

STATE OF WISCONSIN
MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE MESSAGE :
THERAPY AND BODYWORK THERAPY : NOTICE OF PUBLIC HEARING
AFFILIATED CREDENTIALING BOARD :
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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board in §§ 15.085 (5) (b), 460.04 (2), 460.10 (1), Wis. Stats., and interpreting §§ 460.04 (2) (a), (c), (d) and (f), 460.08 ,Wis. Stats., and 2009 Wisconsin Act 355 the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to repeal MTBT 2.05 and (Note); to amend MTBT 1.01, MTBT 2.01 (title), MTBT 2.03 (title), (1) (a) and (c), MTBT 3.01 (1), MTBT 3.01 (5) (b), MTBT 4.01 (title) (intro.), MTBT 4.02 (title) (intro.) (1) and (3), MTBT 4.03, MTBT 4.04 (1)(a), MTBT 4.04 (1) (c), (2) (a) and (b), MTBT 5.01 (9), (16), (17), (18),(19), (20), (27), (28), (32), MTBT 5.02 (1), (2) (b), (2) (c), (3) and (4);to repeal and recreate MTBT 1.02; to create MTBT 6.01, MTBT 6.02, MTBT 7.01, MTBT 7.02, and MTBT 7.03, relating to temporary licensure and continuing education.

Hearing Date, Time and Location

Date: August 13, 2013
Time: 10:00 A.M.
Location: 1400 East Washington Avenue
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections. 460.04 (2) (a), (c), (d) and (f), and 460.08, Stats., and 2009 Wisconsin ACT 355

Statutory authority:

Sections 15.085 (5) (b), 460.04 (2), 460.10 (1), Stats., and 2009 Wisconsin ACT 355

Explanation of agency authority:

Affiliated credentialing boards are generally empowered by the legislature pursuant to s. 15.085 (5) (b), Stats., to promulgate rules that govern their profession. The Massage Therapy and Bodywork Therapy Affiliated Credentialing Board has recently been empowered with the passage of 2009 Wisconsin Act 355, to promulgate rules concerning temporary licenses and continuing education. Therefore, the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board is authorized both generally and specifically to promulgate the proposed rules.

Related statute or rule:

Wis. Admin. Code ch. MTBT 1 to 5

Plain language analysis:

2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Therapy Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. (Board) The newly formed board, under the oversight of the Medical Examining Board, was granted rule making authority by the legislature as well as the authority to grant licenses instead of certificates. This proposed rule carries out the intent of the legislature by making the necessary changes to Wis. Admin. Code MTBT 1 - MTBT 5. The necessary changes include defining terms such as informed consent, intimate parts, sexually oriented business, and setting forth the requirements for temporary licensure and continuing education.

SECTION 1. amends the authority section by replacing department with board and bodyworker with bodywork therapist.

SECTION 2. repeals and recreates the definition section to include additional terms.

SECTION 3. amends title of s. MTBT 2.01 to replace certificate with license.

SECTION 4. amends the title of s. MTBT 2.03 replacing certificate with license.

SECTION 5. repeals s. MTBT 2.05 and the corresponding note.

SECTIONS 6. to 11 primarily replaces department with board and certificate with license.

SECTION 12. creates provisions regarding temporary licensure.

SECTION 13. creates provisions regarding continuing education

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois: Illinois regulates massage therapy via the Massage Licensing Act. Ill. Admin. Code tit.68 §1284 (2012). Illinois exempts students from the licensure requirement as long as they are practicing in conjunction with an approved massage school or program. Approved massage therapy schools are required to meet certain criteria including maintaining written programs, written plans of study, written course outlines and student handbooks. Applicants are required to obtain 500 hours of supervised hands-on instruction from an approved massage therapy school. Ill. Admin. Code tit. 68 §1284.20. With regards to continuing education 24 hours are required per biennium. Illinois does not issue a temporary license

