

STATE OF WISCONSIN
Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE
MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

ORDER OF THE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD
ADOPTING RULES
(CLEARINGHOUSE RULE 17-076)

ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to amend MTBT 7.02 (3), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 460.10 (1) (a), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 460.10 (1) (a), Stats.

Explanation of agency authority:

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.”

Related statute or rule:

None.

Plain language analysis:

Chapter MTBT 7 contains the continuing education requirements for renewal of a license in massage therapy or bodywork therapy. Section MTBT 7.02 (3) provides continuing education must be completed “within 2 calendar years immediately preceding the calendar year for which application for renewal is made.” This language is unclear, which has led to difficulty in complying with and administering the continuing education requirement. The rules clarify the requirement by providing continuing education

must be completed during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 46r., Stats.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation (IDFPR) specify continuing education requirements for persons licensed to practice massage therapy in the state of Illinois (68 Ill. Adm. Code 1284.90). Twenty four hours of continuing education, including at least 2 hours of ethics, must be completed during the 24 months preceding the expiration date of a license (all massage therapy licenses expire on December 31 of each even-numbered year).

Iowa:

Rules of the Iowa Board of Massage Therapy specify continuing education requirements for persons licensed to practice massage therapy in the state of Iowa (645 IAC 133). A minimum of 16 hours of continuing education must be completed each biennium. A biennium is a 2-year period beginning with the date the license was granted.

Michigan:

Rules of the Michigan Board of Massage specify continuing education requirements for persons licensed to practice massage therapy in the state of Michigan (Mich Admin Code, R 338.731 and R 338.733). An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 18 hours of continuing education, including at least 1 hour in the area of pain and symptom management and 2 hours in the area of professional ethics or boundaries, during the 3 years immediately preceding the application for renewal.

Minnesota:

The Minnesota Department of Health's Office of Unlicensed Complementary and Alternative Health Care Practice (OCAP) investigates complaints and takes enforcement actions against massage therapists for violations of prohibited conduct. However, neither OCAP nor any other statewide agency or board oversees the licensing of massage therapists. Licensing requirements, if any, for massage therapists are established by the county or city in which the massage therapist practices.

Summary of factual data and analytical methodologies:

The rules clarify the period in which continuing education must be completed. No additional factual data or analytical methodologies were used to develop the rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on December 6, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 7.02 (3) is amended to read:

MTBT 7.02 (3) Each licensee shall, at the time of making application for renewal, sign a statement on the application for renewal certifying that the licensee has completed 24 hours of acceptable continuing education, including 2 credits pertaining to ethics, ~~within 2 calendar years immediately preceding the calendar year for which application for renewal is made~~ during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 46r., Stats.

SECTION 2. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
