

Fiscal Estimate Narratives

EAB 02/18/2002

LRB Number 01-3246/4	Introduction Number SB-413	Estimate Type Original
Subject Regulation of massage therapists and bodyworkers		

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the Educational Approval Board (EAB) approves schools that offer massage therapy and bodyworker training. In addition, to use the title "massage therapist" or "bodyworker", an individual must be registered with the Department of Regulation and Licensing (DRL). This bill will replace the existing registration requirements with licensure requirements, and creates a seven-member massage therapy and bodywork examining board attached to DRL that would administer and enforce the licensure requirements.

SCHOOL APPROVAL BY THE EXAMINING BOARD

Under the bill, the newly created Examining Board would, by rule, set criteria for approving massage therapy and bodywork schools under EAB's jurisdiction and would define the curricula and qualifications of instructors at those EAB-approved private schools.

To protect consumers and provide them with innovative educational choices, the EAB currently approves about 120 for-profit and non-profit private schools, colleges, and universities, including 17 private massage therapy and bodywork schools (13 in Wisconsin, 3 in Minnesota, and 1 in Michigan). The four out-of-state schools serve Wisconsin residents thereby requiring EAB approval. Annually, these schools enroll and graduate more than 500 Wisconsin adults as massage therapists and bodyworkers. The only other recognized massage therapy program in Wisconsin is offered by Madison Area Technical College that the EAB does not oversee.

The EAB carries out its primary function of school oversight by using a rigorous and thorough school approval process based on national standards. The bill's provision of having the Examining Board create a school approval process for massage therapy and bodywork schools would duplicate the functions currently performed by the EAB. If this bill becomes law, the EAB would need to reevaluate its core school approval process. At the same time, the process for individuals trying to start a private massage therapy and bodywork school would become more complex and costly.

LICENSURE AS CONSUMER PROTECTION

Current law requires a person to be registered with the DRL if they want to use the title "massage therapist" or "bodyworker". However, it does not prohibit anyone, no matter what his/her qualifications or training, from practicing massage therapy or bodywork. This lack of licensure to practice massage therapy has and continues to create problems for the EAB in regulating massage therapy and bodywork schools and to fulfill its responsibility to protect consumers. For example, the EAB has expended significant staff time and legal costs to close two schools operating illegally. In response, both schools chose to claim that they no longer train "massage therapists" but train individuals avocationally. As a result, the schools have lowered education standards below state registration requirements and have remained in operation. Individuals trained at these schools are free to practice massage therapy as long as they do not use the protected titles of the state's registration law.

The bill will make it illegal to practice massage therapy or bodywork without a license. This licensure would make the EAB school approval for all massage therapy and bodywork programs consistent and meaningful, allowing the EAB to fulfill its core consumer protection function. To the extent EAB's school regulation for massage therapy schools were based on licensure required to practice massage therapy, it is likely staff time and legal costs could be saved. More importantly, Wisconsin consumers would be much better protected because ill-trained and unqualified individuals could not practice.

Long-Range Fiscal Implications