

2005 DRAFTING REQUEST

Bill

Received: **09/29/2004**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Caucutt**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies: **MDK**

Submit via email: **NO**

Pre Topic:

DOA:.....Olsen-Hasek, BB0107 -

Topic:

Eliminating role of Educational Approval Board in certifying massage therapists and bodyworkers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	csundber 09/30/2004	kfollett 10/04/2004	rschluet 10/05/2004	_____	Inorthro 10/05/2004		State
/P2	csundber 01/26/2005	kfollett 01/26/2005	rschluet 01/26/2005	_____	lemery 01/26/2005		

FE Sent For:

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By/Representing: **Schaeffer**

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FE Sent For:

Handwritten notes:
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P6
<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Massage therapist certification
- Tracking Code: BB0107
- SBO team: Ops
- SBO analyst: Carole Schaeffer
 - Phone: 7-0371
 - Email: carole.schaeffer@doa.state.wi.us
- Agency acronym: DVA
- Agency number: 485

EAB MASSAGE THERAPIST CERTIFICATION

The Educational Approval Board (EAB) is proposing that s.20.485 (5)(h) and s.460.05 (3), *Wis. Stats.* be repealed. As a result, all oversight for certifying individuals as massage therapists would return to the Department of Regulation and Licensing (DRL). It would also end the confusion, complexity and duplication between two state agencies in the certification process for massage therapists or bodyworkers. The enactment of 2001 Wisconsin Act 74 amended Chapter 460 and expanded EAB's authority to qualify individuals for certification with the DRL as massage therapists or bodyworkers. The EAB contends this expanded authority goes beyond its statutory purpose and inappropriately intrudes into the statutory role of the DRL, thereby creating needless complexity, duplication, and cost. Prior to Act 74, the EAB's role was limited to school approval -- never a persons' qualification for professional certification. That has been the responsibility of the DRL. To implement Act 74, the EAB and DRL worked cooperatively to create the emergency administrative rule implementing the provisions of Act 74. That interagency cooperation resulted in an agreed upon a minimum standard for certifying massage therapists or bodyworkers and a non-duplicated process to accomplish certification. To date, the EAB has not certified any person seeking to become a massage therapist under the provisions that were created by Act 74.

Statutory language repealing s. 20.485 (5) (h) and s. 460.05 (3), *Wis. Stats.*, and transferring that function to the DRL has been submitted to the Legislative Reference Bureau (LRB) for drafting. As of the date of submittal of the biennial budget, no draft copy had been received from the LRB..

107

000260

0330/81

DOA - 05-07 Budget

as: 19/

~~2003 ASSEMBLY BILL 779~~

in 9-30

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

Do Not Gen

Veterans and military Affairs ← anal: title: head

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

Analysis by the Legislative Reference Bureau

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

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

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

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

The EAB is a board attached to the DVA Department of Veterans Affairs

ASSEMBLY BILL 779

applications for

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

20.165 (1) (km) Transitional certifications of massage therapists and

bodyworkers. All moneys transferred under 2003 Wisconsin Act ... (this act), section

(1), for the department to make determinations regarding massage therapist and

bodyworker certification under 2003 Wisconsin Act ... (this act), section

SECTION 2. 20.485 (5) (h) of the statutes, as created by 2001 Wisconsin Act 74,

is repealed.

SECTION 3. 460.05 (3) of the statutes, as created by 2001 Wisconsin Act 74, is

repealed and recreated to read:

460.05 (3) After April 1, 2005, the department shall grant a certificate as a

massage therapist or bodyworker to a person who satisfies the requirements

specified in sub. (1) (a) to (d), (g), and (h) and who includes with the application

specified in sub. (1) (c) all of the following:

(a) Evidence satisfactory to the department that, during the 2-year period after

March 1, 2003, the person was actively engaged in the practice of massage therapy

or bodywork.

(b) An attestation that the person only recently became aware of the

requirements of this chapter.

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

SECTION 5. Nonstatutory provisions.

DEFINITIONS. In this SECTION:

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

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

(b) (2) TRANSFER OF TRANSITIONAL DUTIES.

