

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
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- Clearinghouse Rules ... CRule
- 97hr_JCR-AR_CRule_98-116
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- Committee Hearings ... CH
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- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
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- Miscellaneous ... Misc
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- Record of Comm. Proceedings ... RCP
-

98-116 - RJ 90-94 MASSAGE THERAPY

98-116
RL 90-94
MASSAGE THERAPY

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-116)**

TO: Senator Robert Welch, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
1 East Main Street
Room 201
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DEPARTMENT OF REGULATION AND LICENSING is submitting in final draft form proposed rules relating to the practice of massage therapy and bodywork.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

OCT 30 1998



Tommy G. Thompson
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



Marlene A. Cummings
Secretary

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Administrative Rules in Final Draft Form

Department of Regulation and Licensing

Rule: Chs. RL 90 to RL 94

**Relating to:
Massage Therapy and Bodywork**

**Clearinghouse Rule:
No. 98-116**

Regulatory Boards

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

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-116
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)
AND LICENSING**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

Application forms are being prepared.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order of the Department of Regulation and Licensing fulfills the mandate of 1997 Wisconsin Act 156, which requires the department to promulgate administrative rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork. Rules are created to establish education, training or competency requirements that an individual for a license must satisfy in order to be issued a license of registration. The rules shall require an individual to complete at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51, Stats. The rules also establish continuing education requirements that a person must satisfy to be eligible to renew a license of registration.

Under the proposed rules, applicants applying for registration prior to March 1, 2000, will be required to complete 500 classroom hours of education. Applicants applying for registration on or after March 1, 2000, will be required to submit evidence of completion of 600 classroom hours of education.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on September 15, 1998. Following is a list of individuals who appeared at the public hearing and/or submitted written comments:

Joseph J. Hasler, Assistant City Attorney, Reedsburg, WI
Marcia R. Koehler, Certified Massage Therapist, Delavan, WI
Trish Schneider, Valders, WI
Candice J. Lewis, Madison, WI
Elizabeth Woodworth Zanto, Massage Therapist, Fond du Lac, WI
Matthew Holz, Milwaukee, WI
Richard Jacobson, West Allis, WI
Rebecca Donald, Fond du Lac, WI
Lisa L. Hector, Wauwatosa, WI
Jennifer Kaiser, Hortonville, WI
Joanne Wheaton-Knox, Muskego, WI
Michael Urban, Mundelein, IL
Jennifer Chapman, West Bend, WI
Cindy L. Recheck, Beaver Dam, WI
Karen Fay, West Bend, WI
Michelle A. Mills, Racine, WI
Sandra Diederichs, Manitowoc, WI
Barbara A. Platta, Port Washington, WI
Laura Bertram, Oconomowoc, WI
Lynne A. Hiatt, BS, RN, Germantown, WI
Paula K. Kuhn, Sheboygan, WI
Laura Dionne, West Bend, WI
Shirley Perzentka, Oshkosh, WI
Jennifer A. McCaskill, St. Cloud, WI
Wendy A. Ney, Plymouth, WI
Susan Theep, Milwaukee, WI
Brenda M. Birno, West Bend, WI
Danielle Ruffalo, Kenosha, WI
Edwin C. Nieves, Milwaukee, WI
Jamel Quarles, Milwaukee, WI
Dick Story, Milwaukee, WI
Shari L. Magyar, Grafton, WI
Christine Dahmer, Richfield, WI
Nicholas Seider, Milwaukee, WI
Mike Buckley, Waukesha, WI
Gail Nelson, Jackson, WI
Karen Helf, Oshkosh, WI
Lara L. Cash, West Allis, WI
Becky Krapfl, Mequon, WI
Stacey J. Kilps, C.M.T., Milwaukee, WI

Vicki Chossek, Port Washington, WI
Karen N. Lewis, Fredonia, WI
Dana Triebold, West Bend, WI
Brooke Luza, Green Bay, WI
Angela Kufahl, West Bend, WI
Michelle LeMahu, Neenah, WI
Travis Ernst, Grafton, WI
Rhoda K. Katz, Randolph, WI
Mary Grubor, Milwaukee, WI
Karen J. Mayer, Brookfield, WI
Kathleen M. Mayer, Brookfield, WI
Marcy Hauer, Oshkosh, WI
Ingar Ivory, Beaver Dam, WI
Kristin Sustachek, Milwaukee, WI
Jennifer L. Barachy, Waukesha, WI
Robert E. Peters, Prospect Heights, IL
Jennifer Rzeprejewski, Donsman, WI
Janna Lombardo, Kenosha, WI
Ruthann Veitz, Horicon, WI
Julie Kuktowski, Oak Creek, WI
Cheryl Berndt, Rubicon, WI
Susan Bauer, Greenfield, WI
Candice Schwengel, Port Washington, WI
Dawn Ethridge, Janesville, WI
Diane M. Poetter, Beaver Dam, WI
Kristi S. Angiolo, New Berlin, WI
Kerri Laubenheimer, West Bend, WI
Mel E. Laycock, New Berlin, WI
Tiffany Laubach, Kewaskum, WI
Annamarie J. Sturdevant, Milwaukee, WI
Julie Dieterle, Stoughton, WI
Dr. Ron C. Wagner, Madison, WI
Lois Leytem, Madison, WI
Brenda Gavinski, Madison, WI
Wendy Arveson, Denmark, WI
Cecil Roebuck, Green Bay, WI
Patrick J. Sweeney, Education Specialist, Madison, WI
Andy Scharpa, Racine, WI
Betsy Krizenesky, a/k/a Elizabeth Krizenesky, Neenah, WI
Lynnette Miles, Monroe, WI
Doris E. Parker, Beloit, WI
Patti Moen, Beloit, WI
Jesús G.Q. Garza, Madison, WI
Julie A. Szivecz, Sullivan, WI
Catherine Cory, Shorewood, WI

