

COMMENTS SUBMITTED ON BEHALF OF AMTA-WA

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Chapter 246-830 WAC--MESSAGE PRACTITIONERS

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WAC 246-830-005 Definitions.

The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

(1) "Animal" means any species normally recognized as treatable by veterinary medicine. *(This is the definition used in the rules dealing with animal massage practitioner, so it is retained, while the definitions of "small animal" and "large animal" are deleted because they are not used in the rules.)*

(2) "Animal massage practitioner" means an individual with a license to practice massage therapy in this state with additional training in animal therapy.

(3) "Apprentice" is defined as an individual enrolled in an apprenticeship program, and shall be held to the same standards as students in schools or programs.

(4) "Apprenticeship program" is defined for the purposes of this chapter as training in massage administered by an apprenticeship trainer that satisfies the educational requirements for massage set forth in WAC 246-830-430, 246-830-440, and 246-830-450. This training shall be offered by an apprenticeship trainer to no more than three apprentices at one time and shall be completed within two years.

(5) "Apprenticeship trainer" is defined as a massage practitioner licensed in the state of Washington with more than five current years of experience in full-time practice.

(6) "Board" means the Washington state board of massage.

(7) "Breast massage" means the specific and deliberate manipulation of breast tissue. Massage of the surrounding chest and shoulder muscles such as massage of the sternum is not considered breast massage.

(8) "Department" means the Washington state department of health.

(9) "Direct supervision" means a faculty member who is a clinical supervisor of the massage program is on the premises, in the student clinic and is quickly and easily available to students and clients/patients. The clinical supervisor, who has at least two years practical experience, has reviewed the health history of the client/patient, and reviewed and approved the student massage plan ~~and the client has been examined by the faculty member at such time as acceptable massage practice requires.~~ *(Additional language is added to strengthen the meaning of "direct supervision." Deleted language is not necessary given the additional language re operation of student clinic that provides additional protection for client/patient. See pages 32 and 33.)*

() "Evaluation" means the assessment of soft tissue in order to facilitate decision making regarding effective forms and techniques of massage, and identifying cautions and contraindications to ensure client/patient safety. Evaluation does not mean diagnosis. *(While LMPs are prohibited from diagnosing, evaluation is a distinct function, necessary prior to providing any independently delivered health care service.)*

~~(10) "Externship" means a period of direct supervised practice done off campus that is part of a board approved program.~~ *(We deleted this definition because there are no standards for an externship, it's not part of the required hours, and there is no mention of it in statute.)*

(11) "Intraoral massage" means the manipulation or pressure of soft tissue inside the mouth or oral cavity for therapeutic purposes.

~~(12) "Large animal" means any species commonly recognized as livestock and exotics. Livestock includes horses, cattle, swine and sheep.~~ *(definition is not used in the rules)*

(13) "Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or move-

ments, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

(14) "Massage business" means the operation of a business where massages are given.

(15) "Massage practitioner" means an individual licensed under this chapter.

(16) "Massage program" is education and training in massage therapy offered by an institution. A program is an established area of study offered on a continuing basis and approved by the Board. ~~A program has a specified number of hours. A program may have a specific area of focus. An institution may have more than one massage program.~~

(The deleted language seems superfluous. Language was added because the most important issue regarding any massage program is that it is approved by the Board.)

() "Massage school" is an institution which has the sole purpose of offering education and training in massage therapy. *(This is the current WAC definition with the inclusion of the words "education*

and." While the words "massage program" are most frequently used in these rules, there are references to "massage school" so therefore we think the definition should be retained.

(17) "Secretary" means the secretary of the department of health or the secretary's designee.

~~(18) "Small animal" means any species commonly recognized as domesticated. Domesticated includes canine, feline and other small animals. Definition is not used in the rules~~

(19) "Student" means an individual currently enrolled in an approved school, massage program, or apprenticeship program, who is practicing massage solely for the purposes of education and training as part of their current course work and who is not receiving compensation for said practice.

WAC 246-830-xxx Professional title

In accordance with Chapter 41, Laws of 2016, effective July 1, 2017, all references to "massage practitioner" in chapter 246-830 WAC will be changed to "massage therapist". After July 1, 2017, all individuals licensed under chapter 18.108 RCW will retain the title of "massage practitioner" ~~remain subject the provisions of chapter 246-830 WAC~~ until a new credential, with the title "massage therapist," is

issued, ~~regardless of~~ when their next scheduled renewal date occurs.
Further, in order to allow sufficient time for massage practitioners to update their signage, letterhead, business cards, etc., it is acceptable to begin using the term "massage therapist" as of the effective date of these rules.