A.R. 1A

5

auto ref B X

9153 (#)

note: bud

transferred to the department C

note: bud

NS: sub # 1) Massage therapists and bodyworkers CS auto ref B

; veterans affairs B

Change to NS: 9/XX 21

text: NS: par 22

NS: sub 23

24

text: NS: par

NOTE This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, Stats.

ASSEMBLY BILL 779

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

Subdivision

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

Change component to action: MS: 92xx

SECTION 6. Appropriation changes.

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

veterans affairs

(END)

CS
Massage Therapists and body workers.



State of Wisconsin
2005 - 2006 LEGISLATURE

P2 RMR
LRB-0330/01
~~CTB: [unclear]~~
CS: [unclear]

TODAY

DOA:.....Schaeffer, BB0107 - Eliminating role of Educational Approval Board in certifying massage therapists and bodyworkers

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

In: 1/26/04
Dnote

Don 4 Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

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

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

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

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

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

2 20.165 (1) (km) *Transitional certifications of massage therapists and*
3 *bodyworkers.* All moneys transferred under 2005 Wisconsin Act ... (this act), section
4 9253 (1), for the department to make determinations regarding applications for
5 massage therapist and bodyworker certification transferred to the department
6 under 2005 Wisconsin Act ... (this act), section 9153 (1) (b).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 SECTION 2. 20.485 (5) (h) of the statutes is repealed.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

~~***NOTE: This is repealed s. 20.485(5)(h). This section has been affected by LRB-1510.~~

8 SECTION 3. 460.05 (3) of the statutes is repealed and recreated to read:
9 460.05 (3) The department shall grant a certificate as a massage therapist or
10 bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d),
11 (g), and (h) and who includes with the application specified in sub. (1) (c) all of the
12 following:

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

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

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

19 SECTION 9153. **Nonstatutory provisions; veterans affairs.**

20 (1) MASSAGE THERAPISTS AND BODYWORKERS.

21 (a) *Definitions.* In this SECTION:

22 1. "Board" means the educational approval board.

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

LRB-0330/P2dn

CTS:kjf: ~~_____~~

Date

This draft reconciles LRB-0330 and LRB-1510 (treatment of s. 20.485 (5) (h)). Both drafts should continue to appear in the compiled bill.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

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

LRB-0330/P2dn
CTS:kjf:rs

January 26, 2005

This draft reconciles LRB-0330 and LRB-1510 (treatment of s. 20.485 (5) (h)). Both drafts should continue to appear in the compiled bill.

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Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0330/P2

CTS:kjf:rs

DOA:.....Olsen-Hasek, BB0107 - Eliminating role of Educational Approval Board in certifying massage therapists and bodyworkers

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

VETERANS AND MILITARY AFFAIRS

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

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

2 20.165 (1) (km) *Transitional certifications of massage therapists and*
3 *bodyworkers.* All moneys transferred under 2005 Wisconsin Act (this act), section
4 9253 (1), for the department to make determinations regarding applications for
5 massage therapist and bodyworker certification transferred to the department
6 under 2005 Wisconsin Act (this act), section 9153 (1) (b).

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 20.485 (5) (h) of the statutes is repealed.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

 ***NOTE: This is reconciled s. 20.485 (5) (h). This SECTION has been affected by LRB-1510.

8 **SECTION 3.** 460.05 (3) of the statutes is repealed and recreated to read:

9 460.05 (3) The department shall grant a certificate as a massage therapist or
10 bodyworker to a person who satisfies the requirements specified in sub. (1) (a) to (d),
11 (g), and (h) and who includes with the application specified in sub. (1) (c) all of the
12 following:

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

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

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

19 **SECTION 9153. Nonstatutory provisions; veterans affairs.**

20 (1) MASSAGE THERAPISTS AND BODYWORKERS.

21 (a) *Definitions.* In this SECTION:

1 1. “Board” means the educational approval board.

2 2. “Department” means the department of regulation and licensing.

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

8 **SECTION 9253. Appropriation changes; veterans affairs.**

9 (1) **MESSAGE THERAPISTS AND BODYWORKERS.** The unencumbered balance in the
10 appropriation account under section 20.485 (5) (h), 2003 stats., is transferred to the
11 appropriation account under section 20.165 (1) (km) of the statutes, as created by this
12 act.

13

(END)