Suzie Hamilton, Milwaukee, WI
Vicki Chossek, Port Washington, WI
Suzann Cook, RN, Waupaca, WI
Craig Burnham, Evansville, WI
Dr. A. Sido, Madison, WI
Lynn Zimmerman, RN, Middleton, WI
Kay Wagner, Madison, WI
Cassandra Wind, Wauwatosa, WI
Caryn L. Depauw, Sun Prairie, WI
Kent Bergstrom, Menomonie, WI
Alan Weld, Madison, WI
Lori Starks, Monroe, WI
Rollie Hanson, Shorewood, WI
Mark Wollum, Beaver Dam, WI
Janie Jahns, Marshall, WI
Bradley Enerson, Cottage Grove, WI
Stacy Lenore Solner, Janesville, WI
Sally Hacking, Legislative Consultant to AMTA-WI
Hanna Franke, Certified Neuromuscular Therapist, Middleton, WI
Jenny L. Getlinger, Concerned Massage Therapist/Bodyworker, Appleton, WI
Kathy Swanstrom, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Ellen Wittwer, Concerned Massage Therapist/Bodyworker, Appleton, WI
Maria Wierichs, Concerned Massage Therapist/Bodyworker, Appleton, WI
Eric Mielke, Concerned Massage Therapist/Bodyworker, Clintonville, WI
Grace Geisen, Concerned Massage Therapist/Bodyworker, Kaukauna, WI
Angela M. Gustafson, Concerned Massage Therapist/Bodyworker, Fond du Lac, WI
Suzanne Young, Concerned Massage Therapist/Bodyworker, Oshkosh, WI
Jaime Doumel, Concerned Massage Therapist/Bodyworker, Oshkosh, WI
Mandy Kropidlowski, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Mary E. Menard, Concerned Massage Therapist/Bodyworker, Rosendale, WI
Angela L. Bain, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Jackie Bushner, Concerned Massage Therapist/Bodyworker, Depere, WI
Kathy J. Dahlie, Concerned Massage Therapist/Bodyworker, Shawano, WI
Kristy L. Judkins, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Rachel Mann, Concerned Massage Therapist/Bodyworker, Appleton, WI
S. Lemay, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Carmen Palter, Concerned Massage Therapist/Bodyworker, Stevens Point, WI
Noelle Keup, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Erika L. O'Grady, Concerned Massage Therapist/Bodyworker, Appleton, WI
V.E., Concerned Massage Therapist/Bodyworker, Suamico, WI
Teena Pleshek, Instructor, Fox Valley School of Massage, Kaukauna, WI
Kathryn M. Parker, Concerned Massage Therapist/Bodyworker
J. Bever, Concerned Massage Therapist/Bodyworker, Menasha, WI
Chris Marie Anderson, Concerned Massage Therapist/Bodyworker, Redgranite, WI
Kristine Yonker, Concerned Massage Therapist/Bodyworker, Oshkosh, WI

Bonnie Payne, Concerned Massage Therapist/Bodyworker, Marinette, WI
Nichole Grothe, Concerned Massage Therapist/Bodyworker, Crivitz, WI
Tony Busse, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Deborah Drath, Concerned Massage Therapist/Bodyworker, Black Creek, WI
Heather N. Schaeuble, Concerned Massage Therapist/Bodyworker, Sherwood, WI
Billie J. Boos, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Amy A. Miller, Concerned Massage Therapist/Bodyworker, Little Chute, WI
Rosie Rohm, Concerned Massage Therapist/Bodyworker, Hortonville, WI
Mark J. Cornell, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Mary Lou Walcher, Concerned Massage Therapist/Bodyworker, Stephenson, MI
Brian Swanson, Concerned Massage Therapist/Bodyworker, Crivitz, WI
Sara M. Thede, Concerned Massage Therapist/Bodyworker, Appleton, WI
Jennifer L. Martin, Concerned Massage Therapist/Bodyworker, Appleton, WI
Amy Schultz, Concerned Massage Therapist/Bodyworker, Appleton, WI
Sandra Maki, Concerned Massage Therapist/Bodyworker, Neenah, WI
J. Ortigara, Concerned Massage Therapist/Bodyworker, Appleton, WI
Brenda Soquet, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Jan Derusba, Concerned Massage Therapist/Bodyworker, Menomonee, MI
Kimm Mathews, Concerned Massage Therapist/Bodyworker, Plover, WI
Nancy Christensen, Concerned Massage Therapist/Bodyworker, Appleton, WI
Lana Delsart, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Renee Beese, Concerned Massage Therapist/Bodyworker, Oshkosh, WI
Darlene Bourassa, Concerned Massage Therapist/Bodyworker, Oconto, WI
Matthew C. Gudex, Concerned Massage Therapist/Bodyworker, Kaukauna, WI
Heather Sturm, Concerned Massage Therapist/Bodyworker, Appleton, WI
Kelley E. Kuhl, Concerned Massage Therapist/Bodyworker, Oshkosh, WI
Beth Renhardt, Concerned Massage Therapist/Bodyworker, Greenville, WI
Andrew P. Brokl, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Amy M. Kruse, Concerned Massage Therapist/Bodyworker, Appleton, WI
Susan M. Dagneau, Concerned Massage Therapist/Bodyworker, Green Bay, WI
Jessica Ramker, Concerned Massage Therapist/Bodyworker, Neenah, WI
Stephanie Hall, NCTMB, Instructor, Fox Valley School of Massage, Neenah, WI
Thomas E. Finch, President, Fox Valley School of Massage, Neenah, WI
Carl L. Lipetri, CMT, Janesville, WI
Judy Johnson Farmer, Massage Therapist, Member AMTA, Sister Bay, WI
Julie A. Szivecz, CMT, CNMT, Sullivan, WI
Mowry Smith, Neenah, WI
Robert E. Harper, Appleton, WI
Richard Numdt-LMT
James Leary, Ed.D., Holcombe, WI
Alicia Cramer-Carlson, Middleton, WI
Andrew Schmiedlin, Middleton, WI
Kathy F. C.
Karl Hagenah
Dawn M. Schwartz