LICENSING

WAC 246-830-020 Applications

(1) Applicants for a massage practitioner license shall submit the following:

- (a) Completed application on forms provided by the department;
- (b) Proof of completion of the required education at a board approved massage program on an official transcript or program completion form sent directly from the applicant's school ~~school~~ program;
- (c) Proof of successful completion of a board approved examination under WAC 246-830-201;
- (d) Proof of successful completion of the Washington state jurisprudence examination;
- (e) Proof of completing four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;

(f) Proof of certification in American Red Cross first aid and American Heart Association CPR or the equivalent. Training must be in person;

(g) The required nonrefundable application fee in WAC 246-830-990; and

(h) Fingerprint cards for national fingerprint based background check pursuant to RCW 18.130.064(2), if requested by the department.

(2) The secretary may request additional supporting documentation as necessary.

(3) No license ~~or certification~~ may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application pursuant to RCW 18.108.085(3).

WAC 246-830-035 Licensing by endorsement

(1) A massage practitioner applicant holding a massage license in another state or foreign jurisdiction may be granted a Washington license ~~without examination~~ if, in the opinion of the board, the other state's or foreign jurisdiction's educational requirements are substantially equivalent to Washington's. Substantial equivalency means a

course of study at a massage school or at a massage program approved by the equivalent licensing agency or agencies in the state in which it is located at the time of applicant's graduation including a minimum of: *(Since the Board is requiring an examination, the words "without examination" should be removed.)*

(a) 625 clock hours; or

(b) 500 clock hours and

(i) Applicant's massage license is in good standing; and

(ii) Applicant has been actively engaged in the practice of massage in one or more states **s** or foreign jurisdictions **s** for no less than three years immediately of the preceding five years before the application date. *(Using the word "immediately" does not allow for any time related to moving to a different state...we recommend some flexibility)*

(2) ~~If an applicant has completed a course of study that is less than 625 clock hours and applicant has not been licensed and practicing for at least three years immediately preceding the application date~~ does not meet the requirements of subsection (1) (b), then an applicant may fulfill the remaining training requirements as outlined in WAC 246-830-037. *(In its current form, the language is confusing because a person could have less than 500 hours, but three years experi-*

ence, and that would not be acceptable. So, we've streamlined the language to what we believe is the intention of the Board.)

(3) All Applicants must have successfully passed one of the following examinations after their graduation date:

(a) Massage and Bodywork Licensing Examination or successor; or

(b) National Certification Examination for Therapeutic Massage and Bodywork or successor.

~~(4) In addition to meeting the requirements in sections one through three,~~ All applicants must: *(applicants who meet the requirements in (1) (a) or (b) will not need to meet the requirements of subsection (2))*

(a) Be at least 18 years of age;

(b) Complete the application on forms provided by the department;

(c) Successfully complete the current Washington state jurisprudence examination;

(d) Have verification sent directly from the state(s) or foreign jurisdiction(s) verifying the applicant's massage practitioner credential is active and in good standing and any current or previous disciplinary proceedings against the applicant's credential;

(e) ~~Employment verification form sent directly from the employer or employers on forms provided by the department~~ Attestation of prior employment during three years of the preceding five years before an application for licensure by endorsement on a form to be provided by the Board, to include self-employment; *(requiring employers to send forms will be time consuming, and an administrative burden on the Board's staff. Attestation, under penalty of perjury, should be sufficient since these individuals are currently credentialed in another state.)*

(f) Provide proof of completing four clock hours of AIDS education as required by chapter 246-12 WAC, Part 8;

(g) Provide proof of certification in American Red Cross first aid and American Heart Association CPR or the equivalent. Training must be in person;

(h) Submit the required nonrefundable application fee in WAC 246-830-990; and

(i) Submit fingerprint cards for national fingerprint based background check pursuant to RCW 18.130.064(2), if requested by the department.

(5) The secretary may request additional supporting documentation as necessary.

(6) The secretary shall not issue a massage practitioner license to an applicant who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within eight years immediately preceding the date of application pursuant to RCW 18.108.085(3).

WAC 246-830-037 ~~Transfer of training hours~~ Transfer programs, and transfer of prior education and clock hours

In order to recognize prior education that is applicable to licensure as a massage therapist practitioner while protecting the public, the board authorizes massage programs that are approved by the board to operate transfer programs that accept an individual's credits or clock hours from massage schools or programs that have not been approved by the board. subject to the following conditions: *(fyi, the word "schools" is used in 2781, so we are recommending using both terms when referring to non-Washington institutions, and just the word "program" when referring to Washington based institutions)*

(1) A massage school ~~program~~ shall not grant transfer credits or clock hours from another institution unless:

(a) The massage school or program from where credits or clock hours are being transferred is ~~shall be~~:

(i) Accredited by a national or regional education accreditation organization; ~~or~~

(ii) Approved by a state authority with responsibility for oversight of educational or vocational programs; or

(iii) Approved by a state agency that regulates massage programs and is a member of the federation of state massage therapy boards.