Iowa: Iowa regulations encompass both massage and bodywork therapy. IA. r. 645-131.1. Iowa requires “500 hours in massage therapy education” for licensure. IAC r. 645-131.3. Furthermore, Iowa only allows temporary licensure for applicants from other states with less stringent licensure criteria. IAC 131-5 (1). Students are not exempt from the licensure requirement. However, students may participate in “clinical practicum,” meaning, “hands-on” massage therapy provided to members of the public,” at the massage therapy school’s primary location which is similar to an on-site student clinic. Lastly, Iowa requires 24 hours of continuing education per biennium

Michigan: Michigan regulates massage therapy by statute under MCL 333.17591-333.17969 (2012). The practice act defines such terms as “massage therapist,” and “practice of massage therapy.” The terms bodywork or bodywork therapist are not included. 18 hours of continuing education are required by statute. There are no provisions for temporary licensure. The Michigan practice act allows students to practice massage therapy as a part of program of study if they are enrolled in school and under the supervision of a licensed massage therapist

Minnesota: Massage and bodywork therapist are not licensed, certified, or registered in Minnesota. Minnesota maintains general oversight of the practice of massage therapy and bodywork through Minn. Stat. §146A, (2011).The Unlicensed Complementary and Alternative Health Care Practice Act. This act identifies bodywork, massage, and

massage therapy as encompassed within the, “broad domain of complementary and alternative healing methods and treatment.”

Summary of factual data and analytical methodologies:

The Massage Therapy and Bodywork Therapy Affiliated Credentialing Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis. The proposed rule brings current administrative code regarding massage therapy and bodywork therapy into compliance with 2009 Wisconsin Act 355. No other factual data or analytical methodologies were used.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This proposed rule was posted on the Department’s website for 14 days to solicit comments from small business. No comments were received.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Initial Regulatory Flexibility Analysis or Summary:

These proposed rules do not have an economic impact on small businesses as defined in s. 227.114 (1), Stats

Agency contact person:

Shawn Leatherwood, Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Rules Coordinator Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received at or before the public hearing to be held on to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 1.01 is amended to read:

MTBT 1.01 Authority and intent. The rules in chs. MTBT 1 to ~~5~~ 7 are adopted by the ~~department board~~ pursuant to s. 227.11 (2), Stats., and ch. 460. Stats., to govern the credentialing of massage therapists and ~~bodyworkers~~ bodywork therapists.

SECTION 2. MTBT 1.02 is repealed and recreated to read:

MTBT 1.02 Definitions. As used in chs. MTBT 1 to 7, unless the context otherwise requires:

(1) “Accrediting agency” means either of the following:

(a) A regional or national accrediting agency recognized by the U.S. department of education.

(b) A state government agency or territorial government agency located in another state or territory of the United States or another country.

(2) “Adjunctive therapy” means any of the following:

(a) The use of a device that simulates or enhances manual action.

(b) The application of water, lubricants, or other nonprescription topical agents to the skin.

(c) The application of heat or cold to the skin in the absence of an electromagnetic device.

(3) “Approved training program” means a series of classroom courses, not including continuing education, which is approved by the board having a unified purpose which leads to a diploma or degree or to an occupational or vocational objective meeting the requirements of s. MTBT 3.01.

(4) “Board” means the massage therapy and bodywork therapy affiliated credentialing board.

(5) “Classroom hour” means a period of instruction consisting of not less than 50 minutes.

(6) “Client” means a person who has contracted for or who receives the professional services of a massage therapist, bodywork therapist, student or temporary licensee, whether the massage therapist, bodywork therapist, student or temporary licensee is paid or unpaid for the service, and regardless of where such services occur. If a client is a person under the age of 18, the client’s parents or legal guardian are also clients. If a person contracts for multiple sessions of treatment, the person remains a client until the full terms of the contract have been fulfilled.

(7) “Direct, immediate, on-premises supervision” means the supervising massage therapist or bodywork therapist is present in the same building with the person being supervised, with face-to-face contact as necessary to avoid unacceptable risk of harm to the client.

(8) “Direct, immediate, one-to-one supervision” means one-to-one supervision with face-to-face contact between the person being supervised and the supervisor throughout the client contact with the supervisor assisting the person being supervised as necessary.