Beverly Seely, BA, CMT
Trisha Blethin
Lionel Martin, Madison, WI
Treena L. Mikonowicz, Madison, WI
Deane Beisbier, Madison, WI
Marcia A. Phillips, Stoughton, WI
Kara Randall, Middleton, WI
Pam Rosecky Ewert, Mineral Point, WI
Sandra Remus, Madison, WI
Joseph J. Hasler, Assistant City Attorney, Reedsburg, WI
Jane Basarich, Richland Center, WI
Lynn A. Howery, RN, Student Massage Therapist, Darlington, WI
Cameron McIntosh, Madison, WI
Heather Hart, Baraboo, WI
Colleen Phelan, Madison, WI
Robin A. Williamson
Barbara J. Hauer
Sandra Davis
Melissa Turner
Lanel Daggett, Madison, WI
Noelle Marsa, Madison, WI
Richard L. Vander Heyden, D.D.S., Concerned Massage Therapist/Bodyworker, Green Bay, WI
Heather Olson, Madison, WI
Mary Hodgkins, McFarland, WI
Peggy Dalberto, C.M.T., St. Germain, WI
Kay S. Peterson, Altoona, WI
Missy Wahl, Professional Licensed "Part Time" Massage Therapist, Eau Claire, WI
Barnes Myran, NCTMB, AMTA, LMT (FL), Viroqua, WI
Shadow Bicknase, Madison, WI
Heather Blackmore, Wyocena, WI
Bradley Enerson, Cottage Grove, WI
Susan I. Frolik, Rice Lake, WI
Valerie Kaiser, Racine, WI
Janice M. Berezowitz, CMT, LMT, NCTMB, Waukesha, WI
Dena Mae Schacht, Williams Bay, WI
Patti Moen, Beloit, WI
Vickey McKee, Beloit, WI
Sue Kurth, Beloit, WI
Corinna Frank, Edgerton, WI
Doris E. Parker, Beloit, WI
Amy Colonna Remillard, BA, CMT, NCTMB, AMTA WI Chapter Treasurer, Waukesha, WI
Claude Gagnon, Representative of Massage Therapy Schools Assoc. of Wisconsin, Milwaukee, WI

Sue A. Erickson, Eau Claire, WI
Betsy Krizenesky, Neenah, WI
Dr. A. Sido, Administrative Dean, Madison, WI
Margaret Dunn, Oconomowoc, WI
Lois Leytem, Capri College Corporate Assistant
Brenda Donohue, Certified Massage Therapist, Ladysmith, WI
Andrea Russell, Verona, WI
Sarah Leitzinger, Madison, WI
A. Alice Thornton, Madison, WI
Mari, Mineral Point, WI
A petition in support of the proposed rules with over 400 signatures.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.f. Subsections (1) and (2) of s. RL 91.02 cover time periods that overlap with each other. Is this intended?

Response: The text as written reflects the department's intent. The two time periods noted are provided for in Section 16 of 1997 Wisconsin Act 156.

Comment 5.n. Section RL 93.04 (2) (a) and (b) refer, respectively, to successful completion of educational course work required by the department to ensure protection of the public health, safety and welfare and successful completion of an examination required by the department to ensure protection of the public health, safety and welfare, for applicants applying five years or more after the renewal date. More specific information should be provided about the course work and examination required by the department. Where are those requirements set forth? Should they be in this rule? What do they include? How can a person find out about those requirements? (Note also that "coursework" should be changed to "course work.")

Response: A determination will be made by the department on a case-by-case basis as to the appropriate examination and educational course work which must be completed by an applicant.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-116)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to *create* chapters RL 90 to 94 relating to the practice of massage therapy and bodywork.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: s. 227.11 (2), Stats., and s. 440.972, Stats., as created by 1997 Wisconsin Act 156.

Statutes interpreted: Subchapter X of chapter 440, Stats.