(b) The massage school or program from where credits or clock hours is being transferred shall provide an official transcript that conforms to requirements established in board policy; *(are there Board policies separate from WACs?)*

(c) Courses for which credits or clock hours ~~is~~ are granted shall be substantially equivalent in content and intensity to the courses presently offered by the board approved ~~school~~ massage programs. In order to determine substantial equivalency, the massage program shall evaluate the courses and clock hours, and if components are missing, require credits or clock hours for those subjects, while granting partial credit, as appropriate. Documentation of the massage program's decision making rationale shall be maintained in the student's file. *(some flexibility is needed, and we believe what we have proposed is reasonable, while still allowing for protection of the public from unqualified massage practitioners);* and

(d) Documentation of all previous formal training or education applicable to completion of a massage ~~training~~ program shall be included in each student's permanent file.

(2) Transfer programs must be approved by the board on forms to be developed by the board in advance of any program enrolling a student via the use of transfer credits or clock hours. *(There are no standards for approval of transfer programs beyond those contained in this section.)*

(3) Approval of transfer programs are valid for three years after initial approval and every five years for reapproval. The board, ~~at its discretion,~~ may place restrictions on or may terminate a transfer program that fails to comply with the requirements in this section **or in RCW 18.108.XXX.** *(Again, there are no standards for massage transfer programs in these rules. This paragraph seems to imply that standards will be developed. In addition, use of the words "at its discretion" is too one sided, and does not allow for due process. If the Board finds that a massage program's transfer program is not in compliance with Board requirements, then the Board would restrict or terminate the transfer program based on its findings, and with due process.)*

WAC 246-830-XXX Massage practitioner examination

Pursuant to WAC 246-830-201, applicants who do not pass the examination after three attempts shall demonstrate evidence satisfactory to the board of having successfully completed additional clinical training or course work as determined by the board before being permitted three additional attempts to pass the exam. *(This should be moved to 201 below...or it should follow 201. Clarifying language is added so that it's clear the training required is in addition to what is required for licensure.)*

WAC 246-830-201 ~~Scope of examination~~ Examination

(1) Applicants for licensed a massage practitioner license must successfully pass one of the following examinations:

- (a) Massage and Bodywork Licensing Examination or successor; or
- (b) National Certification Examination for Massage Therapy and Bodywork or successor. ~~or~~

~~(c) A Secretary approved examination.~~

~~(2) Examinations described in subsection 1(c) for a massage practitioner license should include, but not be limited to, the following:~~

- ~~(a) A written portion with questions sufficient in number to prove the applicant has been given an adequate opportunity to express~~

~~his or her knowledge relating to subjects described in RCW 18.108.073(2).~~

~~(b) A practical portion for the applicant to perform massage therapy. The contents of the practical portion will include, but not be limited to, the following:~~

- ~~(i) Professional manner;~~
- ~~(ii) Lubrication;~~
- ~~(iii) Overall demonstration of work: Pressure, rhythm, smoothness, organization;~~
- ~~(iv) Interaction with client;~~
- ~~(v) Effleurage;~~
- ~~(vi) Petrissage;~~
- ~~(vii) Friction;~~
- ~~(viii) Vibration;~~
- ~~(ix) Tapotement;~~
- ~~(x) Joint demonstration and Swedish gymnastics;~~
- ~~(xi) Specific muscle demonstration;~~
- ~~(xii) Client endangerment;~~
- ~~(xiii) Draping and turning; and~~
- ~~(xiv) Treatment of various conditions.~~

~~(3) Any irregular or dishonest activity or activities on the licensing examination, including, but not limited to, substitution by a candidate of another person to sit in the test site and take the examination on behalf of the candidate; copying or attempting to copy another person's answers; disclosing or attempting to disclose examination questions and/or answers to others; bringing unauthorized prohibited items into the examination site or possessing unauthorized prohibited items in the examination site, is a basis for denial of licensure under RCW 18.130.055. (Retention of language related to a practical exam, or language that assumes that DOH is actually administering an exam, is confusing and unnecessary. In a search of the massage statutes, there is no reference to a practical exam for LMPs.)~~

WAC 246-830-290 Documents in a foreign language

All application documents submitted in a foreign language must be accompanied by an accurate translation of those documents into English. Translated documents must bear a notarized affidavit certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Costs of translation of all documents must be at the expense of the applicant.

