

Chapter RL 94

GROUNDS FOR DISCIPLINE

RL 94.01 Violations of standards of practice.

RL 94.01 Violations of standards of practice. The following, without limitation because of enumeration, are violations of the standards of practice for massage therapists and bodyworkers:

- (1) Misrepresenting qualifications, education, credentials and professional affiliations.
- (2) Misrepresenting the scope of practice of a massage therapist or bodyworker to a client.
- (3) Failing to inform a client about contraindications of massage therapy or bodywork.
- (4) Failing to refer a client to a health care practitioner for necessary treatment beyond the qualifications or scope of practice of the massage therapist or bodyworker.
- (5) Failing to inform a client, prior to charging or accepting fees, of any policy relating to cancellation of an appointment or failure of the client to appear for an appointment.
- (6) Failing to obtain and record the written informed consent of the client or the client's authorized representative before initiating a plan of treatment.
- (7) Violating the client's right to refuse, modify or terminate massage therapy or bodywork care.
- (8) Failing to maintain, for a period of at least 5 years, records necessary for the continuity of the client's massage therapy or bodywork treatment.
- (9) Failing to maintain the confidentiality of all client information, unless disclosure is required by law or court order.
- (10) Failing to provide draping and treatment that ensure the safety and privacy of a client.
- (11) Engaging in inappropriate sexual conduct, exposure or gratification, or other sexual behavior with or in the presence of a client.
- (12) Failing to maintain clean clothing, linens and equipment, according to standards recognized by the massage therapy or bodywork profession.
- (13) Knowingly placing false information in a client's record.
- (14) Failing to provide access to client records when requested by the department or its representative.
- (15) Knowingly providing false information to the department.
- (16) After a request by the department, failing to cooperate in a timely manner with the department's investigation of com-

plaints filed against the individual or registrant. There is a rebuttable presumption that a registrant or individual who takes longer than 30 calendar days to respond to a request of the department has not acted in a timely manner under this subsection.

- (17) Violating any rule adopted by the department relating to the practice of massage therapy or bodywork.
- (18) Violating any term, provision or condition of any order issued by the department.
- (19) Failing to practice massage therapy or bodywork within the scope of the registrant's competence, education, training and experience.
- (20) Aiding or abetting an unregistered person, knowingly conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person to evade the use of title restrictions under ch. 440, Stats., relating to the practice of massage therapy or bodywork.
- (21) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a massage therapist or bodyworker.
- (22) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of massage therapy or bodywork.
- (23) Having a disciplinary action through final adjudication taken by another jurisdiction against one's license, certificate, permit or registration to practice massage therapy or bodywork.
- (24) Providing massage therapy or bodywork when benefits cannot reasonably be expected.
- (25) Knowingly permitting any professional staff to provide massage therapy or bodywork that exceed that person's competence, education, training and experience.
- (26) Failing to maintain premises according to standards recognized by the massage therapy or bodywork profession or to standards established by local regulation, whichever standard is higher.
- (27) Failing to notify the department of any criminal conviction within 30 calendar days after the date of conviction.
- (28) Failing to display his or her certificate of registration in his or her place of business or practice so that it can easily be seen and read by the public.

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99.