This proposed rule-making order of the Department of Regulation and Licensing fulfills the mandate of 1997 Wisconsin Act 156, which requires the department to promulgate administrative rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork. Rules are created to establish education, training or competency requirements that an individual for a license must satisfy in order to be issued a license of registration. The rules shall require an individual to complete at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51, Stats. The rules also establish continuing education requirements that a person must satisfy to be eligible to renew a license of registration.

Under the proposed rules, applicants applying for registration prior to March 1, 2000, will be required to complete 500 classroom hours of education. Applicants applying for registration on or after March 1, 2000, will be required to submit evidence of completion of 600 classroom hours of education.

TEXT OF RULE

SECTION 1. Chapters RL 90 to 94 are created to read:

Chapter RL 90

AUTHORITY, INTENT AND DEFINITIONS

RL 90.01 Authority and intent. The rules in chs. RL 90 to 94 are adopted by the department pursuant to ss. 227.11 (2) and 440.972, Stats., to govern the registration of massage therapists and bodyworkers.

RL 90.02 Definitions. As used in chs. RL 90 to 94, unless the context otherwise requires:

(1) "Classroom hour" means a period of instruction in an approved course consisting of not less than 50 minutes.

(2) "Course of instruction" means a series of classroom courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

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

(4) "Health care practitioner" means a health care provider as defined in s. 146.81 (1), Stats.

(5) "Manual action" includes holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussing the soft tissue of the human body and applying friction to soft tissue.

(6) "Massage therapist or bodyworker" means a person who engages in massage therapy or bodywork.

(7) "Massage therapy or bodywork" means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate. Massage therapy or bodywork does not include making a medical diagnosis or instructing in or prescribing rehabilitative strengthening or conditioning exercises that are within the practice of physical therapy, as defined in s. 448.50 (4), Stats.

(8) "Registrant" means a person who is issued a license of registration as a massage therapist or bodyworker by the department.

Chapter RL 91

APPLICATION

RL 91.01 Application for registration. Except as provided in s. RL 91.02, an individual applying for registration as a massage therapist or bodyworker shall submit all of the following to the department:

- (1) An application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (2) The fee required under s. 440.05 (1), Stats.

- (3) Evidence satisfactory to the department that he or she:

- (a) If filing an application for registration before March 1, 2000, has completed at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51, Stats.

- (b) If filing an application for registration on or after March 1, 2000, has completed at least 600 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51, Stats.

- (c) Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have a conviction record.

- (d) 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.

RL 91.02 Special registration time limits. (1) Instead of applying for registration under s. RL 91.01, an individual may elect to apply for registration under this section by satisfying either the requirements under par. (a) or the requirements under par. (b). A registration granted under par. (a) shall be valid for 3 years after the date that it is issued and may not be renewed. A registration granted under par. (b) may be renewed.

- (a) An individual applying for registration between February 1, 1999 and August 31, 1999, shall submit the following to the department:

1. An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Evidence satisfactory to the department that he or she satisfies each of the following:

a. Has completed at least 100 classroom hours of instruction in the practice of massage therapy or bodywork as provided in ch. RL 92 or has practiced massage therapy or bodywork for compensation for at least 2 years during the 5 year period immediately preceding the date of application.

b. Has in effect malpractice liability insurance coverage in the amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

c. Has paid the fee required under s. 440.05 (1), Stats.

(b) An individual applying for registration between February 1, 1999 and February 29, 2000, shall submit the following:

1. An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Evidence satisfactory to the department that he or she has passed an examination approved by the department.

3. The fee required under s. 440.05 (1), Stats.

RL 91.03 Reciprocal registration. (1) An individual applying for registration on the basis of a license, registration or certification in another state or jurisdiction of the United States or another country shall:

(a) Submit an application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Pay the fee required under s. 440.05 (2), Stats.

(c) Submit evidence satisfactory to the department that the individual:

1. Holds a current license, registration or certificate to practice massage therapy or bodywork in another state or jurisdiction of the United States or another country.

2. Is not currently under investigation for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

3. Has never been disciplined for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

4. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

5. Is not currently 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.

6. Has never been found liable for damages for acts committed in the course of the practice of massage therapy or bodywork.

7. 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.

(2) In determining whether to grant a reciprocal registration, the department shall consider whether the requirements for a license, registration or certificate in the other state or jurisdiction are similar to the requirements for registration as a massage therapist or bodyworker in this state.

RL 91.04 Accommodations relating to a disability. A qualified individual with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration as a massage therapist or bodyworker.

Chapter RL 92

EDUCATION

RL 92.01 Course of instruction. (1) An individual applying for registration as a massage therapist or bodyworker prior to March 1, 2000, shall submit evidence satisfactory to the department that he or she has completed at least 500 classroom yours of study in a course of instruction at a school of massage therapy or bodywork approved by the educational approval board under ch. 39, Stats. An individual applying for registration as a massage therapist or bodyworker on or after March 1, 2000, shall submit evidence satisfactory to the department that he or she has completed at least 600 classroom hours of study in a course of instruction at a school of massage therapy or bodywork under s. 39.51, Stats.

(2) Credit may be granted for a course of instruction regardless of when the instruction was completed.

(3) An applicant applying for registration under s. RL 91.02 (1) (a), shall submit evidence of completion of 100 classroom hours of education covering one or more subject areas listed in s. RL 92.01 (4).

(4) An approved 500 classroom course of instruction shall include the following subject areas:

(a) Anatomy, physiology, pathology and kinesiology: 100 classroom hours.