EDUCATION

WAC 246-830-401 Scope and purpose

The board reviews and approves massage programs ~~or~~ and apprenticeship programs to: ~~(1) Assure~~ assure preparation for safe practice as a licensed massage practitioner by requiring massage programs ~~or~~ and apprenticeship programs to meet minimum standards. The board also sets standards for licensure by endorsement, as well as massage transfer programs.

~~(2) Provide guidance for development of new massage programs or apprenticeship programs. (This is not currently being done.)~~

~~(3) Identify training standards and achieved competencies of licensed massage practitioners in the state of Washington for the purposes of endorsements.~~

WAC 246-830-420 Approval of massage program or apprenticeship program

(1) To qualify as a board approved massage program or apprenticeship program, a program must submit a completed application packet provided by the department. The packet will include forms and instructions to submit the following, including but not limited to:

(a) Curriculum shall be designed and presented to meet or exceed the requirements listed in WAC 246-830-430. The following documentation must be submitted:

(i) Table of courses offered;

(ii) Syllabus for each course that includes, ~~at a minimum,~~ course title, subject matter, course hours, ~~instructor(s) name,~~ ~~form of measurable~~ course objectives, ~~learning activities,~~ methods of evaluation ~~procedure,~~ ~~course schedule,~~ and textbooks or other instructional materials; *(Instructors' names and course schedule are deleted because documentation is provided for a three year period, and some flexibility is needed to allow for changes in a course schedule or a course instructor. Learning activities is deleted because it's duplicative. The key points related to education remain in this subcriteria (ii).)*

(iii) A One sample copy ~~of one~~ of each of the following exams: anatomy and physiology, pathology, kinesiology, practicum criteria, ethics and professionalism, and laws pertaining to massage. ~~mas-~~
~~sage theory and practice, and practical demonstration;~~ *(a written test does not sync with a practical demonstration; massage theory and practice are an integral part of the entire curriculum.)*

(iv) Statement on how a student will obtain first-aid and CPR training; and

(v) Institutional philosophy or mission statement

(b) Academic standards shall be regularly evaluated by the mas-
sage program or apprenticeship program and require a clearly defined

set of standards of student's competence and progress. The following documentation must be submitted:

(i) Statement or policy on minimum standards for measuring student progress, and

(ii) Copies of policies and procedures, to include a policy on non-discrimination.

(c) Faculty members shall be qualified by training and experience to give effective instruction in their areas of specialization. The following documentation must be submitted:

(i) Policy on minimum competency standards for instructors and a statement that all massage program instructors meet those standards.

~~which must be no less than the standards set by the Workforce Training and Education Coordinating Board; (not all programs are regulated by the Workforce Board, so their standards should not be included here by reference. The bottom line is that massage program instructors are either subject to standards established by the Workforce Board, or a national or regional accrediting organization)~~

~~(ii) Policy on faculty members' participation in curriculum development and evaluation; (this should be deleted as it isn't within the Board's purview)~~

(iii) ~~Résumés for each instructor;~~ *(This requirement creates a burden on massage programs, as well as the Board's staff, as it becomes a paperwork issue. In addition, there are no standards by which resumes are evaluated. It should be sufficient that the program states that their instructors have met the minimum competency standards.*

(iv) A listing of all instructors and the courses each instructor plans to teach; and

~~(v) A policy on non-discrimination.~~ *Moved as it applies to more than just instructors.*

(d) Student clinic and/or externships must be supervised by a licensed massage practitioner with at least two years experience. The following documentation must be submitted:

(i) A copy of policies pertaining to student clinic or externship;

(ii) Disclosure statement provided to clients;

(iii) Copy of client intake and screening form; and

(iv) Copy of client feedback form.

(e) Health, Sanitation, and Facilities must be maintained with local ordinances. The following documentation must be submitted:

(i) Floor plan of facility;

(ii) Floor plan of student clinic;

(iii) Equipment in classroom;

(iv) Equipment in student clinic; and

(v) ~~Library resource list.~~ List of library contents, and computer or online resources available to students.

(f) A copy of policies on faculty and student conduct.

(g) Records must be stored in a secured location and be made available upon a student's written request. The following documentation must be submitted:

(i) Copy of a sample transcript ~~and~~ or program completion form certificate. ~~Transcript must~~ that conforms to requirements established in board policy. *(Does the Board have policies in addition to WACs? And the term transcript fits better for colleges and universities, while the words program completion certificate is more appropriate for massage schools so we've used both.)*

(ii) Policy on release of student records.