(9) “General supervision” means indirect, off-premises supervision, with direct, on-premises or direct face-to-face contact between the supervisor and the person being supervised as necessary. Between direct contacts, the supervisor is required to maintain indirect, off-premises telecommunication contact such that the person being supervised can, within 15 minutes, establish direct telecommunication with the supervisor.

(10) “Health care practitioner” means a health care provider as defined in s. 146.81 (2) Stats.

(11) “Informed consent” means a client’s voluntary, knowing and understood agreement to the service to be provided by the massage therapist, bodywork therapist, temporary licensee or student. Informed consent requires, at a minimum, that the licensee has provided information about the risks and benefits of the service to be provided that a reasonable person in the client’s position would need before making an informed decision concerning the service.

(a) Informed consent shall be documented in writing

(b) A client may withdraw informed consent verbally or in writing at any time before a service is completed.

(c) Informed consent shall include an understanding that the client may, upon request, have a chaperone present while massage therapy or bodywork therapy services are provided.

(d) No service or part of a service may be provided without the client’s informed consent or after informed consent has been withdrawn.

(12) “Insured” means any person to whom an insurer makes a promise in an insurance policy. The term includes policyholders, subscribers, members and beneficiaries.

(13) “Intimate parts” has the meaning given in s. 939.22 (19), Stats.

(14) “License holder” means a person granted a license under this chapter.

(15) “Manual action” includes holding, positioning, rocking, kneading, compressing, decompressing, gliding or percussion the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

(16) “Massage therapist or bodywork therapist” means a person who engages in massage therapy or bodywork therapy.

(17) “Massage therapy extern or bodywork therapy extern” means a student currently enrolled in an approved massage therapy or bodywork therapy school or program and in good standing, who provides massage therapy and bodywork therapy services under the following conditions:

(a) The extern has successfully completed a massage therapy or bodywork therapy internship and has been approved for an externship by an instructor affiliated with the massage therapy or bodywork therapy school or program in which the student is enrolled.

(b) A licensed massage therapist or bodywork therapist, whose license is current and unlimited, provides direct on-premises supervision of the unlicensed massage therapy extern or bodywork therapy extern or more intensive supervision if required to avoid unacceptable risk of harm to the client.

(c) Services are provided off school or program premises.

(d) Services are provided without financial compensation to the massage therapy extern or bodywork therapy extern.

(e) The externship site has been approved by the school or program in which the student is enrolled;

(f) Clients have given informed consent to be treated by a massage therapy extern or bodywork therapy extern

(18) “Massage therapy intern or bodywork therapy intern” means a student currently enrolled in an approved massage therapy or bodywork school or program and in good standing, who provides massage therapy and bodywork therapy services under the following conditions:

(a) A clinic instructor provides direct on-premises supervision of massage therapy intern or bodywork therapy intern or more intensive supervision if required to avoid unacceptable risk of harm to the client and all of the following occur:

(b) Services are provided on school or program premises.

(c) Services are provided without financial compensation to the massage therapy intern or bodywork therapy intern.

(d) Clients have given informed consent to be treated by a massage therapy intern or bodywork therapy intern

(19) “Massage therapy or bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies 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. Massage therapy or bodywork therapy includes determining whether manual actions and adjunctive therapies are appropriate. Massage therapy or bodywork therapy does not include making a medical, physical therapy, or chiropractic diagnosis.

(20) “Policy holder” means the person who controls the policy by ownership, payment of premiums or otherwise.

(21) “Sexual contact” has the meaning given in s. 939.22 (34), Stats.

(22) “Sexual intercourse” has the meaning given in s. 948.01 (7) (a), Stats.

(23) “Sexually oriented business” means any for-profit entity that offers or provides any of the following:

(a) sexually explicit conversation

(b) exposure of any person’s intimate parts except as necessary for competent massage therapy and bodywork therapy

(c) direct and indirect contact with any person’s intimate parts unless necessary for legitimate massage and bodywork therapy

(d) prostitution

(e) materials depicting or describing sexually explicit conduct

(24) “Temporary licensee” means a graduate of a massage therapy or bodywork therapy school or program who has met the requirements for and who has been granted a temporary license to practice massage therapy and bodywork therapy as provided in s. MTBT 6.02.

