

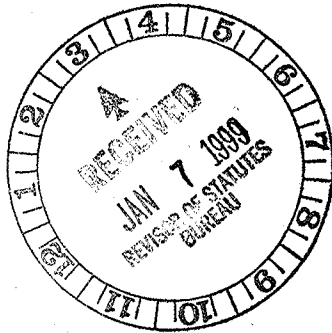
**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 6th day of January, 1999.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*



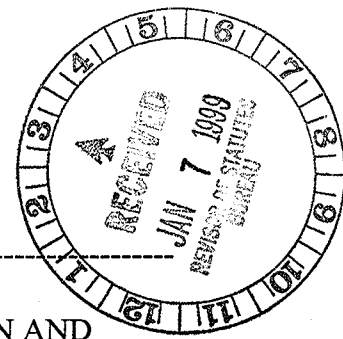
**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin this 6th day of January, 1999.**

*Marlene A. Cummings*

**Marlene A. Cummings, Secretary  
Department of Regulation and  
Licensing**

3-1-99  
98-116

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING



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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 98-116)

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ORDER

An order of the Department of Regulation and Licensing to *create* chapters RL 90 to 94 relating to the practice of massage therapy and bodywork.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: s. 227.11 (2), Stats., and s. 440.982, Stats., as created by 1997 Wisconsin Act 156.

Statutes interpreted: Subchapter XI of chapter 440, Stats.

This proposed rule-making order of the Department of Regulation and Licensing fulfills the mandate of 1997 Wisconsin Act 156, which requires the department to promulgate administrative rules establishing requirements and standards for the practice of massage therapy or bodywork by a registrant, including a code of ethics that governs a registrant's practice of massage therapy or bodywork. Rules are created to establish education, training or competency requirements that an individual for a license must satisfy in order to be issued a license of registration. The rules shall require an individual to complete at least 500 classroom hours of study in a course of instruction at a school approved by the department.

Under the proposed rules, applicants applying for registration prior to March 1, 2000, will be required to complete 500 classroom hours of study in a course of instruction. Applicants applying for registration on or after March 1, 2000, will be required to submit evidence of completion of 600 classroom hours of study in a course of instruction.

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TEXT OF RULE

SECTION 1. Chapters RL 90 to 94 are created to read:

Chapter RL 90

AUTHORITY, INTENT AND DEFINITIONS

**RL 90.01 Authority and intent.** The rules in chs. RL 90 to 94 are adopted by the department pursuant to ss. 227.11 (2) and 440.982, Stats., to govern the registration of massage therapists and bodyworkers.

**RL 90.02 Definitions.** As used in chs. RL 90 to 94, unless the context otherwise requires:

(1) "Classroom hour" means a period of instruction in an approved course consisting of not less than 50 minutes.

(2) "Course of instruction" means a series of classroom courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

(3) "Department" means the department of regulation and licensing.

(4) "Health care practitioner" means a health care provider as defined in s. 146.81 (1), Stats.

(5) "Manual action" includes holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussing the soft tissue of the human body and applying friction to soft tissue.

(6) "Massage therapist or bodyworker" means a person who engages in massage therapy or bodywork.

(7) "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 includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether referral to another health care practitioner is appropriate. Massage therapy or bodywork does not include making a medical diagnosis or instructing in or prescribing rehabilitative strengthening or conditioning exercises that are within the practice of physical therapy, as defined in s. 448.50 (4), Stats.

(8) "Registrant" means a person who is issued a license of registration as a massage therapist or bodyworker by the department.

Chapter RL 91

APPLICATION

**RL 91.01 Application for registration.** Except as provided in s. RL 91.02, an individual applying for registration as a massage therapist or bodyworker shall submit all of the following to the department:

- (1) An application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (2) The fee required under s. 440.05 (1), Stats.

- (3) Evidence satisfactory to the department that he or she:

- (a) If filing an application for registration before March 1, 2000, has completed at least 500 classroom hours of study in a course of instruction at an approved school of massage therapy or bodywork, as provided under s. 440.982 (1) (b), Stats.

