for total annual Board expenses of \$7,200 PR). However, during the first year of operation of the Board, R&L anticipates that the new Board would actually have to meet at least monthly in order to develop the administrative rules required under the substitute amendment. Thus, total annual Board expenses during its first year of operations are estimated at \$14,400 PR (but would decrease to \$7,200 PR annually thereafter).

Certification Activities. As a result of establishing a new regulatory structure for massage therapists and bodyworkers, R&L anticipates that it would need to prepare an edition of the relevant statutes and administrative rules applicable to the new practice. These materials along with a periodic newsletter would be distributed to licensees. The estimated costs associated with printing the regulatory handbook (\$4,000 PR), postage (\$500 PR) and newsletters (\$800 PR) would amount to \$5,300 PR annually.

One-time examination development costs have been estimated at \$3,200 PR. These additional one-time expenses would likely be incurred during the first year following enactment of the proposal. R&L projects on-going examination costs of new applicants at \$300 PR annually, based on approximately 10 to 20 examinations per year. [No examinations will be required for those massage therapists and bodyworkers who seek certification and otherwise meet certain training or experience standard during the first six months following the general effective date of the act.]

The provisions of the substitute amendment will result in some additional workload for R&L as a result of the certification of members of a newly regulated profession. The Department anticipates such a one-time workload increase as current massage therapy and bodyworker

practitioners are certified. Thereafter, the agency projects that there would be approximately 10-20 new applications annually for certification. R&L estimates that it would require a 0.5 PR program assistant position at an annual salary and fringe benefits cost of \$14,100 PR to help process these initial certification requests. On-going supplies and services costs for the position are projected at \$3,700 PR annually. One-time permanent property costs for the position of \$4,500 PR are also projected.

The initial licensure period will involve a workload increase. However, the need for on-going staff is less clear. This is because: (1) there is uncertainty with respect to the actual number of massage therapists and bodyworkers who would seek initial certification during the six-month waiver period; (2) there is a delayed application of more rigorous training and examination standards for certification; and (3) currently, only one other profession has a biennial credential renewal cycle occurring on July 1 of each even-numbered year.

To the extent that R&L would incur any of the expenses identified above following the effective date of the act, these additional costs would have to be supported from existing budgeted resources available to the agency. Typically, when new professions become regulated, R&L includes a standard budget request in its ensuing biennial budget proposal to fully fund any identified on-going expenses for a newly-established Board and for associated examination expenses. If the volume of new certifications is modest, it may be possible for the Department to accommodate the increased workload within existing budgeted resources. Otherwise, the agency could seek additional resources through current ss. 16.505/16.515 procedures or as part of its next biennial budget request.

Enforcement Activities. The Department also estimates that it would experience increased enforcement activity as a result of the provisions of the substitute amendment which would require the Massage Therapists and Bodyworkers Affiliated Credentialing Board to make investigations and conduct hearings to determine whether any violations had occurred of any statutory or administrative rules governing the profession. In particular, the substitute amendment would require the Board to investigate reports filed by certificate holders that another certified practitioner had committed a crime relating to prostitution, sexual contact or sexual intercourse with a client. In its fiscal estimate, R&L indicates that these investigations could be complex, since reported violations could not reveal a client's identity, unless the client consents, thereby making an investigation of the reported violations difficult and time-consuming. The Department projects that there would be approximately 38 complaints annually which would require the equivalent 1.0 FTE legal assistant position at an annual salary and fringe benefits cost of \$30,600 PR to handle the increased investigated workload which the Department projects would result under this legislation. On-going supplies and services costs for this additional enforcement staff are projected at \$7,300 PR annually. One-time permanent property costs for the position are estimated at \$13,500 PR.

The specific amount of increased staffing that may be needed for enforcement and disciplinary actions will not be known until the establishment of a pool of certificate holders and an assessment of the volume of investigatory and disciplinary actions directly attributable to this

group of licensees. Initially, it may be possible for R&L to accommodate any workload increase with existing staff. Otherwise, the agency could seek additional resources through current ss. 16.505/16.515 procedures or as a part of its next biennial budget request.

In summary, estimated one-time and on-going annualized PR-funded costs, as identified by the Department, are as follows:

<u>Activity</u>	<u>One-Time</u>	<u>On-Going</u>	<u>FTE</u>
Affiliated Credentialing Board Operations	\$11,700	\$7,200	0.0
Examination and Certification Activities	3,200	23,100	0.5
Enforcement Activities	<u>13,500</u>	<u>37,900</u>	<u>1.0</u>
TOTAL	\$28,400	\$68,600	2.5

Credential Fees. The Department projects that initially some 600 massage therapists and bodyworkers would be certified during the initial licensure period. (Currently, the National Certification Board for Therapeutic Massage and Bodywork reports 413 members in Wisconsin.) It is estimated that agency would collect \$24,600 of initial credential fees during the remainder of the current fiscal biennium, of which \$2,460 would be deposited to the general fund as GPR-Earned. Thereafter, assuming an additional maximum of 20 new registrants annually, initial and renewal credential revenues during the 1999-2001 biennial licensing period would be expected to amount to \$26,200, of which \$2,620 would be deposited to the general fund as GPR-Earned.

MO# SSA 2
no amended

BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
SCHULTZ	Y	N	A
ROSENZWEIG	Y	N	A
GARD	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

AYE 13 NO _____ ABS 3

by Mason

MO# passage as amend

BURKE	Y	N	A
DECKER	Y	N	A
JAUCH	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
SCHULTZ	Y	N	A
ROSENZWEIG	Y	N	A
GARD	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

AYE 13 NO _____ ABS 3

Senate Amendment 1
to Senate Substitute Amendment 2
to Senate Bill 262

At the locations indicated, amend the substitute amendment as follows:

1. Page 11, line 21: delete the material beginning with that line and ending with page 12, line 6.

(End)

MO# SA1 to SSA2

BURKE	<u>Y</u>	N	A
DECKER	<u>Y</u>	N	A
JAUCH	<u>Y</u>	N	A
SHIBILSKI	<u>Y</u>	N	<u>A</u>
<u>2</u> COWLES	<u>Y</u>	N	<u>A</u>
PANZER	<u>Y</u>	N	<u>A</u>
SCHULTZ	<u>Y</u>	N	<u>A</u>
ROSENZWEIG	<u>Y</u>	N	<u>A</u>
GARD	<u>Y</u>	N	A
OURADA	<u>Y</u>	N	A
HARSDORF	<u>Y</u>	N	A
ALBERS	<u>Y</u>	N	A
PORTER	<u>Y</u>	N	A
KAUFERT	<u>Y</u>	N	A
LINTON	<u>Y</u>	N	A
COGGS	<u>Y</u>	N	<u>A</u>

AYE 13 NO _____ ABS 3