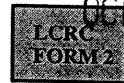


WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-128**

AN ORDER to repeal RL 91.01 (3) (a) and 91.02; to renumber RL 90.02 (1), (3), (4), (5), (6), (7) and (8) and 91.01 (3) (c) and (d); to renumber and amend RL 90.02 (2) and 91.01 (3) (b) and (e); to amend RL 91.01 (intro.), 91.03 (1) (intro.) and (1) (c) 1., 92.01 (1) and (5) (e) and (f) and 92.02; to repeal and recreate RL 92.01 (3) and (4); and to create RL 90.02 (1), (2) and (11) and 91.01 (3) (e) and (f), relating to educational and examination requirements for massage therapists and bodyworkers.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

08-30-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-25-00 REPORT SENT TO AGENCY.

RNS:DD:jal;tlu

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

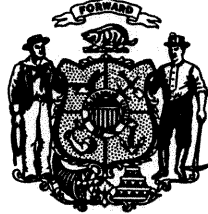
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 00-128

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 1. Statutory Authority

In s. RL 91.01 (3) (d), reference to an "examination approved by the department . . ." should be to a "substantially equivalent" examination. See s. 440.982 (1) (b), Stats., as affected by 1999 Wisconsin Act 98. Note, also, that the statute allows the examination to be "developed or administered" by the department, as well as "approved" by the department.

#### 2. Form, Style and Placement in Administrative Code

- a. In the first paragraph, second sentence, of the department's narrative analysis "educational approval board" should be capitalized.
- b. The treatment of s. RL 92.01 (5) (f) is not mentioned in the analysis. The analysis ends with a description of SECTION 16 and does not describe SECTIONS 17 and 18.
- c. In s. RL 90.02 (2) and (11), "has the meaning given" can replace "means a program defined."
- d. It is suggested that s. RL 91.01 (3) (d) be subdivided into an introductory paragraph that says "Has passed any of the following:" and three subdivisions.

e. In s. RL 91.01 (3) (f), should the reference to “course is completed” be replaced by “eight classroom hours are completed”?

f. In s. RL 91.03, there is no need to replicate the title of the section.

g. It appears that s. RL 92.01 (3) is incomplete; it is drafted as if it follows an introductory clause but an introductory clause is not included.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. It is not clear why s. 440.03 (1), Stats., is referenced under “statutes interpreted” in the department’s analysis.

b. In s. RL 90.02 (4), the reference to “sub. (5)” is either incorrect or incomplete.

c. In s. RL 91.01 (3) (a), it is not clear why the reference to s. 440.982 (1) (b), Stats., is retained.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

It is suggested that s. RL 92.01 (1) be coordinated with s. RL 91.01 (3). Further, it is not clear how the clause beginning with “evidence satisfactory to the department” now fits into s. RL 92.01 (1), as amended.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

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August 30, 2000

TO: Ron Sklansky, Director  
Rules Clearinghouse  
Wisconsin Legislative Council  
1 East Main Street, Suite 401

FROM: Pamela A. Haack, Paralegal  
Office of Administrative Rules  
Department of Regulation and Licensing  
Room 171, 1400 East Washington Avenue  
(608) 266-0495

RE: Proposed Rule-Making Order of the Department of Regulation and Licensing

Attached please find a proposed rule-making order of the Department of Regulation and Licensing submitted under s. 227.15, Wis. Stats. These proposed rules relate to the licensure of athletic trainers. The proposed order contains citations to the statutory authority under which the department intends to adopt the proposed rules and a description of the effect of the proposal.

Please stamp or sign a copy of this letter to acknowledge receipt. Please call me at 266-0495 if I can be of any assistance to the Clearinghouse in reviewing this rule.

Thank you.

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Athletic Trainers; Chiropractic; Controlled Substances; Dentistry; Dietitians, Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

-----  
IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 00- )  
-----

PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal RL 91.01 (3) (a) and 91.02; to renumber RL 90.02 (1), (3), (4), (5), (6), (7) and (8), 91.01 (3) (c) and (d); to renumber and amend RL 90.02 (2) and 91.01 (3) (b) and (e); to amend RL 91.01 (intro.), 91.03 (1) (intro.) and (1) (c) 1., 92.01 (1), (5) (e) and (f) and 92.02; to repeal and recreate RL 92.01 (3) and (4); and to create RL 90.02 (1), (2) and (11) and 91.01 (3) (e) and (f), relating to educational and examination requirements for massage therapists and bodyworkers.

