



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 355
[2009 Assembly Bill 588]

**Massage Therapy
and Bodywork Therapy**

2009 Wisconsin Act 355 makes a number of changes in the statutes relating to regulation of massage therapists and bodyworkers (renamed “bodywork therapists” by the Act).

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

The statutes prior to Act 355 provided for certification of massage therapists and bodyworkers by the Department of Regulation and Licensing (DRL), with the advice of the Massage Therapy and Bodywork Council. That Council consisted of seven members who were massage therapists or bodyworkers and who had engaged in practice for at least two years preceding appointment.

The Act eliminates the Massage Therapy and Bodywork Council and creates a Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. The Affiliated Credentialing Board is created in DRL and attached to the Medical Examining Board (MEB). The Board will consist of six massage therapists or bodywork therapists who have engaged in practice for at least two years preceding appointment. One of those members must be a representative of a private massage therapy or bodywork therapy school approved by the Educational Approval Board and one must be a representative of a massage therapy or bodywork therapy program offered by a technical college in Wisconsin. None of the other four members may be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program. In addition, the Board must have one public member who is recognized by or who meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person documents an adequate level of training and competency and adherence to ethical standards.

Title and Practice Restrictions

Under the statutes prior to Act 355, a person could not designate himself or herself as a massage therapist or bodyworker or use specified titles or initials unless the person was certified by DRL as a massage therapist or bodyworker. An exception was provided for persons holding a credential granted by Wisconsin or the federal government who engaged in massage therapy or bodywork within the scope

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

of his or her credential and who did not imply that he or she was certified as a massage therapist or bodyworker. In addition, an exception was provided for a person who was authorized to practice massage therapy or bodywork in another state or country and was providing a consultation to or a demonstration with a person certified as a massage therapist or bodyworker in Wisconsin.

The Act makes a number of changes in these statutes:

- Changes certification to licensure.
- The Act, in addition to prohibiting the use of certain terms and initials by an unlicensed person, also prohibits the provision of massage therapy or bodywork therapy, with the exceptions provided in current law and with new exceptions described below. A person who is exempt from licensure under the two current exemptions may use the terms “bodywork”, “bodyworker”, and “bodywork therapy” to identify his or her practice.
- In addition to adding new initials to the restrictions on unlicensed persons, the Act also prohibits those persons from using the title “masseur” or “masseuse.”
- The Act creates an exception for a person who manipulates only the soft tissues of the hands, feet, or ears of the human body, provided that the services are not represented or implied to be massage therapy or bodywork therapy.
- The Act also creates an exception for a person who is recognized by or meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person demonstrates an adequate level of training and competency and adherence to ethical standards, if the person does any of the following: (1) uses touch, words, and directed movement to deepen a client’s awareness of his or her existing patterns of movement and to suggest to the client new patterns of movement; (2) uses touch to affect the energy systems of the human body; or (3) uses touch and education to effect change in the structure of the body while engaged in the practice of structural integration. A person who comes within this exception may use the terms “bodywork”, “bodyworker”, and “bodywork therapy” to identify his or her practice.
- The Act includes a “grandfather clause” under which the Affiliated Credentialing Board must grant a license to a person who, by January 1, 2012, provides evidence of satisfying one of the following requirements: (1) the person was actively involved in the practice of massage therapy or bodywork therapy by practicing for an average of 10 hours per week for at least 10 years; (2) the person passed a nationally administered entry-level competency assessment examination that meets generally accepted psychometric principles and standards; (3) the person was actively engaged in the practice of massage therapy or bodywork therapy for an average of 10 hours per week for at least three years and successfully completed a 200-hour licensure program approved by the Board; or (4) at least 180 days before January 1, 2012, the person graduated from a massage therapy or bodywork therapy training program that consisted of at least 600 hours of training.

Scope of Practice

The statutes before Act 355 defined “massage therapy” or “bodywork” as the science and healing art that uses manual actions 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. The term also included determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. The definition stated that the term did not include making a medical or chiropractic diagnosis.

The Act modified the definition of the terms “massage therapy” or “bodywork therapy” to state that those terms also do not include making a physical therapy diagnosis. In addition, the Act added adjunctive therapies to the definition. The Act defines “adjunctive therapy” as any of the following: (1) the use of a device that simulates or enhances a manual action; (2) the application of water, lubricants, or other nonprescription topical agents to the skin; or (3) the application of heat or cold to the skin in the absence of an electromagnetic device.

Temporary Licenses

The Act allows the Affiliated Credentialing Board to grant a temporary license for a period not to exceed six months to an applicant who satisfies requirements specified in rules of that Board. A temporary license may not be renewed. The rules must 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 Wisconsin-licensed massage therapist or bodywork therapist.

Examinations

The statutes prior to Act 355 required an applicant to pass the national certification examination for therapeutic massage and bodywork offered by the National Certification Board for Therapeutic Massage and Bodywork or an examination related to those therapies that is administered by a national board that is accredited by the National Commission for Certifying Agencies or a substantially equivalent examination approved by DRL. The Act modifies this to require that the applicant pass a nationally administered, entry-level competency examination for therapeutic massage and bodywork therapy that meets generally accepted psychometric principles and standards or a substantially equivalent examination approved by the Affiliated Credentialing Board.

Requirements for Schools, Training Programs, and Instructors

Act 355 creates a new statute regulating massage therapy and bodywork therapy schools, training programs, and instructors. The Act requires each massage therapy or bodywork therapy school located in Wisconsin and each massage therapy or bodywork therapy training program offered in Wisconsin to do all of the following:

- Provide and require as a prerequisite to graduation completion of a course of instruction on state laws and regulations applicable to massage therapy and bodywork therapy.
- Administer, score, and require as a prerequisite to graduation the examination specified in the statutes.

- Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in anatomy, physiology, kinesiology, and pathology has at least one of the following: (1) professional training and two years experience in a health-related field; or (2) two years of post-secondary education and training.
- Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in theory and the practice of massage therapy or bodywork therapy is licensed in Wisconsin as a massage therapist or bodywork therapist and has at least one of the following: (1) two years experience as a practicing professional; or (2) formal education and training as a massage therapy or bodywork therapy instructor.

Continuing Education

Act 355 modifies the statutes that require promulgation of rules relating to continuing education programs or courses of study needed to qualify for renewal of a license. The Act states that the rules may not require a license holder to complete more than 24 hours of continuing education programs or courses of study in order to qualify for renewal. In addition, the rules must establish qualifications applicable to providers of continuing education programs and courses.

Penalties

The statutes prior to Act 355 specified that any person who violates the chapter of the statutes dealing with massage therapy and bodywork therapy or any rule promulgated under that chapter must forfeit not more than \$1,000 for each violation. However, a person who violates the prohibition on use of certain titles or initials must forfeit not more than \$500 for each violation, with each day of continued violation constituting a separate violation. The Act eliminates the penalty specified in the previous sentence and applies the maximum forfeiture of \$1,000 to any violation of that chapter of the statutes or any rule promulgated under that chapter.

Effective date: The Act takes effect on December 1, 2010.

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June 3, 2010

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