(b) Business, law and ethics: 20 classroom hours.

(c) Massage therapy or bodywork theory, technique and practice: 250 classroom hours which shall include 100 classroom hours of supervised hands-on practice.

(d) Student clinic: 20 classroom hours.

(e) Adult cardiopulmonary resuscitation (CPR) and standard first-aid: 8 classroom hours.

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: 100 classroom hours.

(5) An approved 600 classroom hour course of instruction shall include the following subject areas:

(a) Anatomy, physiology, pathology and kinesiology: 122 classroom hours.

(b) Business, law and ethics: 50 classroom hours.

(c) Massage therapy or bodywork theory, technique and practice: 300 classroom hours which shall include 100 classroom hours of supervised hands-on practice.

(d) Student clinic: 20 classroom hours.

(e) Adult cardiopulmonary resuscitation (CPR) and standard first aid: 8 classroom hours.

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: 100 classroom hours.

RL 92.02 Approved schools. An approved course of instruction designed to meet the requirements in this chapter shall be provided by a school of massage therapy or bodywork.

Chapter RL 93

REQUIREMENTS FOR RENEWAL

RL 93.01 Registration. Registration for massage therapists and bodyworkers expires on March 1 of each odd-numbered year.

RL 93.02 Renewal of registration. In order to renew a registration on or before the renewal date, the registrant shall submit the following to the department:

- (1) A renewal application on a form provided by the department.
- (2) The renewal fee required under s. 440.08 (2) (a) 67q., Stats.
- (3) 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.

RL 93.03 Failure to renew. A registrant who fails to renew a registration by the applicable renewal date shall not use any title or description that implies that he or she is registered by the department as a massage therapist or bodyworker until his or her registration is renewed under s. RL 93.04.

RL 93.04 Late renewal. A massage therapist or bodyworker who fails to renew his or her registration by the renewal date may renew the registration by satisfying the following requirements:

- (1) If applying less than 5 years after the renewal date, submitting to the department all of the following:
 - (a) An application for renewal on a form provided by the department.
 - (b) The applicable renewal fees required under s. 440.08 (2) (a) and (3), Stats.
 - (c) 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.
- (2) If applying 5 years or more after the renewal date, satisfying the requirements in sub. (1), and submitting proof of all of the following:
 - (a) Successful completion of educational course work required by the department to ensure protection of the public health, safety and welfare.

(b) Successful completion of an examination required by the department to ensure protection of the public health, safety and welfare.

Chapter RL 94

GROUNDINGS FOR DISCIPLINE

RL 94.01 Violations of standards of practice. The following, without limitation because of enumeration, are violations of the standards of practice for massage therapists and bodyworkers:

- (1) Misrepresenting qualifications, education, credentials and professional affiliations.
- (2) Misrepresenting the scope of practice of a massage therapist or bodyworker to a client.
- (3) Failing to inform a client about contraindications of massage therapy or bodywork.
- (4) Failing to refer a client to a health care practitioner for necessary treatment beyond the qualifications or scope of practice of the massage therapist or bodyworker.
- (5) Failing to inform a client, prior to charging or accepting fees, of any policy relating to cancellation of an appointment or failure of the client to appear for an appointment.
- (6) Failing to obtain and record the written informed consent of the client or the client's authorized representative before initiating a plan of treatment.
- (7) Violating the client's right to refuse, modify or terminate massage therapy or bodywork care.
- (8) Failing to maintain, for a period of at least 5 years, records necessary for the continuity of the client's massage therapy or bodywork treatment.
- (9) Failing to maintain the confidentiality of all client information, unless disclosure is required by law or court order.
- (10) Failing to provide draping and treatment that ensure the safety and privacy of a client.
- (11) Engaging in sexual conduct, exposure or gratification, or other sexual behavior with or in the presence of a client.

(12) Failing to maintain clean clothing, linens and equipment, according to standards recognized by the massage therapy or bodywork profession.

(13) Knowingly placing false information in a client's record.

(14) Failing to provide access to client records when requested by the department or its representative.

(15) Knowingly providing false information to the department.

(16) After a request by the department, failing to cooperate in a timely manner with the department's investigation of complaints filed against the individual or registrant. There is a rebuttable presumption that a registrant or individual who takes longer than 30 calendar days to respond to a request of the department has not acted in a timely manner under this subsection.

(17) Violating any rule adopted by the department relating to the practice of massage therapy or bodywork.

(18) Violating any term, provision or condition of any order issued by the department.

(19) Failing to practice massage therapy or bodywork within the scope of the registrant's competence, education, training and experience.

(20) Aiding or abetting an unregistered person, knowingly conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person to evade the use of title restrictions under ch. 440, Stats., relating to the practice of massage therapy or bodywork.

(21) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a massage therapist or bodyworker.

(22) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of massage therapy or bodywork.

(23) Having a disciplinary action through final adjudication taken by another jurisdiction against one's license, certificate, permit or registration to practice massage therapy or bodywork.

(24) Providing massage therapy or bodywork when benefits cannot reasonably be expected.

(25) Knowingly permitting any professional staff to provide massage therapy or bodywork that exceed that person's competence, education, training and experience.

(26) Failing to maintain premises according to standards recognized by the massage therapy or bodywork profession or standards established by local regulation, whichever standard is higher.

