

Chapter MTBT 1

AUTHORITY, INTENT AND DEFINITIONS

MTBT 1.01 Authority and intent.

MTBT 1.02 Definitions.

Note: Chapter RL 90 was renumbered chapter SPS 90 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671. Chapter SPS 90 was renumbered MTBT 1 under s. 13.92 (4) (b) 1., Stats., Register August 2012 No. 680.

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; CR 06-069: am. Register December 2006 No. 612, eff. 1-1-07; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; correction made under s. 13.92 (4) (b) 7., Stats., Register August 2012 No. 680; **CR 13-055: am. Register May 2014 No. 701, eff. 6-1-14.**

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 a 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 lead 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 con-

tact 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. All of the following apply to informed consent:

- (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 percussing 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 a massage therapy intern or bodywork therapy intern or more intensive supervision if required to avoid unacceptable risk of harm to the client.

(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 entity that offers or provides any of the following for a fee:

(a) Sexually explicit conversation.

(b) Exposure of any person’s intimate parts except as necessary for legitimate massage therapy and bodywork therapy.

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

History: Cr. Register, February, 1999, No. 518, eff. 3-1-99; emerg. cr. (1), (2) and (11), renum. (1) to (8) to be (3) to (10) and am. (4), eff. 9-3-00; cr. (1), renum. (1) to (8) to be (2) to (9) and am. (3), Register, January, 2001, No. 541, eff. 2-1-01; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 2006, No. 612; CR 06-069: r. and recr. (1) (b), cr. (1g), (1r), (5m), and (10) to (13), am. (2), (6) and (8), r. (3) and (9), Register December 2006 No. 612, eff. 1-1-07; correction in (intro.), (1g), (4) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671; renumber (4) to be (1m) under s. 13.92 (4) (b) 1., Stats., correction in (1m) made under s. 13.92 (4) (b) 6., Stats., Register August 2012 No. 680; **CR 13-055: r. and recr. Register May 2014 No. 701, eff. 6-1-14; correction in (11) made under s. 35.17, Stats., Register May 2014 No. 701.**