February 17, 2016 – Introduced by Senator HARSDOF, cosponsored by Representative TITTL. Referred to Committee on Agriculture, Small Business, and Tourism.

AN ACT to renumber and amend 460.15; to amend 460.01 (3) and 460.01 (4); and to create 460.01 (1g) (d), 460.01 (1g) (e), 460.03 (4), 460.04 (2) (h) and 460.15 (2) of the statutes; relating to: the scope of practice of massage therapists and bodywork therapists, the unauthorized practice of massage therapy or bodywork therapy, granting rule-making authority, and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill authorizes the practice of massage therapy or bodywork therapy by a massage therapy or bodywork therapy extern or intern under the supervision of a licensed massage therapist or bodywork therapist. The bill requires the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to establish standards for that practice.

The bill also expands the scope of the practice of massage therapy or bodywork therapy to include all of the following:
1. The application of structural and elastic supportive tape to the skin.
2. The provision of body spa services, as defined by the board by rule, including the application of body wraps and scrubs.
3. Active and passive stretching.
4. Moving a body part through assisted range of motion.
5. Instruction on the self-application outside of the treatment setting of certain massage therapy and bodywork therapy techniques.
Finally, the bill provides that the penalty for the unauthorized practice of massage therapy or bodywork therapy is a fine of up to $1,000 or imprisonment for up to 90 days or both.

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:

SECTION 1. 460.01 (1g) (d) of the statutes is created to read:

460.01 (1g) (d) The application of structural and elastic supportive tape to the skin.

SECTION 2. 460.01 (1g) (e) of the statutes is created to read:

460.01 (1g) (e) The provision of body spa services, as defined by the affiliated credentialing board by rule, including the application of body wraps and scrubs.

SECTION 3. 460.01 (3) of the statutes is amended to read:

460.01 (3) “Manual action” includes holding, positioning, active and passive stretching, moving a body part through assisted range of motion, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

SECTION 4. 460.01 (4) of the statutes is amended to read:

460.01 (4) “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies, including instruction on the self-application outside of the treatment
setting of manual actions and adjunctive therapies, are appropriate or
contraindicated, or whether a referral to another health care practitioner is
appropriate. “Massage therapy” or “bodywork therapy” does not include making a
medical, physical therapy, or chiropractic diagnosis.

SECTION 5. 460.03 (4) of the statutes is created to read:

460.03 (4) A massage therapy or bodywork therapy extern or massage therapy
or bodywork therapy intern who practices massage therapy or bodywork therapy
under the supervision of a massage therapist or bodywork therapist licensed under
this chapter and subject to conditions established by the affiliated credentialing
board by rule under s. 460.04 (2) (g).

SECTION 6. 460.04 (2) (h) of the statutes is created to read:

460.04 (2) (h) Conditions for the practice under s. 460.03 (4) of massage therapy
or bodywork therapy externs and massage therapy or bodywork therapy interns.
The rules promulgated under this paragraph shall define “massage therapy or
bodywork therapy extern” and “massage therapy or bodywork therapy intern.”

SECTION 7. 460.15 of the statutes is renumbered 460.15 (1) and amended to
read:

460.15 (1) Any Except as provided in sub. (2), any person who violates this
chapter or any rule promulgated under this chapter shall forfeit not more than
$1,000 for each violation.

SECTION 8. 460.15 (2) of the statutes is created to read:

460.15 (2) Whoever violates s. 460.02 may be fined not more than $1,000 or
imprisoned for not more than 90 days or both.

(END)