

STATEMENT OF SCOPE

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

Rule No.: Chapter MTBT 5

Relating to: Unprofessional Conduct

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The primary objective of the proposed rule is to reflect s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

Chapter MTBT 5 may also be revised to address incorrect or outdated references and ensure consistency with current standards for drafting style and format and applicable Wisconsin statutes.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section MTBT 5.04 provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may conduct a random audit of any licensee on a biennial basis for compliance with continuing education requirements. The proposed rules will revise this provision, as the underlying statutes no longer provide this authority.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, such as the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 460.10 (1) (a), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may promulgate rules establishing “[r]equirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

50 hours

6. List with description of all entities that may be affected by the proposed rule :

Wisconsin licensed massage therapists and bodywork therapists.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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