(h) Eligibility to operate a massage program ~~school~~. The following documentation must be submitted:

(i) Verification that the program is approved to operate in the state of Washington by the Workforce Training and Education Coordinating Board; ~~or~~

(ii) Verification that the school is licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW). *(This is confusing, as chapter 28C.10 relates to the Workforce Board and is covered in (i) above. Also, it would be a program, rather than a school, that would be credentialed under Title 28B RCW. We recommended (iii) below, but perhaps a blending of (ii) and (iii) would be appropriate.)*

(iii) Verification that the program is part of a college or university that is nationally or regionally accredited.

(i) Designation of an authorized representative. (See 5(c) below which assumes there is one...but there is no specific requirement)

(2) The board shall evaluate the application and, if necessary, conduct a site inspection of the program or apprenticeship program, prior to granting approval.

(3) Upon completion of the evaluation of the application, the board may grant or deny approval or grant approval conditioned upon appropriate modification to the application.

(4) To maintain approval status with the ~~Washington State Board of Massage~~, schools programs must apply for re-approval during the third year after initial approval and during the fifth year for each re-approval thereafter. Failure to renew by the expiration date of the

~~schools~~ program's approval shall result in automatic withdrawal of board approval of the program or apprentice program.

(5) In order to maintain board approval all programs shall:

(a) Comply with any changes in training standards and guidelines adopted by the board ~~or the Workforce Training and Education Coordinating Board or any other applicable government agencies;~~ *(not all massage programs are sanctioned by the Workforce Board. You've already required that they have to be approved by the Workforce Board, so that should be sufficient. If the school that's operating a massage program doesn't comply...it would not be approved in the future.)*

(b) Notify the board ~~and any other approving agency~~ of any changes in overall curriculum plan or major curriculum content changes prior to implementation by filing an addendum which would remain in effect until the next renewal period, at which time the newly submitted application would reflect the changes made in the addendum; and *(Please do not include references to "any other approving agency" in massage rules. The Workforce Board has its own requirements and it enforces them. More importantly, requiring a massage program to resubmit all of its documentation for a change in the curriculum plan or curriculum content is unnecessarily burdensome to the programs, as well as Board staff. The bottom line is that the Board wants notification*

of certain changes, and allowing an addendum to be filed is the most efficient and appropriate way to do that.)

(c) Notify the board ~~and any other approving agency~~ of changes in authorized representative ~~or instructors~~ within thirty days of such change. *(Any attestation by a program that instructors meet the minimum standards would be ongoing. And requiring notifications every time an instructor changes is cumbersome both for the programs and the Board staff. Remember, massage programs are either regulated by the Workforce Training Board, or accredited by a national or regional organization. So, there is no need for the Board to duplicate requirements.)*

WAC 246-830-xxx Denial or withdrawal of approval for a massage program
(Should massage transfer programs also be included?)

(1) When the board determines that a massage program or apprenticeship program fails to meet the standards for training as contained in this chapter, the board may:

(a) Deny approval to a new massage program or apprentice program;
or

(b) Withdraw approval from existing massage program or apprentice program.

(2) The board may conduct a review or site visit to investigate any allegation that a message program or apprenticeship program has not met, or has failed to maintain, the standards set forth in this chapter, including, but not limited to:

(a) Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the message program or apprentice program;

(b) Failure to require students to attend all of the classes listed on the transcript or program completion form;

(c) Failure to require students to attend all of the hours listed on the transcript or program completion form;

(d) Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking licensure, aiding or abetting a student in cheating on the licensing examination, aiding or abetting students to use false documents and/or to present false testimony in hearings, aiding or abetting students in engaging in fraudulent practices with respect to hearings, making false claims, or otherwise engaging in fraudulent practices.

(e) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of any rule for message program or apprentice programs.

(f) Failure to create or maintain accurate records, including but not limited to student attendance records and student transcripts or program completion form.

(g) Failure to identify transfer credit or clock hours from other institutions (including name of other institution(s), hours or clock hours transferred, and class requirements met by transfer credit) on transcripts or program completion forms.

(h) A finding by a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a massage program or apprentice program has engaged in any of the conduct identified in this subsection.

(i) Failure of a massage program or apprentice program that has requested board approval to meet or maintain the requirements for approval set forth in this chapter.

~~(j) Failure to notify the board of any changes in the overall curriculum plan or major content changes prior to implementation.~~

~~(k) Failure to notify the board of changes in authorized representative or instructors.~~ *This language is also in previous WAC, with changes suggested, so it does not need to be repeated.*

(3) Board approval is automatically terminated if the program does not renew.