- (b) If filing an application for registration on or after March 1, 2000, has completed at least 600 classroom hours of study in a course of instruction at an approved school of massage therapy or bodywork, as provided under s. 440.982 (1) (b), Stats.

- (c) Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have a conviction record.

- (d) Has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

- (e) If filing an application for registration on or after March 1, 2000, passed examinations approved by the department relating to the practice of massage therapy or bodywork and state laws governing the practice of massage therapy and bodywork.

**RL 91.02 Special registration time limits.** (1) Instead of applying for registration under s. RL 91.01, an individual may elect to apply for registration under this section by satisfying either the requirements under par. (a) or the requirements under par. (b). A registration granted under par. (a) shall be valid for 3 years after the date that it is issued and may not be renewed. A registration granted under par. (b) may be renewed.

- (a) An individual applying for registration between February 1, 1999 and August 31, 1999, shall submit the following to the department:

1. An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Evidence satisfactory to the department that he or she satisfies each of the following:

a. Has completed at least 100 classroom hours of instruction in the practice of massage therapy or bodywork as provided in ch. RL 92 or has practiced massage therapy or bodywork for compensation for at least 2 years during the 5 year period immediately preceding the date of application.

b. Has in effect malpractice liability insurance coverage in the amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

c. Has paid the fee required under s. 440.05 (1), Stats.

(b) An individual applying for registration between February 1, 1999 and February 29, 2000, shall submit the following:

1. An application on a form provided by the department that describes his or her education and experience in the practice of massage therapy or bodywork.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

2. Evidence satisfactory to the department that he or she has passed an examination approved by the department.

3. The fee required under s. 440.05 (1), Stats.

**RL 91.03 Reciprocal registration.** (1) An individual applying for registration on the basis of a license, registration or certification in another state or jurisdiction of the United States or another country shall:

(a) Submit an application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Pay the fee required under s. 440.05 (2), Stats.

(c) Submit evidence satisfactory to the department that the individual:

1. Holds a current license, registration or certificate to practice massage therapy or bodywork in another state or jurisdiction of the United States or another country.

2. Is not currently under investigation for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

3. Has never been disciplined for a matter related to his or her practice of massage therapy or bodywork in the other state, territory or country.

4. Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

5. Is not currently a party in pending litigation in which it is alleged that he or she is liable for damages for acts committed in the course of the practice of massage therapy or bodywork.

6. Has never been found liable for damages for acts committed in the course of the practice of massage therapy or bodywork.

7. Has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(2) In determining whether to grant a reciprocal registration, the department shall consider whether the requirements for a license, registration or certificate in the other state or jurisdiction are similar to the requirements for registration as a massage therapist or bodyworker in this state.

**RL 91.04 Accommodations relating to a disability.** A qualified individual with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration as a massage therapist or bodyworker.

## Chapter RL 92

### EDUCATION

**RL 92.01 Course of instruction.** (1) An individual applying for registration as a massage therapist or bodyworker prior to March 1, 2000, shall submit evidence satisfactory to the department that he or she has completed at least 500 classroom hours of study in a course of instruction at an approved school of massage therapy or bodywork, as provided under s. 440.982 (1) (b), Stats. An individual applying for registration as a massage therapist or bodyworker on or after March 1, 2000, shall submit evidence satisfactory to the department that he or she has

completed at least 600 classroom hours of study in a course of instruction at an approved school of massage therapy or bodywork, as provided under s. 440.982 (1) (b), Stats.

(2) Credit may be granted for a course of instruction regardless of when the instruction was completed.

(3) An individual applying for registration under s. RL 91.02 (1) (a), on the basis of education shall submit evidence of completion of 100 classroom hours of instruction at a school approved by the department covering one or more subject areas listed in sub. (4) (a) to (e) or (5) (a) to (e).