Analysis prepared by the Department of Regulation and Licensing.

-----  
ANALYSIS

Statutory authority: s. 227.11 (2), Stats. and s. 440.982 (1) (b), Stats., as amended by 1999 Wisconsin Act 98. check

Statutes interpreted: ss. 440.03 (1) and 440.982 (1) (a) and (b), Stats.

The proposed revisions to Chapters RL 90, 91 and 92 are necessary to implement 1999 Wisconsin Act 98 relating to educational and examination requirements for massage therapists and bodyworkers. The proposed rules redefine an approved course of instruction to state that a course of instruction may now be approved by the department in addition to being offered by a school approved by the educational approval board under s. 45.54, Stats. Prior to 1999 Wisconsin Act 98, an approved course of instruction could only be offered by a school approved by the Educational Approval Board.

The proposed rules provide that a course of instruction approved by the department is either: (1) an associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college, or (2) a course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency recognized by the U.S. Department of Education, or the Commission on Massage Training Accreditation.

An approved course of instruction must also meet the minimum requirements set forth in s. RL 92.02 (5), consisting of 600 classroom hours satisfying the subject area requirements listed in that section. Additional amendments renumber those remaining sections where affected.

SECTIONS 2, 4 and 6 create definitions of accrediting agency, associate degree program and vocational diploma program.

SECTION 3 renumbers and amends a provision to allow the department to approve a course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 7 amends the introduction to s. RL 91.01, removing a reference to a section that is deleted.

SECTION 8 repeals a provision relating to a registration that is no longer offered.

SECTION 9 renumbers and amends a provision relating to an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 11 renumbers and amends provisions relating to successful completion of examinations required for registration.

SECTION 12 amends provisions to require evidence that the applicant completed a course in adult cardiopulmonary resuscitation.

SECTION 13 repeals outdated provisions.

SECTION 14 clarifies reciprocal registration.

SECTION 15 amends a provision relating to the submitted proof pertaining to completion of an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 16 repeals a reference to a formerly approved course of instruction and creates a provision that a course of instruction from a school that is not approved by the educational approval board be from a school that is either a technical college or accredited by an accrediting agency.

17 x 18

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TEXT OF RULE

SECTION 1. RL 90.02 (1) is renumbered RL 90.02 (3).

SECTION 2. RL 90.02 (1) is created to read:

RL 90.02 (1) "Accrediting agency" means any of the following:

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

(b) Commission on massage training accreditation.

SECTION 3. RL 90.02 (2) is renumbered RL 90.02 (4) and amended to read:

RL 90.02 (4) "Course of instruction" means a series of classroom courses, not including continuing education, which is approved by the department or at a school approved by the educational approval board under s. 45.54, Stats., having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective, meeting the requirements of sub. (5). ? x - not ✓

SECTION 4. RL 90.02 (2) is created to read:

RL 90.02 (2) "Associate degree program" means a program defined in s. 38.01 (1), Stats.

SECTION 5. RL 90.02 (3), (4), (5), (6), (7) and (8) are renumbered RL 90.02 (5), (6), (7), (8), (9) and (10).

SECTION 6. RL 90.02 (11) is created to read:

RL 90.02 (11) "Vocational diploma program" means a program defined in s. 38.01 (11), Stats.

SECTION 7. RL 91.01 (intro.) is amended to read:

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

SECTION 8. RL 91.01 (3) (a) is repealed. ✓

SECTION 9. RL 91.01 (3) (b) is renumbered RL 91.01 (3) (a) and amended to read:

RL 91.01 (3) (a) ~~If filing an application for registration on or after March 1, 2000, has~~  
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. ✓

SECTION 10. RL 91.01 (3) (c) and (d) are renumbered RL 91.01 (3) (b) and (c).

SECTION 11. RL 91.01 (3) (e) is renumbered RL 91.01 (3) (d) and amended to read:

RL 91.01 (3) (d) ~~If filing an application for registration on or after March 1, 2000, passed~~  
examinations Has passed the national certification examination for therapeutic massage and bodywork offered by the national certification board for therapeutic massage and bodywork, or a substantially equivalent examination approved by the national commission of certifying agencies of the national organization for competency assurance or an examination approved by the department relating to the practice of massage therapy or bodywork and state laws governing the practice of massage therapy and bodywork. ✓



SECTION 12. RL 91.01 (3) (e) and (f) are created to read:

RL 91.01 (3) (e) Has passed an examination on state laws and administrative rules governing massage therapy or bodywork.