WAC 246-830-xxx Reinstatement of approval for a massage program or apprenticeship program. (Should massage transfer programs also be included?)

The board may consider reinstatement of a massage program or apprenticeship program upon submission of satisfactory evidence that the program meets the standards contained in this chapter.

WAC 246-830-xxx Appeal right (Should massage transfer programs also be included?)

A massage program or apprenticeship program that has been denied or had approval withdrawn shall have the right to a hearing to appeal the board's decision according to the provisions of chapter 34.05 RCW, the Administrative Procedure Act, Parts IV and V.

WAC 246-830-430 Education and Training.

1) A massage education and training program shall have a curriculum and system of training consistent with its particular area of practice. The education and training in massage therapy shall consist of a minimum of ~~five~~ six hundred and twenty-five hours. An hour of education or training is defined as fifty minutes of actual instruction-

al time. Certification in American Red Cross first aid and American Heart Association CPR or the equivalent shall be required. This requirement is in addition to the ~~five~~ six hundred and twenty-five hours of training in massage therapy. These ~~five~~ six hundred and twenty-five hours are not to be completed in less than ~~six~~ nine months and shall consist of the following:

a) Eighty ~~One hundred thirty~~ hours of anatomy, and physiology, ~~and kinesiology~~ including to include orientation to the human body, integumentary, skeletal, fascial, muscular, nervous, cardiovascular and other body systems. ~~palpation, range of motion, and physics of joint function. There must be a minimum of forty hours of kinesiology.~~

(b) Seventy hours of kinesiology to include muscle identification, actions, palpation, range of motion and joint functions.

(c) Fifty ~~Fifty~~ Seventy hours of pathology including to include indications and contraindications, common pathologies and special populations consistent with the particular area of practice.

(d) Two hundred sixty-five ~~Two hundred sixty-five~~ fifty-five hours of theory and practice of massage to include the history of massage, benefits, research literacy, foundation skills, application methods and techniques, remedial movements, session planning, body mechanics of the practitioner, and the impact of techniques on pathologies. ~~A maximum of fifty of~~

~~these hours may include time spent in a student clinic. Hydrotherapy shall be included when consistent with the particular area of practice.~~

(e) Fifty hours of mandatory student clinic to be directly supervised as defined in WAC 246-830-005(9), with a ratio of no more than one instructor to five students.

(f) ~~Fifty-five~~ Sixty hours of clinical/business practices, at a minimum to include hygiene, sanitation, draping, recordkeeping, medical terminology, ~~professional ethics,~~ business management, ~~human behavior, client interaction,~~ and state and local laws.

(g) Forty hours of professional ethics to include the relationship of the massage practitioner and client, human behavior, professional boundaries, and standards of ethical practice.

(2) To receive credit in an apprenticeship program for previous education, this education must have been completed within the five-year period prior to enrollment in the apprenticeship program.

(3) Students attending schools and programs outside the state of Washington shall acquire a working knowledge of the laws of Washington state applying to massage therapy.

(4) A ~~school~~ program may exempt a student from curriculum requirements where the student's successful performance on an examina-

tion that the ~~school~~ program administers demonstrates that the student has attained competency in that subject area as a result of prior postsecondary learning or training.

WAC 246-830-435 Animal massage training

(1) For the purpose of animal massage practitioner endorsement as provided in chapter 18.108 RCW, board approval will be given to any training that consists of a minimum of one hundred hours. An hour of training is defined as fifty minutes out of a clock hour of actual instructional time. These one hundred hours must consist of the following:

- (a) Twenty-five hours of animal massage technique;
- (b) Twenty-five hours of animal kinesiology;
- (c) Twenty hours of animal anatomy and physiology;
- (d) Four hours of animal first aid which includes knowledge of normal vital signs, identification of emergency or life threatening situations, emergency first-aid application, and legal boundaries of emergency situations; and

(e) Twenty-six hours of proper handling techniques which must include instruction on the ability to control the animal to minimize risk of harm to the animal and the animal massage practitioner.

(2) ~~Any program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW), or any other statute, must complete those requirements before the board will consider the training for approval. This is dealt with earlier. See page 22.~~

WAC 246-830-440 Curriculum—Academic standards—Faculty—Student clinic

(1) The curriculum of the massage program or massage apprenticeship program must be designed and presented to meet or exceed the requirement of 625 hours and contain the required subjects and topics listed in WAC 246-830-430.

(2) Academic standards. The massage program or massage apprenticeship trainer must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation must be dependent on mastery of the knowledge and skills presented in the program.