(27) Failing to notify the department of any criminal conviction within 30 calendar days after the date of conviction.

(28) Failing to display his or her certificate registration in his or her place of business or practice so that it can easily be seen and read by the public.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on February 1, 1999, whichever date is later, pursuant to s. 227.99 (2) (d), Stats.

Dated _____ Agency _____
Marlene A. Cummings, Secretary
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses as defined in s. 227.114 (1) (a), Stats.

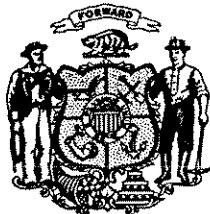
g:\rules\massage.doc
10/30/98

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-116

AN ORDER to create chapters RL 90 to 94, relating to the practice of massage therapy and bodywork.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-17-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-11-98 REPORT SENT TO AGENCY.

RNS:PS:kjf:jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

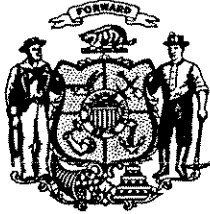
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 98-116

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

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a. Section RL 91.02 (intro.) should be s. RL 91.02 (1) and the subsections that follow should be renumbered. As drafted, the (intro.) does not follow the correct format for introductory material. It does not end in a colon and lead into the subunits that follow. [See s. 1.03 (8), Manual.] This comment applies also to s. RL 93.04 (intro.).

b. In s. RL 94.01 (16), the word "section" should be changed to "subsection."

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b. The definitions of "classroom hour" and "course of instruction," in s. RL 90.02 (1) and (2), respectively, contain identical language. It appears that the definition of "course of instruction" is not correct and should be changed.

c. In this rule, a person applying for registration as a massage therapist or bodyworker is variously referred to as "an individual applying for registration . . ." and "an applicant applying for registration . . ." It is suggested that a single term be used to describe this person, for consistency and clarity.

d. In s. RL 91.01 (intro.), the phrase "all of the following to the department" should be inserted before the colon. Also, the language in s. RL 91.01 (3) (b) does not follow grammatically from the introductory clause in sub. (3) (intro.). A solution would be to remove the "has" from the (intro.), and insert a "Has" at the beginning of pars. (a) and (c).

e. In s. RL 91.02 (intro.), the "will" on line 4 should be changed to "shall."

f. Subsections (1) and (2) of s. RL 91.02 cover time periods that overlap with each other. Is this intended?

g. In ss. RL 91.02 (1) (intro.) and 93.02 (intro.), the phrase "to the department" should be inserted before the colon.

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i. In s. RL 91.02 (2) (c), the word "Pay" should be deleted.

j. In s. RL 91.03 (1) (intro.), the word "jurisdiction" should replace "territory" for consistency with the language in sub. (1) (c) 1. In the alternative, "state" could be used in both places. The term "state" is defined in s. 990.01 (40), Stats., to include ". . . the District of Columbia, the commonwealth of Puerto Rico and the several territories organized by Congress." Under s. 227.27 (1), Stats., the definitions in s. 990.01, Stats., apply to rules. [Also see s. RL 91.03 (2).]

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m. In s. RL 93.04 (1) (intro.), the phrase "all of the following" should be inserted before the colon.

n. Section RL 93.04 (2) (a) and (b) refer, respectively, to successful completion of educational course work required by the department to ensure protection of the public health, safety and welfare and successful completion of an examination required by the department to ensure protection of the public health, safety and welfare, for applicants applying five years or more after the renewal date. More specific information should be provided about the course work and examination required by the department. Where are those requirements set forth? Should they be in this rule? What do they include? How can a person find out about those requirements? (Note also that "coursework" should be changed to "course work.")

o. In s. RL 94.01 (11), the term "sexual conduct" is vague and should be more explicitly defined.

p. In s. RL 94.01 (15), the word "Knowing" should be changed to "Knowingly."

q. In s. RL 94.01 (20), should the word "restricted" on line 3 be "restriction"? As written, the meaning of the phrase ". . . to evade the use of title restricted under ch. 440, Stats. . . ." is unclear.

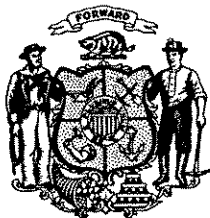
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-116

AN ORDER to create chapters RL 90 to 94, relating to the practice of massage therapy and bodywork.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-17-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-11-98 REPORT SENT TO AGENCY.

RNS:PS:kjf:jt

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Comment Attached YES NO

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[s. 227.15 (2) (e)]

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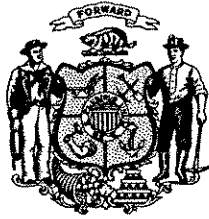
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-116

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m. In s. RL 93.04 (1) (intro.), the phrase “all of the following” should be inserted before the colon.

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q. In s. RL 94.01 (20), should the word "restricted" on line 3 be "restriction"? As written, the meaning of the phrase ". . . to evade the use of title restricted under ch. 440, Stats. . . ." is unclear.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to *create* chapters RL 90 to 94 relating to the practice of massage therapy and bodywork.

— Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: s. 227.11 (2) (a), Stats., and s. 440.972, Stats., as created by 1997 Wisconsin Act 156.

Statutes interpreted: Subchapter X of chapter 440, Stats.