(f) Has successfully completed a course consisting of 8 classroom hours in adult cardiopulmonary resuscitation and standard first aid, unless the course is completed as part of a course of instruction as provided under s. RL 92.01 (5) (e).

SECTION 13. RL 91.02 is repealed. ✓

SECTION 14. RL 91.03 (1) (intro.) and (1) (c) 1. are amended to read:

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

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

*cf. 91.01(3) ✓*  
SECTION 15. RL 92.01 (1) is amended to read:

*how does this work? ✓*  
RL 92.01 (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, an official transcript or other official documentation showing dates and total hours attended and a description of the curriculum completed, (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.

SECTION 16. RL 92.01 (3) and (4) are repealed and recreated to read:

*no cuts - no cuts. ✓*  
*?*  
RL 92.01 (3) A course of instruction at a school approved by the educational approval board under s. 45.54, Stats., and shall in addition meet the requirements of sub. (5).

(4) In addition to satisfying the requirements of sub. (5), a course of instruction that is approved by the department shall be one of the following:

(a) An associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college established pursuant to s. 38.02, Stats.

(b) A course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency.

SECTION 17. RL 92.01 (5) (e) and (f) are amended to read:

RL 92.01 (5) (e) Adult cardiopulmonary resuscitation (CPR) and standard first aid: 8 classroom hours. The requirement of this paragraph may be alternatively satisfied as provided under s. RL 91.01 (3) (f).

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: ~~102~~ 100 classroom hours.

SECTION 18. RL 92.02 is amended to read:

**RL 92.02 Approved schools.** Except for a course of instruction that is approved by the department, as provided under s. RL 92.01 (3) (4), an approved course of instruction designed to meet the requirements in this chapter shall be provided by an approved a school of massage therapy or bodywork, approved by the educational approval board as provided under s. 440.982 (1) (b), s. 45.54, Stats.

-----  
(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\message2.doc  
8/29/00

FISCAL ESTIMATE

ORIGINAL

UPDATE

CORRECTED

Rule No. RL 90.02, 91.01, 92.01, 92.02

Subject: Educational and examination requirements for massage therapists and bodyworkers.

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation

Increase Existing Revenues

Increase Costs - May be possible to absorb within agency's budget  Yes  No

Decrease Existing Appropriation

Decrease Existing Revenues

Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenue  
 Permissive  Mandatory

5. Types of local government units affected:  
 Towns  Villages  Cities

2.  Decrease Costs  
 Permissive  Mandatory

3.  Decrease Revenue  
 Permissive  Mandatory

Counties  Others \_\_\_\_\_  
 School Districts  WTCS Districts

Fund Sources Affected

GPR  FED  PRO  PRS  
 SEG-S

Affected Ch. 20 Appropriations

20.165 (1) (g)

Assumptions Used in Arriving at Fiscal Estimate

This rule neither increases the department's revenues or expenditures. This rule does not appear to have any impact on local government costs.

Long-Range Fiscal Implications

The fiscal estimate shall include the major assumptions used in its preparation and a reliable estimate of the fiscal impact of the proposed rule, including:

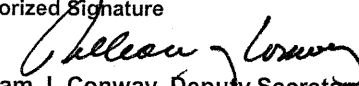
1. The anticipated effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues.
2. A projection of the anticipated state fiscal effect during the current biennium and a projection of the net annualized fiscal impact on state funds.

If a proposed rule interpreting or implementing a statute has no independent fiscal effect, the fiscal estimate prepared under this subsection shall be based on the fiscal effect of the statute.