(3) Faculty. Apprenticeship trainers and massage program faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught. For apprenticeship trainers and massage program faculty members who teach hands-on courses, a min-

imum of two years of practical experience is required. ~~The apprentice-
ship trainer and faculty should* develop and evaluate the curriculum
instructional methods and facilities; student discipline, welfare, and
counseling; assist in the establishment of administrative and educa-
tional policies, and scholarly and professional growth.~~ Massage Pro-
grams or apprenticeship programs shall not discriminate on the basis
of sex, race, age, color, religion, physical handicap, or national or
ethnic origin in the recruitment and hiring of faculty. (**This is ex-
isting language...but it is "aspirational" language as the word "should"
is used. We recommend that it be deleted.*)

(4) Student clinic. The student clinical facilities must be ade-
quate in size, number, and resources to provide for student practice
of massage on the general public. There must be properly equipped
rooms for consultations, massage therapy or treatment, and equipment
as required in the practice of massage. A faculty member who is a li-
censed massage practitioner with at least two years practical experi-
ence and ~~adequately experienced~~ in massage therapy must provide direct
supervision as defined in WAC 246-830-005~~(8)~~ (9) and have final deci-
sions in massage therapy or treatment rendered to clients by students.
Clinical supervisors, at a ratio of no more than one supervisor to
five students, must review and approve the student session goals and

plan prior to the session, and be able to view some or all of the student massage session as it is being administered. *(We believe that requiring a student clinic is essential to the education and training of massage practitioners, and that the language suggested provides important safeguards.*

WAC 246-830-450 Health, sanitation, and facility standards

All ~~schools,~~ massage programs, and apprenticeship programs must have adequate facilities and equipment available for students learning massage therapy. All facility equipment must be maintained in accordance with local rules and ordinances in addition to those imposed by chapter 246-830 WAC. Instructional and practice equipment must be similar to that found in common occupational practice. ~~Schools will provide for access to a variety of current and up-to-date reference and information resources that are pertinent to the school's curriculum.~~

The last sentence can be deleted, as the topic is dealt with earlier.

WAC 246-830-475 Continuing education requirements

(1) To renew a license, licensed massage practitioners shall complete twenty-four hours of continuing education every two years. Massage practitioners must maintain a current certification in American

Red Cross first aid and American Heart Association CPR or the equivalent and training must be in person. This requirement is in addition to the twenty-four hours of continuing education. The board will not authorize or approve specific continuing education courses. ~~Training~~

Continuing education must be provided ~~for a fee~~ by an individual who has no less than ~~three~~ two years of experience in that area. Of the twenty-four hours of continuing education,

(a) A minimum of eight hours must be directly supervised massage skills training; and

(b) A minimum of ~~four~~ eight hours must be in professional ethics, communication, and/or Washington state massage laws and regulations. ~~The~~ Six of these hours must include professional roles and boundaries;

(c) The remaining eight credits may in any topic reasonably related to massage therapy knowledge, skills, and business practice.

~~(c) The remaining twelve hours may be met by meeting the requirements in subsection (2) of this section. (This WAC is confusing. The bottom line is that 24 CE credits are required, and 16 hours of CE are required in certain subject areas, and 8 can be in anything related to the massage profession. What's set forth in subsection (2) relates to all CE. Yes, subsection (a) requires directly supervised massage~~

skills training, but you could get that a convention. Again, this is confusing.)

(2) For the purposes of this chapter, subject to the limitation in subsection (1) (a) continuing education ~~is defined as any of the following activities that involve direct application of massage therapy knowledge, skills, and business practices~~ may be obtained by:

(a) Attendance at a local, state, national, or international continuing education program.

(b) Self study through the use of multimedia devices or the study of books, research materials, and/or other publications.

(i) Multimedia devices. The required documentation for this activity is a letter or other documentation from the organization. A maximum of twelve hours is allowed per reporting period.

(ii) Books, research materials, and/or other publications. The required documentation for this activity is a two-page synopsis of what was learned written by the licensee. A maximum of two hours is allowed per reporting period.

(c) Teaching a course for the first time, not to exceed eight hours.

(d) Business and management courses not to exceed eight hours.

(e) Distance learning. Distance learning includes, but is not limited to, correspondence course, webinar, print, audio/video broadcasting, audio/video teleconferencing, computer aided instruction, e-learning/on-line-learning, or computer broadcasting/webcasting. A maximum of twelve hours is allowed per reporting period.

(f) Active service on massage related boards or committees. A maximum of ~~twelve~~ eight hours is allowed per reporting period.