SECTION 3. MTBT 2.01 (title) is amended to read:

MTBT 2.01 (title) Application for a certificate license

SECTION 4. MTBT 2.03 (title), (1) (a), and (c) are amended to read:

MTBT 2.03 (title) Reciprocal ~~certificate~~ license. (1) An individual applying for a ~~certificate~~ license on the basis of a similar license, registration or certificate in another state or territory of the United States or another country shall:

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

(c) Submit evidence satisfactory to the ~~department~~ board.

SECTION 5. MTBT 2.05 and (Note) are repealed.

SECTION 6. MTBT 3.01(1) and (5) (b) are amended to read:

(1) An individual applying for a ~~certificate~~ license as a massage therapist or ~~bodyworker~~ bodywork therapist who has not graduated from a school of massage therapy or bodywork therapy approved by the educational approval board shall submit an official transcript or other official documentation showing dates and total hours attended and a description of the curriculum completed establishing that he or she has completed an approved training program.

(5) (b) Business, law and ethics: 50 classroom hours, which may include at least 6 classroom hours in the laws of this state and rules of the ~~department~~ board relating to the practice of massage therapy or bodywork therapy required by s. MTBT 2.01 (3) (b).

SECTION 7. MTBT 4.01 (title) and (intro.) are amended to read:

MTBT 4.01 (title) ~~Certificate~~ License expiration. ~~Certificate~~ License for massage therapists and ~~bodyworkers~~ bodywork therapist expire on March 1 of each odd-numbered year.

SECTION 8. MTBT 4.02 (title) (intro.) (1), and (3) are amended to read:

MTBT 4.02 (title) Renewal of ~~certificate~~ license. In order to renew a ~~certificate~~ license on or before the renewal date, the ~~certificate~~ license holder shall submit the following to the ~~department~~ board:

(1) A renewal application on a form provided by the ~~department~~ board.

(3) Evidence satisfactory to the ~~department~~ board that he or she has in effect as a policyholder and insured, 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.

SECTION 9. MTBT 4.02 (5) is created to read:

MTBT 4.02 (5) Beginning with the biennial registration period commencing on March 1, 2015, unless granted a waiver under s. MTBT 7.02 (4), each licensee is required to complete 24 hours of continuing education prior to renewal of a license to practice as a massage therapist or bodywork therapist, except that between initial licensure and the first renewal period thereafter, a new licensee shall not be required to comply with the continuing education requirements for the first renewal of a license.

SECTION 10. MTBT 4.03 is amended to read:

MTBT 4.03 Failure to renew. A ~~certificate~~ license holder who fails to renew a ~~certificate~~ license by the applicable renewal date shall not use any title or description that implies that he or she is credentialed by the ~~department~~ board as a massage therapist or ~~bodyworker~~ bodywork therapist until his or her ~~certificate~~ license is renewed under s. [MTBT 4.04](#).

SECTION 11. MTBT 4.04 (1) (a), (1) (c), (2) (a) and (b) are amended to read:

MTBT 4.04 (1) If applying less than 5 years after the renewal date, submitting to the ~~department~~ board all of the following:

(a) An application for renewal on a form provided by the ~~department~~ board.

(c) Evidence satisfactory to the ~~department~~ board that he or she has in effect as a policyholder and insured, 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.

MTBT 4.04 (2) (a) Successful completion of educational course work required by the ~~department~~ board to ensure protection of the public health, safety and welfare.

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

SECTION 12. MTBT 5.01 (9), (16), (17), (18), (19) (20), (27), (28), and (32) are amended to read:

(9) Failing to keep confidential any information that a client gives in confidence to the ~~certificate~~ license holder and any other information that the ~~certificate~~ license holder obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(16) After a request by the ~~department~~ board, failing to cooperate in a timely manner with the department's investigation of complaints filed against the ~~certificate~~ license holder. There is a rebuttable presumption that a ~~certificate~~ license holder 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~~ board relating to the practice of massage therapy or bodywork.