Agency/Prepared by:

Department of Regulation and Licensing  
Gail M. Riedasch  
(608) 266-0746

Authorized Signature

  
William J. Conway, Deputy Secretary

Date

8/29/2000

**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect

- ORIGINAL       UPDATE  
 CORRECTED       SUPPLEMENTAL

<p><b>Rule No.</b>                  RL 90.02, 91.01,                  92.01, 92.02</p>
--

**Subject**

**: Educational and examination requirements for massage therapists and bodyworkers.**

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	( - FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$ -</b>
<b>B. State Costs by Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR Taxes	\$	\$ -
GPR Earned		
FED		-
PRO/PRS		
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>

**NET ANNUALIZED FISCAL IMPACT**

STATE

LOCAL

NET CHANGE IN COSTS      \$ 0 \_\_\_\_\_

NET CHANGE IN REVENUES      \$ 0 \_\_\_\_\_

Agency/Prepared by: Department of Regulation and Licensing Gail M. Riedasch (608) 266-0746	Authorized Signature  William J. Conway, Deputy Secretary	Date 8/29/2000
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AUG 24 2000

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

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TRS#: 1-800-947-3529

August 22, 2000

✓  
Senator Judy Robson, Co-Chairperson  
Joint Committee for Review of Administrative Rules  
15 South, State Capitol  
Madison, WI 53702

Representative Glenn Grothman, Co-Chairperson  
Joint Committee for Review of Administrative Rules  
15 North, State Capitol  
Madison, WI 53702

RE: Emergency Rules for Massage Therapists and Bodyworkers

Dear Senator Robson and Representative Grothman:

I am writing to inform you that the Department of Regulation and Licensing has prepared emergency rules relating to educational and examination requirements for massage therapists and bodyworkers. 1999 Wisconsin Act 98 amends s. 440.982 (1) (b), Stats., and provides an exemption from emergency rule procedures.

The Department of Regulation and Licensing will promulgate these rules as emergency rules, in accordance with the authority granted to it by the nonstatutory provisions in 1999 Wisconsin Act 98.

A draft of the Order Adopting Emergency Rules is enclosed. If you have any questions please call me at 266-8609.

Sincerely yours,

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING :  
PROCEEDINGS BEFORE THE : ORDER ADOPTING  
DEPARTMENT OF REGULATION : EMERGENCY RULES  
AND LICENSING :

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ORDER

An order of the Department of Regulation and licensing to repeal RL 91.01 (3) (a); to renumber RL 90.02 (1), (3), (4), (5), (6), (7) and (8), 91.01 (3) (b), (c) and (d); to renumber and amend R 90.02 (2) and 91.01 (3) (e); to amend RL 91.01 (intro.), 92.01 (1), 92.01 (5) (e) and (f), and 92.02; to repeal and recreate RL 92.01 (3) and (4); and to create RL 90.02 (1e) and (1j), (9), (10) and (12), 91.01 (3) (e) and (f), relating to courses of instruction, degree and diploma programs and accrediting agencies and examinations.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutory authority: s. 227.11 (2), Stats. and s. 440.982, Stats., as amended by 1999 Wisconsin Act 98.

Statutes interpreted: ss. 440.03 (1) and 440.982 (1) (a) (b), Stats.

The proposed revisions to Chapters RL 90, 91 and 92 are necessary to implement the provisions of 1999 Wisconsin Act 98 amending s. 440.982 (1) (b), Stats. The proposed rules modify the meaning and effect of an approved course of instruction to implement the authority of the department to approve courses of instruction meeting the minimum requirements set forth in s. RL 92.02 (5). Additional amendments renumber those remaining sections where affected.

Amends the provision to allow the department to approve a course of instruction authorized by s. 440.982 (1) (b), Stats.

Amends provisions of the definition section relating to examination providers.

Creates definition provisions relating to degree and diploma programs and accrediting agencies.

Amends the introduction to s. RL 91.01 removing a reference to a section that is deleted.

Repeals a provision relating to a registration that is no longer offered.

Amends a provision relating to an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

**DRAFT**

Amend internal references to the affected sections.

Amends and creates provisions relating to successful completion of examinations required for registration.

Creates provisions to require submission of evidence of the applicant having successfully completed a course in adult cardiopulmonary resuscitation.

Amends a provision relating to the submitted proof pertaining to completion of an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

Repeals a reference to a registration that is no longer available and creates a provision requiring a course of instruction offered by a school approved by the educational approval board to meet the requirements of that chapter.

Repeals a reference to a formerly approved course of instruction and creates a provision that a course of instruction from a school that is not approved by the educational approval board be from a school that is either a technical college or accredited by an accrediting agency.

Amends the requirement for a course of instruction including an adult cardiopulmonary course.

Amends a provision to correct a typographical error.

Amends a provision relating to approved schools following amendment of s. 440.982 (1) (b), Stats.

---

TEXT OF RULE

SECTION 1. RL 90.02 (1) is renumbered RL 90.02 (1n).

