



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #648

### **Minor Policy and Technical Changes -- Transfer of Appropriation Balances Relating to Massage Therapist and Bodyworker Certifications from the Educational Approval Board to the Department (R&L)**

[LFB 2005-07 Budget Summary: Page 425, #8]

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#### **CURRENT LAW**

Most massage therapists and bodyworkers are regulated by R&L under Chapter 460 of the statutes. An exception is provided between March 1, 2003, and March 31, 2005, for persons who were already engaged in massage therapy or bodywork at the time the profession was first regulated by 2001 Wisconsin Act 74. During this period, the Department must certify a person as a massage therapist or bodyworker if the agency is notified by the Educational Approval Board that the Board has determined that the individual meets all of the following requirements: (1) is at least 18 years old; (2) has a high school diploma or equivalent; (3) is actively engaged in the practice of massage therapy or bodywork; (4) submits evidence of liability insurance coverage of at least \$1,000,000; (5) has paid the required fees to the Board; (6) has education, training, and experience in massage therapy and bodywork that are substantially equivalent to what is required by R&L; and (7) has not been convicted of a state or federal crime related to obscenity or prostitution.

Starting April 1, 2005, R&L must also certify a person as a massage therapist or bodyworker if the agency is notified by the Board that the person meets all of the above requirements and that: (1) during the two-year period after March 1, 2003, the person was actively engaged in the practice of massage therapy or bodywork; and (2) the person attests that he or she was previously unaware of the requirement of Chapter 460 of the statutes relating to the regulation of massage therapists or bodyworkers.

## GOVERNOR

Repeal the authority of the Board to make initial and ongoing determinations relating to the eligibility of individuals to be certified as massage therapists or bodyworkers if such individuals were actively engaged in the profession at the time of its initial regulation.

Repeal a PR continuing appropriation under the Board associated with funding its costs of making certification determinations of massage therapists and bodyworkers, create a comparable appropriation for this purpose under R&L, and specify that the unencumbered balances from the Board's appropriation would be transferred to the new R&L appropriation.

## MODIFICATION

Delete the creation of a new PR continuing appropriation under R&L for the receipt of funds associated with the costs of making certification determinations of massage therapists and bodyworkers. Provide that the unencumbered balances from the Educational Approval Board's repealed appropriation would be transferred instead to R&L's general program operations appropriation.

**Explanation:** The expenditure purposes of Department's general program operations appropriation are sufficiently broad that a separate appropriation for costs related to transitional certifications of massage therapists and bodyworkers does not need to be created. Such costs may be funded from the agency's existing 20.165(1)(g) appropriation. Any residual balances in the Educational Approval Board's repealed appropriation may also be credited to this appropriation.

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