(4) An approved course of instruction consisting of 500 classroom hours of study shall include the following subject areas:

(a) Anatomy, physiology, pathology and kinesiology: 100 classroom hours.

(b) Business, law and ethics: 20 classroom hours.

(c) Massage therapy or bodywork theory, technique and practice: 250 classroom hours which shall include 100 classroom hours of supervised hands-on practice.

(d) Student clinic: 20 classroom hours.

(e) Adult cardiopulmonary resuscitation (CPR) and standard first-aid: 8 classroom hours.

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: 102 classroom hours.

(5) An approved course of instruction consisting of 600 classroom hours of study shall include the following subject areas:

(a) Anatomy, physiology, pathology and kinesiology: 122 classroom hours.

(b) Business, law and ethics: 50 classroom hours.

(c) Massage therapy or bodywork theory, technique and practice: 300 classroom hours which shall include 100 classroom hours of supervised hands-on practice.

(d) Student clinic: 20 classroom hours.

(e) Adult cardiopulmonary resuscitation (CPR) and standard first aid: 8 classroom hours.

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: 102 classroom hours.

**RL 92.02 Approved schools.** Except as provided under s. RL 92.01 (3), an approved course of instruction designed to meet the requirements in this chapter shall be provided by an approved school of massage therapy or bodywork, as provided under s. 440.982 (1) (b), Stats.

Note: A list of approved schools is available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

### Chapter RL 93

### REQUIREMENTS FOR RENEWAL

**RL 93.01 Registration.** Registration for massage therapists and bodyworkers expires on March 1 of each odd-numbered year.

**RL 93.02 Renewal of registration.** In order to renew a registration on or before the renewal date, the registrant shall submit the following to the department:

- (1) A renewal application on a form provided by the department.
- (2) The renewal fee required under s. 440.08 (2) (a) 67q., Stats.
- (3) Evidence satisfactory to the department that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

**RL 93.03 Failure to renew.** A registrant who fails to renew a registration by the applicable renewal date shall not use any title or description that implies that he or she is registered by the department as a massage therapist or bodyworker until his or her registration is renewed under s. RL 93.04.

**RL 93.04 Late renewal.** A massage therapist or bodyworker who fails to renew his or her registration by the renewal date may renew the registration by satisfying the following requirements:

- (1) If applying less than 5 years after the renewal date, submitting to the department all of the following:
  - (a) An application for renewal on a form provided by the department.
  - (b) The applicable renewal fees required under s. 440.08 (2) (a) and (3), Stats.



(c) Evidence satisfactory to the department that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(2) If applying 5 years or more after the renewal date, satisfying the requirements in sub. (1), and submitting proof of all of the following:

(a) Successful completion of educational course work required by the department to ensure protection of the public health, safety and welfare.

(b) Successful completion of an examination required by the department to ensure protection of the public health, safety and welfare.

## Chapter RL 94

### GROUPS FOR DISCIPLINE

**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 complaints 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.

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(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on February 1, 1999, pursuant to s. 227.22 (2) (b), Stats.

Dated 1/6/99

Agency Marlene A. Cummings  
Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

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1/6/99



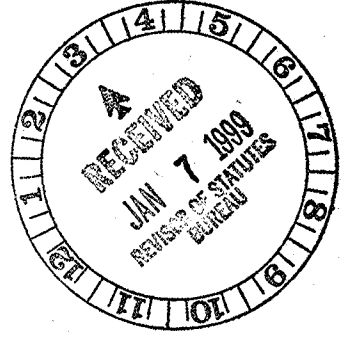
**State of Wisconsin**  
**DEPARTMENT OF REGULATION AND LICENSING**  
**CORRESPONDENCE/MEMORANDUM**

**DATE:** January 7, 1999

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Administrative Rules Coordinator  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Order Adopting Rules



**Agency: DEPARTMENT OF REGULATION AND LICENSING**  
**Clearinghouse Rule 98-116**

Attached is a copy and a certified copy of a final order adopting rules relating to the practice of massage therapy and bodywork. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.