SECTION 2. RL 90.02 (1e) and (1j) are created to read:

RL 90.02 (1e) "Accrediting agency" means any of the following:

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

(b) Commission on massage training accreditation.

(1j) "Associate degree program" means a program defined in s. 38.01 (1), Stats.

SECTION 3. RL 90.02 (2) is renumbered RL 90.02 (3) and amended to read:

RL 90.02 (3) "Course of instruction" means a series of classroom courses, not including continuing education, which is approved by the department or at a school approved by the

**DRAFT**



educational approval board under s. 45.54, Stats., having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

SECTION 4. RL 90.02 (3), (4), (5), (6), (7) and (8) are renumbered RL 90.02 (4), (5), (6), (7), (8) and (11).

SECTION 5. RL 90.02 (9), (10) and (12) are created to read:

RL 90.02 (9) "NCBTMB" means the national certification board for therapeutic massage and bodywork.

(10) "NCCANOCA" means the national commission of certifying agencies of the national organization for competency assurance.

(12) "Vocational diploma program" means a program defined in s. 38.01 (11), Stats.

SECTION 6. RL 91.01 (intro.) is amended to read:

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

SECTION 7. RL 91.01 (3) (a) is repealed.

SECTION 8. RL 91.01 (3) (b) is renumbered (3) (a) and amended to read:

RL 91.01 (3) (a) ~~If filing an application for registration on or after March 1, 2000, has~~ 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.

SECTION 9. RL 91.01 (3) (c) and (d) are renumbered RL 91.01 (3) (b) and (c).

SECTION 10. RL 91.01 (3) (e) is renumbered RL 91.01 (3) (d) and amended to read:

RL 91.01 (3) (d) ~~If filing an application for registration on or after March 1, 2000, passed examinations~~ Has passed the national certification examination for therapeutic massage and bodywork offered by the NCBTMB or a substantially equivalent examination approved by the NCCANOCA or an examination approved by the department relating to the practice of massage therapy or bodywork and state laws governing the practice of massage therapy and bodywork.

SECTION 11. RL 91.01 (3) (e) and (f) are created to read:

RL 91.01 (3) (e) Has passed an examination on state laws and administrative rules governing massage therapy or bodywork.

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(f) Has successfully completed an 8 classroom hour course in adult cardiopulmonary resuscitation and standard first aid, unless the course is completed as part of a course of instruction as provided under s. RL 92.01 (5) (e).

SECTION 12. RL 92.01 (1) is amended to read:

RL 92.01 (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, in the form of an official transcript or other official documentation showing dates and total hours attended and a description of the curriculum completed, 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) and (5), Stats.

SECTION 13. RL 92.01 (3) and (4) are repealed and recreated to read:

RL 92.01 (3) A course of instruction at a school approved by the educational approval board under s. 45.54, Stats., and shall in addition meet the requirements of sub. (5).

(4) In addition to satisfying the requirements of sub. (5), a course of instruction that is approved by the department shall be one of the following:

(a) An associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college established pursuant to s. 38.02, Stats.

(b) A course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency.

SECTION 14. RL 92.01 (5) (e) and (f) are amended to read:

RL 92.01 (5) (e) Adult cardiopulmonary resuscitation (CPR) and standard first aid: 8 classroom hours. The requirement of this paragraph may be alternatively satisfied as provided under s. RL 91.01 (3) (f).

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: ~~102~~ 100 classroom hours.

SECTION 15. RL 92.02 is amended to read:

**RL 92.02 Approved schools.** Except as provided under s. RL 92.01 ~~(3)~~ (4), an approved course of instruction designed to meet the requirements in this chapter shall be provided by ~~an~~

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~~approved~~ a school of massage therapy or bodywork, approved by the education approval board  
as provided under ~~s. 440.982 (1) (b)~~, s. 45.54, Stats.

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FINDING OF EMERGENCY

Section 2 of 1999 Wisconsin Act 98 states that the department is not required to make a finding of emergency and that the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules.

Pursuant to s. 227.24 (1) (c), Stats., the emergency rules in this order shall take effect upon publication in the official state newspaper.