(18) Violating any term, provision or condition of any order issued by the ~~department~~ board.

(19) Failing to practice massage therapy or bodywork within the scope of the ~~certificate~~ license holder's competence, education, training and experience.

(20) Aiding or abetting an ~~uncertified~~ unlicensed person, knowingly conspiring with an ~~uncertified~~ unlicensed person, or allowing one's ~~certificate~~ license to be used by an ~~uncertified~~ unlicensed person to evade the use of title restrictions under s. [460.02](#), Stats., relating to the practice of massage therapy or bodywork.

(27) Failing to submit a written report to the ~~department~~ board if the ~~certificate~~ license holder is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, if the circumstances of the felony, misdemeanor or violation substantially relate to the practice of massage therapy or bodywork. The report shall be made on a complaint form provided by the ~~department~~ board and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment that the ~~certificate~~ license holder committed the violation, and shall identify the date, place, and nature of the conviction or finding. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed. In this subsection, "violation" means a violation of any state or local law that is punishable by forfeiture.

(28) Failing to display his or her ~~certificate~~ license in his or her place of business or practice so that it can easily be seen and read by the public.

(32) Advertising by a ~~certificate~~ license holder that he or she practices massage therapy or bodywork therapy unless the advertisement includes ~~his~~

SECTION 13. MTBT 5.02 (1), (2) (b), (2) (c), (3), and (4) are amended to read:

(1) A ~~certificate~~ license holder shall submit a report to the ~~department~~ board if he or she has reasonable cause to believe that another ~~certificate~~ license holder has committed a crime relating to prostitution under ss. [944.30](#) to [944.34](#), Stats., or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

(2) (b) Being informed by a person that he or she, while a client of another ~~certificate~~ license holder, engaged in nonmarital sexual contact or sexual intercourse with the other ~~certificate~~ license holder.

(2) (c) Being informed by another ~~certificate~~ license holder that he or she has engaged in nonmarital sexual contact or sexual intercourse with a client, or has done an act prohibited by ss. [944.30](#) to [944.34](#), Stats.

(3) The report shall be made on a complaint form provided by the ~~department~~ board. The ~~department~~ board may use the report as the basis for an investigation under s. [460.14 \(1\)](#), Stats.

(4) A complaint as defined in s. [SPS 2.03 \(2\)](#), filed against a ~~certificate~~ license holder pursuant to s. [SPS 2.08](#), based upon the allegation of one or more acts prohibited under ss. [944.30](#) to [944.34](#), Stats., constitutes reasonable cause for the department to believe that a ~~certificate~~ license holder has committed a crime and the ~~department~~ board shall report the belief to the district attorney for the county in which the crime, in the opinion of the ~~department~~ board, occurred.

SECTION 14. Chs.. MTBT 6.01 and 6.02 are created to read:

CHAPTER MTBT 6

TEMPORARY LICENSURE

MTBT 6.01 Authority. The rules in ch. MTBT 6 are adopted under the authority of ss.460.08 and 460.04 (2) (f), Stats.

MTBT 6.02 Temporary license prior to licensure. (1) The board may issue a temporary license to practice massage therapy and bodywork therapy to an applicant for licensure who meets the criteria under s. 460.05, Stats., and who has done all of the following:

(a) Submits a completed application for licensure and a completed application for a temporary license.

(b) Remits the fee specified in s. 440.05 (1), Stats.

(c) Has successfully completed an educational program as defined in s. MTBT 3.01

(d) Has not previously failed an examination required in s. 460.06, Stats., unless the applicant has subsequently passed the failed examination.

(e) Has passed the state board statutes and rules examination.

(2) Practice during the period of temporary license shall be under the supervision of a licensed massage therapist or bodywork therapist, at the level of general supervision or as necessary to avoid unacceptable risk of harm to the client. The supervising massage therapist or bodywork therapist is responsible for determining the level of supervision necessary to avoid unacceptable risk of harm to the client.

