

STATEMENT OF SCOPE

MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

Rule No.: MTBT 6

Relating to: Temporary Licenses

Rule Type: Permanent

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

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

The objective of the proposed rule is to update Wisconsin Administrative Code ch. MTBT 6.02 to align it with the authority given to the board in Wisconsin Statute s. 460.04 (2) (f). Currently, MTBT 6.02 requires an applicant to meet the criteria under s. 460.05, stats., pass the board statutes and rules examination, and to not have previously failed the examination required under s. 460.06, stats, among other requirements. The only requirement that Section 460.04 (2) (f), stats. explicitly requires is that the applicant be a graduate of a massage therapy or bodywork therapy school or program. It does not give authority for the other requirements currently listed in MTBT 6.02.

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:

Currently, MTBT 6.02 outlines requirements for temporary licensure based on the authority given in ss. 460.04 (2) (f) and 460.08, stats. However, MTBT 6.02 adds requirements that are above what is required by the statute. These rules will continue to be in conflict with the statute if they are not changed.

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

s. 15.085 (5) (b), stats. states that “[each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trader or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

s. 460.04 (2) (f), stats. states that “[the affiliated credentialing board shall promulgate rules that establish] requirements to be satisfied by a person seeking a temporary license under s. 460.08. The rules promulgated under this subsection shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this chapter.”

s. 460.08, stats. states that “The affiliated credentialing board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 (2) (f). A temporary license may not be renewed.”

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

60 hours

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

Individuals looking to enter the massage therapy and bodywork therapy profession and obtain licensure in Wisconsin.

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 is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

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