Dated: \_\_\_\_\_

Agency \_\_\_\_\_

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

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OCT 24 2000

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 00-128)

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DEPARTMENT OF REGULATION AND LICENSING is submitting in final draft form rules relating to educational and examination requirements for massage therapists and bodyworkers.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 00-128  
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)  
AND LICENSING :**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

The proposed revisions to Chapters RL 90, 91 and 92 are necessary to implement 1999 Wisconsin Act 98 relating to educational and examination requirements for massage therapists and bodyworkers. The proposed rules redefine an approved course of instruction to state that a course of instruction may now be approved by the department in addition to being offered by a school approved by the Educational Approval Board under s. 39.51, Stats. Prior to 1999 Wisconsin Act 98, an approved course of instruction could only be offered by a school approved by the Educational Approval Board.

The proposed rules provide that a course of instruction approved by the department is either: (1) an associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college, or (2) a course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency recognized by the U.S. Department of Education, or the Commission on Massage Training Accreditation.

An approved course of instruction must also meet the minimum requirements set forth in s. RL 92.02 (5), consisting of 600 classroom hours satisfying the subject area requirements listed in that section. Additional amendments renumber those remaining sections where affected.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on October 3, 2000. Jesus Garza, Madison, Wisconsin, representing the Wisconsin Technical College System Board appeared in person and filed written comments. Vlad Thomas, Whitewater, Wisconsin appeared in person and filed written comments. There were no other appearances nor were there any other written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

Comment 2.d. It is suggested that s. RL 91.01 (3) (d) be subdivided into an introductory paragraph that says "Has passed any of the following:" and three subdivisions.

Response: The suggestion is not accepted. The rule as presently worded follows the statutory language.

Comment 5. It is suggested that s. RL 92.01 (1) be coordinated with s. RL 91.01 (3). Further, it is not clear how the clause beginning with "evidence satisfactory to the department" now fits into s. RL 92.01 (1), as amended.

Response: The suggestion is not accepted. Section RL 92.01 (1) pertains to education required for a credential, whereas s. RL 91.01 (3) pertains to examinations required for a credential. The phrase, "evidence satisfactory to the department" is now modified to "establishing."

The remaining suggestions recommended in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 00-128)

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PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal RL 91.01 (3) (a) and 91.02; to renumber RL 90.02 (1), (3), (4), (5), (6), (7) and (8), 91.01 (3) (c) and (d); to renumber and amend RL 90.02 (2) and 91.01 (3) (b) and (e); to amend RL 91.03 (1) (intro.) and (1) (c) 1., 92.01 (1), (5) (e) and (f) and 92.02; to repeal and recreate RL 92.01 (3) and (4); and to create RL 90.02 (1) and 91.01 (3) (e) and (f), relating to educational and examination requirements for massage therapists and bodyworkers.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutory authority: s. 227.11 (2), Stats. and s. 440.982 (1) (b), Stats., as amended by 1999 Wisconsin Act 98.

Statutes interpreted: ss. 440.982 (1) (a) and (b), Stats.

The proposed revisions to Chapters RL 90, 91 and 92 are necessary to implement 1999 Wisconsin Act 98 relating to educational and examination requirements for massage therapists and bodyworkers. The proposed rules redefine an approved course of instruction to state that a course of instruction may now be approved by the department in addition to being offered by a school approved by the Educational Approval Board under s. 39.51, Stats. Prior to 1999 Wisconsin Act 98, an approved course of instruction could only be offered by a school approved by the Educational Approval Board.

The proposed rules provide that a course of instruction approved by the department is either: (1) an associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college, or (2) a course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency recognized by the U.S. Department of Education, or the Commission on Massage Training Accreditation.

An approved course of instruction must also meet the minimum requirements set forth in s. RL 92.02 (5), consisting of 600 classroom hours satisfying the subject area requirements listed in that section. Additional amendments renumber those remaining sections where affected.

SECTION 2 creates the definition of an accrediting agency.

SECTION 3 renumbers and amends a provision to allow the department to approve a course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 5 amends the introduction to s. RL 91.01, removing a reference to a section that is deleted.

SECTION 6 repeals a provision relating to a registration that is no longer offered.

SECTION 7 renumbers and amends a provision relating to an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 9 renumbers and amends provisions relating to successful completion of examinations required for registration.

SECTION 10 amends provisions to require evidence that the applicant completed a course in adult cardiopulmonary resuscitation.

SECTION 11 repeals outdated provisions.

SECTION 12 clarifies reciprocal registration.

SECTION 13 amends a provision relating to the submitted proof pertaining to completion of an approved course of instruction authorized by s. 440.982 (1) (b), Stats.