This proposed rule-making order of the Department of Regulation and Licensing fulfills the mandate of 1997 Wisconsin Act 156, which requires the department to promulgate administrative rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork. Also, establishing education, training or competency requirements that an applicant for a license must satisfy in order to be issued a license of registration. The rules shall require an applicant to complete at least 500 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved under s. 39.51, Stats., and the rules may require an applicant to pass an examination, administered or approved by the department, to determine fitness to practice massage therapy or bodywork. And establishing continuing education requirements that a person must satisfy to be eligible to renew a license of registration.

Anal. s. 227.11 (2) (a) rule req. at least 600 hrs
not 500, per s. 39.51 (1) (b) + 42.01 (1) J

TEXT OF RULE

SECTION 1. Chapters RL 90 to 94 are created to read:

Chapter RL 90

sub mass. title

AUTHORITY, INTENT AND DEFINITIONS

RL 90.01 AUTHORITY AND INTENT. The rules in chs. RL 90 to 94 are adopted by the department pursuant to ss. 227.11 (2) and 440.972, Stats., to govern the registration of massage therapists and bodyworkers.

RL 90.02 DEFINITIONS. As used in chs. RL 90 to 94, unless the context otherwise requires:

same (1) "Classroom hour" means a period of instruction in an approved course consisting of not less than 50 minutes.

(2) "Course of instruction" means a period of instruction in an approved course consisting of not less than 50 minutes.

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

(4) "Health care practitioner" means a health care provider as defined in s. 146.81 (1), Stats.

(5) "Manual action" includes holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussing the soft tissue of the human body and applying friction to soft tissue.

(6) "Massage therapist or bodyworker" means a person who engages in massage therapy or bodywork.

(7) "Massage therapy or bodywork" means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate. Massage therapy or bodywork does not include making a medical diagnosis or instructing in or prescribing rehabilitative strengthening or conditioning exercises that are within the practice of physical therapy, as defined in s. 448.50 (4), Stats.

(8) "Registrant" means a person who is issued a license of registration as a massage therapist or bodyworker by the department.

Chapter RL 91

APPLICATION

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RL 91.01 APPLICATION FOR REGISTRATION. Except as provided in s. RL 91.02, an individual applying for registration as a massage therapist or bodyworker shall submit:

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- (1) An application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (2) The fee required under s. 440.05 (1), Stats.
- (3) Evidence satisfactory to the department that he or she has:

(a) Completed at least 600 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved by the educational approval board under ch. 39, Stats.

*22 176
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12.01*

Note: A list of approved schools is available upon request to the Educational Approval Board at 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

(b) Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have a conviction record.

Program after school

(c) 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.

RL 91.02 SPECIAL REGISTRATION TIME LIMITS. ⁽¹⁾ Instead of applying for registration under s. RL 91.01, an individual may elect to apply for registration under this section by satisfying either the requirements under sub. (1) or the requirements under sub. (2). A registration granted under sub. (1) will be valid for 3 years after the date that it is issued and may not be renewed. A registration granted under sub. (2) may be renewed.

X 5

see sub. (2)

⁽²⁾ (1) An individual applying for registration between February 1, 1999 and August 31, 1999, shall submit the following:

shall

to the dept

(a) An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

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Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Evidence satisfactory to the department that he or she satisfies each of the following:

1. Has completed at least 100 classroom hours of instruction in the practice of massage therapy or bodywork or has practiced massage therapy or bodywork for compensation for at least 2 years during the 5 year period immediately preceding the date of application.

2. Has in effect malpractice liability insurance coverage in the amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

Has paid part of

3. Pay the fee required under s. 440.05 (1), Stats.

Dept. 1?

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(2) An individual applying for registration between February 1, 1999 and February 29, 2000, shall submit the following:

(a) An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Evidence satisfactory to the department that he or she has passed an examination approved by the department.

(c) ^ePay the fee required under s. 440.05 (1), Stats.

RL 91.03 RECIPROCAL REGISTRATION. (1) An applicant applying for registration on the basis of a license, registration or certification in another state or territory of the United States or another country shall:

(a) Submit an application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Pay the fee required under s. 440.05 (2), Stats.

(c) Submit evidence satisfactory to the department that the applicant:

1. Holds a current license, registration or certificate to practice massage therapy or bodywork in another state or jurisdiction of the United States or another country.

territory

5

2. Is not currently under investigation for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

3. Has never been disciplined for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

4. Subject to ss. 111.321, 111.322 and 111.335, Stats., the person does not have an arrest or conviction record. *Grant X 5*

5. Is not currently 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.

6. Has never been found liable for damages for acts committed in the course of the practice of massage therapy or bodywork.

7. 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.

Country
(2) In determining whether to grant a reciprocal registration, the department shall consider whether the requirements for a license, registration or certificate in the other state or *territory* jurisdiction are similar to the requirements for registration as a massage therapist or bodyworker in this state.

RL 91.04 ACCOMMODATIONS RELATING TO A DISABILITY. A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration as a massage therapist or bodyworker.

Chapter RL 92

EDUCATION

RL 92.01 COURSE OF INSTRUCTION. (1) An applicant applying for registration as a massage therapist or bodyworker shall submit evidence satisfactory to the department that he or she has completed at least 600 classroom hours of study in a course of instruction at a school of massage therapy or bodywork approved by the educational approval board under ch. 39, Stats. *At: - 7400 1.01 00*

(2) Credit may be granted for a course of instruction regardless of when the instruction was completed.