(a) A person holding a temporary license shall meet face-to-face with the supervising massage therapist or bodywork therapist as necessary to ensure that the temporary licensee performs competently, including creation and maintenance of records as required in s. MTBT 5.01 (8).

(b) The temporary licensee shall provide each client the name, contact information and license number for the supervising massage therapist or bodywork therapist responsible for supervision of the temporary licensee.

(c) Prior to commencing any health care service, a temporary licensee shall obtain written informed consent of all clients. The informed consent documentation shall include, in addition to other requirements, an acknowledgement that the temporary licensee is not fully credentialed and that the client has been provided the information required by par. (b).

(3) A temporary license expires 6 months after the date of issuance or when the Department provides notice that the temporary licensee has failed or passed the examination required by s. 460.06, Stats., whichever is first.

(a) A temporary license shall not be renewed.

(b) No person shall be issued more than one temporary license in any 365 day period.

(4) For purposes of the Board's disciplinary authority the supervising massage therapist or bodywork therapist is responsible for the acts of the temporary licensee under supervision. The Board may discipline the supervising massage therapist or bodywork therapist, student and/or the temporary licensee for any act(s) or omission of the temporary licensee in violation of any state or federal statute, rule, regulation or order of the board or of the medical examining board.

(5) Temporary licensees shall use the title massage therapy temporary licensee or bodywork therapy temporary licensee.

SECTION 15. Chs. MTBT 7.01 to 7.03 are created to read:

Chapter MTBT 7.01
CONTINUING EDUCATION

MTBT 7.01 Authority The rules in ch. MTBT 7 are adopted under the authority of s. 460.10, Stats.

MTBT 7.02 Continuing education required. (1) Beginning with the biennial registration period commencing on March 1, 2015, unless granted a waiver under s. MTBT 7.02 (4), each licensee is required to complete 24 hours of continuing education prior to renewal of a license to practice as a massage therapist or bodywork therapist, except that between initial licensure and the first renewal period thereafter, a new licensee shall not be required to comply with the continuing education requirements for the first renewal of a license.

(2) Acceptable continuing education must address topics within the scope of practice of massage therapy and bodywork therapy or related business practices. The topic of at least 2 of the total continuing education hours in each biennium shall be ethics.

(3) Each licensee shall, at the time of making application for renewal, sign a statement on the application for renewal certifying that the licensee has completed 24 hours of acceptable continuing education, including 2 credits pertaining to ethics, within 2 calendar years immediately preceding the calendar year for which application for renewal is made.

(4) A licensee may apply to the board for waiver of the requirements of this chapter on grounds of prolonged illness or disability or other similar circumstances. The Board will consider each request individually on its merits.

(5) One hour of continuing education is awarded for each 50 minutes of instruction or its equivalent.

(6) Each licensee shall maintain verifiable evidence of completion of the continuing education activity until the licensee submits the next subsequent application for renewal of a license to practice massage therapy or bodywork therapy.

MTBT 7.03 Acceptable continuing education activities. The board shall accept the following in satisfaction of the biennial training requirement provided under s. MTBT 7.02:

(1) Continuing education activities approved or provided by:

(a) Massage therapy or bodywork therapy schools or training programs approved pursuant to s. 460.095, Stats.

(b) Institutions of higher education as s. 106.57 (1) (c), Stats.

(c) Local, state or national chapters of professional organizations that address improvement of the profession, including but not limited to the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), National

Certification Board for Therapeutic Massage and Bodywork (NCBTMB), and the Federation of State Massage Therapy Boards (FSMTB).

(2) Continuing education activities may be in the form of in-person instruction, distance learning, online activities, audiovisual recordings, audio recordings and professional literature review.

SECTION 16. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Shawn Leatherwood
Department of Safety and Professional Services, Division of Policy Development, 1400
East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, by email at
Shancethea.L Leatherwood@wisconsin.gov or on our website at
<http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.