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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2001 Assembly Bill 749**

**Assembly Substitute  
Amendment 1**

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### Current Law

Current law prohibits persons from using the title “registered massage therapist and bodyworker” and similar titles unless the persons are registered as a massage therapist or bodyworker by the Department of Regulation and Licensing (DRL). Under current law, DRL is required to promulgate rules establishing requirements and standards for the practice of massage therapy or bodywork. In addition, DRL is required to promulgate rules establishing the education, training, or competency requirements that an applicant must satisfy in order to be registered, which must include at least 500 classroom hours of study in a course of instruction in massage therapy or bodywork approved by DRL or at a school approved by the Educational Approval Board (EAB).

In order to be registered as a massage therapist or bodyworker by DRL, the person must have malpractice liability insurance coverage in an amount that is not less than \$1 million per occurrence and \$1 million for all occurrences in one year.

### Assembly Bill 749

Assembly Bill 749 makes the following changes to current law:

1. The bill changes registration of massage therapists and bodyworkers to licensure and creates a new Massage Therapy and Bodywork Examining Board. In addition, the bill prohibits persons from practicing massage therapy or bodywork for compensation and from using certain titles or initials unless the person is licensed as a massage therapist or bodyworker.
2. The bill repeals the current definition of “massage therapy or bodywork” and creates a new definition that states as follows:

**460.01 (5)** “Massage therapy or bodywork” means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body, and adjunctive therapies, to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility, and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy or bodywork” does not include making a medical diagnosis.

For purposes of the above definition, the term “adjunctive therapy” is defined to include “. . . the use of a device that simulates or enhances a manual action and the application of heat, cold, water, light, or a topical preparation.”

3. The bill permits the new examining board to promulgate rules regarding continuing education for massage therapists and bodyworkers to complete. Any rules that are promulgated must include a requirement to complete at least 12 hours of continuing education every two years.

4. The bill prohibits a massage therapist or massage therapist or bodyworker from practicing on a client without first obtaining the informed consent of the client.

5. The bill requires a massage therapist or bodyworker to keep confidential any information a client gives in confidence to the massage therapist or bodyworker, with certain exceptions.

6. The bill prohibits a massage therapist or bodyworker from practicing massage therapy or bodywork, whether for compensation or not, for a sexually orientated business, as defined by rule.

7. The bill states that a massage therapist or bodyworker must submit a report if he or she has reasonable cause to believe that another massage therapist or bodyworker has committed a crime related to prostitution or has had sexual contact or sexual intercourse with a client. The report may not identify the client unless the client provides written consent for disclosure. The bill provides a process for investigation of reports and confidentiality of information. In addition, the bill requires a massage therapist or bodyworker to submit a written report to the examining board if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation punishable by forfeiture, in this state or elsewhere, if the circumstances substantially relate to the practice of massage therapy or bodywork.

8. The bill requires promulgation of rules that establish criteria for approving courses of instruction, which must require that the course of instruction consist of at least 600 classroom hours.

### **Assembly Substitute Amendment 1**

Assembly Substitute Amendment 1 includes the following changes to the bill:

1. The substitute amendment creates a Massage Therapy and Bodywork Council, rather than an examining board. The council is required to advise DRL regarding rules and disciplinary proceedings pertaining to massage therapists and bodyworkers.

2. The substitute amendment provides for certification of massage therapists and bodyworkers, rather than licensure. In addition, the substitute amendment provides that persons who are not certified

as a massage therapist or bodyworker may not use certain titles or initials, but does not include the limitations in the bill on the practice of massage therapy or bodywork by other persons.

3. The substitute amendment changes the definition of “massage therapy or bodywork” in the bill by deleting references to “adjunctive therapy.” The substitute amendment also states that massage therapy or bodywork does not include making a medical or chiropractic diagnosis; the bill only excludes making a medical diagnosis from the definition.

4. The substitute amendment deletes the provision in the bill that requires promulgation of rules establishing criteria for approving a school of massage therapy or bodywork, but requires that rules be promulgated specifying criteria for approving a training program. The criteria must be consistent with the criteria of the Commission on Massage Therapy Accreditation or the Accreditation Commission on Acupuncture and Oriental Medicine.

5. The substitute amendment requires DRL to promulgate rules regarding continuing education. The rules must require completion of 24 hours of continuing education every two years. The bill allows, but does not require, promulgation of rules regarding continuing education and specifies that any rule promulgated must require at least 12 hours of continuing education every two years.

### **Legislative History**

On February 28, 2002, the Assembly Committee on Health recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 16; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 14; Noes, 2.

RNS:tl;jal