

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

I, Tom Ryan, Executive Director, Division of Policy Development in the Wisconsin Department of Safety and Professional Services and custodian of the official records of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, do hereby certify that the annexed rules relating to continuing education were duly approved and adopted by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 1400 East Washington Avenue, Madison, Wisconsin this 5th day of June, 2018.



A handwritten signature in black ink, appearing to read 'Tom Ryan', written over a horizontal line.

*Tom Ryan, Executive Director
Division of Policy Development
Department of Safety & Professional Services*

STATE OF WISCONSIN
MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING
BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	MESSAGE THERAPY AND BODYWORK
MESSAGE THERAPY AND BODYWORK	:	THERAPY AFFILIATED
THERAPY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 17-076)

ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to amend MTBT 7.02 (3), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 460.10 (1) (a), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 460.10 (1) (a), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, such as the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . ."

Section 460.10 (1) (a), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may promulgate rules establishing "[r]equirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license."

Related statute or rule:

None.

Plain language analysis:

Chapter MTBT 7 contains the continuing education requirements for renewal of a license in massage therapy or bodywork therapy. Section MTBT 7.02 (3) provides continuing education must be completed "within 2 calendar years immediately preceding the calendar year for which application for renewal is made." This language is unclear, which has led to difficulty in complying with and administering the continuing education requirement. The rules clarify the requirement by providing continuing education must be completed during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 46r., Stats.

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

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation (IDFPR) specify continuing education requirements for persons licensed to practice massage therapy in the state of Illinois (68 Ill. Adm. Code 1284.90). Twenty four hours of continuing education, including at least 2 hours of ethics, must be completed during the 24 months preceding the expiration date of a license (all massage therapy licenses expire on December 31 of each even-numbered year).

Iowa:

Rules of the Iowa Board of Massage Therapy specify continuing education requirements for persons licensed to practice massage therapy in the state of Iowa (645 IAC 133). A minimum of 16 hours of continuing education must be completed each biennium. A biennium is a 2-year period beginning with the date the license was granted.

Michigan:

Rules of the Michigan Board of Massage specify continuing education requirements for persons licensed to practice massage therapy in the state of Michigan (Mich Admin Code, R 338.731 and R 338.733). An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall accumulate not less than 18 hours of continuing education, including at least 1 hour in the area of pain and symptom management and 2 hours in the area of professional ethics or boundaries, during the 3 years immediately preceding the application for renewal.

Minnesota:

The Minnesota Department of Health's Office of Unlicensed Complementary and Alternative Health Care Practice (OCAP) investigates complaints and takes enforcement actions against massage therapists for violations of prohibited conduct. However, neither OCAP nor any other statewide agency or board oversees the licensing of massage therapists. Licensing requirements, if any, for massage therapists are established by the county or city in which the massage therapist practices.

Summary of factual data and analytical methodologies:

The rules clarify the period in which continuing education must be completed. No additional factual data or analytical methodologies were used to develop the rules.

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

The rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on December 6, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 7.02 (3) is amended to read:

MTBT 7.02 (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~~ during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 46r., Stats.

SECTION 2. 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)

Dated 6/5/18

Agency Dale Kleven
Chairperson
Massage Therapy and Bodywork
Therapy Affiliated Credentialing Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
MTBT 7

3. Subject
Continuing education

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(hg)
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6. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
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7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
Chapter MTBT 7 contains the continuing education requirements for renewal of a license in massage therapy or bodywork therapy. Section MTBT 7.02 (3) provides continuing education must be completed "within 2 calendar years immediately preceding the calendar year for which application for renewal is made." This language is unclear, which has led to difficulty in complying with and administering the continuing education requirement. The proposed rules clarify the requirement by providing continuing education must be completed during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 46r., Stats.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit to implementing the rule is providing clarity to the continuing education requirements under ch. MTBT 7. If the rule is not implemented, the continuing education requirements will remain unclear.

14. Long Range Implications of Implementing the Rule
The long range implication of implementing the rule is clarity and less difficulty in complying with and administering the continuing education requirements under ch. MTBT 7.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

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17. Contact Name
Dale Kleven

18. Contact Phone Number
(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.