(3) An approved course of instruction shall include the following subject areas:

(a) Anatomy, physiology, pathology and kinesiology: 122 classroom hours.

(b) Business, law and ethics: 50 classroom hours.

(c) Massage therapy or bodywork theory, technique and practice: 300 classroom hours which shall include 100 classroom hours of supervised hands-on practice.

(d) Student clinic: 20 classroom hours.

(e) Adult cardiopulmonary resuscitation (CPR) and standard first-aid: 8 classroom hours.

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: 100 classroom hours.

RL 92.02 APPROVED SCHOOLS. An approved course of instruction designed to meet the requirements in this chapter shall be provided by a school of massage therapy or bodywork approved by the educational approval board.

Note: A list of approved schools may be obtained from the Educational Approval Board at 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

Chapter RL 93

REQUIREMENTS FOR RENEWAL

RL 93.01 REGISTRATION. Registration for massage therapists and bodyworkers expires on March 1 of each odd-numbered year. X

RL 93.02 RENEWAL OF REGISTRATION. In order to renew a registration on or before the renewal date, the registrant shall submit the following: *to the dept*

(1) A renewal application on a form provided by the department.

(2) The renewal fee required under s. 440.08 (2) (a) 67q., Stats.

(3) 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. *[Signature]*

RL 93.03 FAILURE TO RENEW. A registrant who fails to renew a registration by the applicable renewal date shall not use any title or description that implies that he or she is registered by the department as a massage therapist or bodyworker until his or her registration is renewed under s. RL 93.04.

(1)

RL 93.04 LATE RENEWAL. A massage therapist or bodyworker who fails to renew his or her registration by the renewal date may renew the registration by satisfying the following requirements:

(1) If applying less than 5 years after the renewal date, submitting to the department:

2000 fee.

(a) An application for renewal on a form provided by the department.

(b) The applicable renewal fees required under s. 440.08 (2) (a) and (3),

Stats.

(c) Evidence satisfactory to the department that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,00,000 per occurrence and \$1,000,000 for all occurrences in one year.

(2) If applying 5 years or more after the renewal date, satisfying the requirements in sub. (1), and submitting proof of all of the following:

(a) Successful completion of educational coursework required by the department to ensure protection of the public health, safety and welfare.

(b) Successful completion of an examination required by the department to ensure protection of the public health, safety and welfare.

*2000 fee
2000 fee
2000 fee
2000 fee
2000 fee*

Chapter RL 94

GROUPS FOR DISCIPLINE

RL 94.01 VIOLATIONS OF STANDARDS OF PRACTICE. The following, without limitation because of enumeration, are violations of the standards of practice for massage therapists and bodyworkers:

(1) Misrepresenting qualifications, education, credentials and professional affiliations.

(2) Misrepresenting the scope of practice of a massage therapist or bodyworker to a client.

(3) Failing to inform a client about contraindications of massage therapy or bodywork.

(4) Failing to refer a client to a health care practitioner for necessary treatment beyond the qualifications or scope of practice of the massage therapist or bodyworker.

(5) Failing to inform a client, prior to charging or accepting fees, of any policy relating to cancellation of an appointment or failure of the client to appear for an appointment.

(6) Failing to obtain and record the written informed consent of the client or the client's authorized representative before initiating a plan of treatment.

(7) Violating the client's right to refuse, modify or terminate massage therapy or bodywork care.

(8) Failing to maintain, for a period of at least 5 years, records necessary for the continuity of the client's massage therapy or bodywork treatment.

(9) Failing to maintain the confidentiality of all client information, unless disclosure is required by law or court order.

(10) Failing to provide draping and treatment that ensure the safety and privacy of a client.

(11) Engaging in ^{del}sexual conduct with a client, regardless of whether the client initiates the action.

(12) Failing to maintain clean clothing, linens, equipment, and premises according to standards recognized by the massage therapy or bodywork profession.

(13) Knowingly placing false information in a client's record.

(14) Failing to provide access to client records when requested by the department or its representative.

(15) Knowing ^{ly} providing false information to the department. X 5

(16) After a request by the department, failing to cooperate in a timely manner with the department's investigation of complaints filed against the applicant or registrant. There is a rebuttable presumption that a registrant or applicant who takes longer than 30 days to respond to a request of the department has not acted in a timely manner under this ^{sub}section.

(17) Violating any rule adopted by the department relating to the practice of massage therapy or bodywork.

(18) Violating any term, provision or condition of any order issued by the department.

(19) Failing to practice massage therapy or bodywork within the scope of the registrant's competence, education, training and experience.

(20) Aiding or abetting an unregistered person, knowingly conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person to evade the use of title restricted under ch. 440, Stats., relating to the practice of massage therapy or bodywork.

(21) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a massage therapist or bodyworker.

(22) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of massage therapy or bodywork.

(23) Having a disciplinary action through final adjudication taken by another jurisdiction against one's license, certificate, permit or registration to practice massage therapy or bodywork.

(24) Providing massage therapy or bodywork when benefits cannot reasonably be expected.

(25) Knowingly permitting any professional staff to provide massage therapy or bodywork that exceed that person's competence, education, training and experience.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Marlene A. Cummings, Secretary
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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8/14/98