SECTION 14 repeals a reference to a formerly approved course of instruction and creates a provision that a course of instruction from a school that is not approved by the educational approval board be from a school that is either a technical college or accredited by an accrediting agency.

SECTION 15 amends the requirement for a course of instruction including an adult cardiopulmonary course, and to correct a typographical error.

SECTION 16 amends a provision relating to approved schools following amendment of s. 440.982 (1) (b), Stats.

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TEXT OF RULE

SECTION 1. RL 90.02 (1) is renumbered RL 90.02 (2).

SECTION 2. RL 90.02 (1) is created to read:

RL 90.02 (1) "Accrediting agency" means any of the following:

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



(b) Commission on massage therapy accreditation.

SECTION 3. RL 90.02 (2) is renumbered RL 90.02 (3) and amended to read:

RL 90.02 (3) "Course of instruction" means a series of classroom courses, not including continuing education, which is approved by the department or at a school approved by the educational approval board under s. 39.51, Stats., having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective, meeting the requirements of s. RL 92.01(5).

SECTION 4. RL 90.02 (3), (4), (5), (6), (7) and (8) are renumbered RL 90.02 (4), (5), (6), (7), (8) and (9).

SECTION 5. RL 91.01 (intro.) is amended to read:

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

SECTION 6. RL 91.01 (3) (a) is repealed.

SECTION 7. RL 91.01 (3) (b) is renumbered RL 91.01 (3) (a) and amended to read:

RL 91.01 (3) (a) ~~If filing an application for registration on or after March 1, 2000, has~~ 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.

SECTION 8. RL 91.01 (3) (c) and (d) are renumbered RL 91.01 (3) (b) and (c).

SECTION 9. RL 91.01 (3) (e) is renumbered RL 91.01 (3) (d) and amended to read:

RL 91.01 (3) (d) ~~If filing an application for registration on or after March 1, 2000, passed examinations~~ Has passed the national certification examination for therapeutic massage and bodywork offered by the national certification board for therapeutic massage and bodywork or a substantially equivalent examination approved by the national commission of certifying agencies of the national organization for competency assurance or that is developed, administered or approved by the department relating to the practice of massage therapy or bodywork and state laws governing the practice of massage therapy and bodywork.

SECTION 10. RL 91.01 (3) (e) and (f) are created to read:

RL 91.01 (3) (e) Has passed an examination on state laws and administrative rules governing massage therapy or bodywork.

(f) Has successfully completed a course consisting of 8 classroom hours in adult cardiopulmonary resuscitation and standard first aid, unless the 8 classroom hours are completed as part of a course of instruction as provided under s. RL 92.01 (5) (e).

SECTION 11. RL 91.02 is repealed.

SECTION 12. RL 91.03 (1) (intro.) and (1) (c) 1. are amended to read:

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

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

SECTION 13. RL 92.01 (1) is amended to read:

RL 92.01 (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, 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 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.

SECTION 14. RL 92.01 (3) and (4) are repealed and recreated to read:

RL 92.01 (3) A course of instruction at a school approved by the educational approval board under s. 39.51, Stats., shall in addition meet the requirements of sub. (5).

(4) In addition to satisfying the requirements of sub. (5), a course of instruction that is approved by the department shall be one of the following:

(a) An associate degree program, or a vocational diploma program in massage therapy or bodywork offered by a technical college established pursuant to s. 38.02, Stats.

(b) A course of instruction in massage therapy or bodywork offered by a school accredited by an accrediting agency.

SECTION 15. RL 92.01 (5) (e) and (f) are amended to read:

RL 92.01 (5) (e) Adult cardiopulmonary resuscitation (CPR) and standard first aid: 8 classroom hours. The requirement of this paragraph may be alternatively satisfied as provided under s. RL 91.01 (3) (f).

(f) Additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction: ~~102~~ 100 classroom hours.

SECTION 16. RL 92.02 is amended to read:

**RL 92.02 Approved schools.** Except for a course of instruction that is approved by the department, as provided under s. RL 92.01 ~~(3)~~ (4), an approved course of instruction ~~designed to meet the requirements in this chapter~~ shall be provided by ~~an approved~~ a school of massage therapy or bodywork, approved by the educational approval board as provided under s. ~~440.982~~ (1) (b), s. 39.51, Stats.

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(END OF TEXT OF RULE)  
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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.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant adverse economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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10/24/00