

The Importance of Massage Legislation

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What is a massage license?

An occupational license is a credential issued by a government entity (state, county, city) that gives a person permission to practice a profession in its jurisdiction.

What are the purposes of occupational licensing?

The main purposes of occupational licensing are consumer protection and the assurance of minimal level of competency of practitioners.

Which states require a massage license?

Massage therapists are licensed in 43 states, the District of Columbia, Puerto Rico, and the US Virgin Islands.

Additionally, California has a voluntary certification, Indiana also has a certification: Kansas, Minnesota, Wyoming and Vermont do not currently regulate the practice of massage therapy.

How long has there been massage regulation in Wisconsin?

On May 13, 2010 Governor James Doyle enacted 2009 Wisconsin Act 355, which became effective December 1, 2010. This legislation created the occupational license for Licensed Massage Therapists and Bodywork Therapists in Wisconsin.

This was the culmination of a long process with important steps along the way:

In 1998 Massage Therapists were granted Wisconsin Registration, a voluntary credential that provided title protection only.

In 2002, after considerable efforts toward licensing, the status was upgraded from Registration to Certification (still a voluntary credential).

AMTA Wisconsin Chapter has been a driving force in this movement. Countless hours of volunteer time have been spent and tens of thousands of dollars in lobbyists.

Our current statutes are found online at <https://docs.legis.wisconsin.gov/statutes/statutes/460.pdf>

What is the movement to reform occupational licensing in Wisconsin?

In 2017 Governor Walker mandated a study to consider elimination of many occupational licenses in his budget bill (SB 30). It was removed and replaced by a separate bill.

Some licensing reform was passed in 2017 in the field of cosmetology. The number of hours to obtain a cosmetology or barbering license was reduced, continuing education requirements removed, and the manager and instructor's licenses were eliminated.

The Department of Safety and Professional Services was mandated to conduct a study to determine what other occupational licensing requirements could be reduced or licenses could be eliminated completely. This study was completed by December 30, 2018. The survey that we Massage Therapists received was part of that study.

The results of the study has been published on the DSPS website
https://dsps.wi.gov/Documents/DSPS%20OLS%20Report_Dec2018.pdf

The report suggested the elimination of several licenses. Massage Therapist was not included in that list. However, the report left room for additional reforms.

The report did list Massage Therapist as one of the target occupations selected by the National Licensing Learning Consortium, which is a multi-year program that explores ways to further reduce unnecessary barriers to the labor market.

Who is on the Regulatory Licensing Reform Committee?

Committee Assignments were made for the 2019-2020 biennium.

Representative Horlacher (Chair), Representative Ballweg (Vice-Chair)
Representative Allen, Representative Sortwell, Representative Macco
Representative Quinn, Representative Brostoff, Representative Stuck
Representative Myers

Who is leading the movement for less occupational licensing?

The Charles Koch Institute
<https://www.charleskochinstitute.org/blog/do-you-have-a-license-for-that/>

The Badger Institute
<http://www.badgerinstitute.org/BI-Files/Special-Reports/LicensureReport2017.pdf>

The Wisconsin Institute for Law and Liberty
<https://www.will-law.org/wp-content/uploads/2017/03/FOO2-FINAL-v3.pdf>

Right Wisconsin
<https://rightwisconsin.com>

What are their arguments for reducing occupational licensing?

- Occupational licensing “fences out” opportunity
- People would have more career choices without licensing
- Licenses drive up prices by eliminating competition
- The risk of harm to the public is minimal or can be avoided by other means

What is the AMTA National Position?

Licensing is important to protect the public and advance the field.
<https://www.amtamassage.org/regulation/index.html>

What is AMTA Wisconsin Chapter's Position?

AMTA Wisconsin Chapter holds that massage licensing in Wisconsin is important because:

- It protects the public from physical, financial or emotional harm done by unlicensed and/or untrained practitioners;
- It allows the State to intervene with disciplinary action when a massage therapist has committed a practice or ethical violation;
- Our license elevates our standing as affiliated health professionals, recognizing the valuable contribution we make to the health and wellbeing of those who seek our services; and,
- It serves as a tool for law enforcement to separate bad actors from professional massage therapists.

What is next?

We must mobilize to protect our license. Our members (and other massage therapists) must understand what is at stake as licensing reform continues to be an issue at the state level. Open communication of interested parties is key.

Proactive legislative efforts

In the 2017 legislative session AMTA-WI introduced a bill which would have added the application of kinesio-tape and body spa services to our scope of practice definition, as well as the recommendation of stretching. It would have also added an establishment license requirement (state wide), while exempting state licensed massage therapists from local restrictions and firming up the penalty for massaging without a license. There was also discussion of the need to increase the minimal liability insurance requirements.

AMTA Wisconsin Chapter is committed to advancing our field through legislation. However, a needs analyses may need to be completed.

Discussion Questions:

In your experience, what harm could be done to the public by unlicensed massage practitioners?

How widely is massage therapy used as a front for illegal activity in your community?

Do you believe that current entry-level requirements are a good standard to train minimally competent massage therapists in Wisconsin?

Do you find continuing education requirements to renew your license burdensome? Why or why not?

What areas of our current laws do you believe need tweaking or changing?

What are you currently doing to advance our field? What would you like to see happen?

Have you been an AMTA Wisconsin Chapter volunteer? What was the experience like? How can we get more therapists involved?

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460.01 Definitions. In this chapter:

(1g) "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.

(1r) "Affiliated credentialing board" means the massage therapy and bodywork therapy affiliated credentialing board.

(2m) "License holder" means a person granted a license under this chapter.

(3) "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.

(4) "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 or contraindicated, or whether a referral to another health care practitioner is appropriate. "Massage therapy" or "bodywork therapy" does not include making a medical, physical therapy, or chiropractic diagnosis.