(3) A massage practitioner must provide acceptable documentation of attendance upon request or audit. Acceptable forms of documentation include:

(a) Transcripts;

(b) Letters from the course instructors;

(c) Certificate of completion; or

(d) Other formal documentation which includes:

(i) Participant's name;

(ii) Course title;

(iii) Course content;

(iv) Date(s) and hours of course;

(v) Provider's name(s); and

(vi) Signature of the program sponsor or course instructor. Multimedia courses are exempt from the signature requirement.

(4) Massage practitioners in active status who reside and practice outside Washington must meet all the requirements.

WAC 246-830-485 Somatic education training program exemption

(1) The secretary will consider approval for exemption from this chapter any individual who has completed a somatic education program that has a professional organization with a permanent administrative location that oversees the practice of somatic education training and that has the following:

- (a) Standards of practice;
- (b) A training accreditation process;
- (c) An instructor certification process;
- (d) A practitioner certification process;
- (e) A code of ethics or code of professional conduct.

(2) An authorized representative shall submit a request for approval of a program on forms provided by the secretary.

(3) The secretary or designee in consultation with the Board will evaluate the training program and grant approval or denial. If denied, applicants will be given the opportunity to appeal through the brief adjudicative hearing process as authorized in chapter 246-10 WAC.

(4) The secretary may request from an approved training program, and the program shall provide, updated information every three years to ensure the program's compliance with this rule. Approval may be withdrawn if the program fails to maintain the requirements of this rule. Where a determination has been made that the program no longer meets the requirements of this rule and a decision is made to withdraw approval, an approved program may appeal through the brief adjudicative proceeding as authorized in chapter 246-10 WAC.

(5) Organizations representing multiple training programs such as the International Alliance of Healthcare Educators, Inc., must obtain an exemption for each individual training program to ensure clarity regarding what is and is not exempt as a somatic education program.

WAC 246-830-490 Intraoral massage training

Licensed massage practitioners may perform intraoral massage after completing specific intraoral massage training and after receiving an intraoral massage endorsement to their massage practitioner license.

To qualify for an intraoral massage endorsement ~~you~~ a massage practitioner must complete the following training:

- (1) Sixteen hours of direct supervised training must include:

(a) Hands-on intraoral massage techniques, cranial anatomy, physiology, and kinesiology; and

(b) Pathology and contraindications; and

(c) Hygienic practices, safety and sanitation. Hygienic practices, safety and sanitation includes, but is not limited to:

(i) Gloves shall be worn during treatment and training which involves intraoral procedures;

(ii) Fresh gloves shall be used for every intraoral client contact.

(iii) Gloves that have been used for intraoral treatment shall not be reused for any other purpose; and

(iv) Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same client at the same visit or for any other purpose.

(2) Supervised training must be obtained from a licensed massage practitioner endorsed in intraoral massage or from an individual who is licensed, certified, or registered and who has performed intraoral massage services within their authorized scope of practice.

MESSAGE BUSINESS

WAC 246-830-xxx Equipment and sanitation.

(1) All massage practitioners utilizing hydrotherapies including but not limited to cabinet, vapor or steam baths, whirlpool, hot tub or tub baths shall have available adequate shower facilities.

(2) All cabinets, showers, tubs, basins, massage or steam tables, hydrotherapy equipment, and all other fixed equipment used must be thoroughly cleansed and must be rendered free from harmful organisms by the application of an accepted bactericidal agent.

(3) Combs, brushes, shower caps, mechanical, massage and hydrotherapy instruments, or bathing devices that come in contact with the body must be sterilized or disinfected by modern and approved methods and instruments. Devices, equipment or parts thereof having been used on one person must be sterilized or disinfected before being used on another person.

(4) Impervious material must cover, full length and width, all massage tables or pads, pillows, bolsters, face cradles, etc., directly under fresh sheets and linens or disposable paper sheets.

(5) A practitioner must provide single service materials and clean linen such as sheets, towels, gowns, pillow cases and all other linens used in the practice of massage for the use of each client. Linens must be stored in a sanitary manner.

(6) All towels and linens used for one person must be laundered or cleaned before they are used by any other person.

(7) All soiled linens must be immediately placed in a covered receptacle.

(8) Soap and clean towels must be provided by the practitioner for use by the massage practitioner, clients and any employees.

(9) Any blankets used must be washed at least once a week.

~~(9)~~ (10) All equipment must be clean, well maintained and in good repair.

WAC 246-830-xxx Hygiene

To maintain a professional standard of hygiene in their practice, a licensed massage practitioner shall:

(1) Cleanse their exposed body part used for applying treatment, before and after each treatment, using a ~~lavatory~~ sink with hot water or a chemical germicidal product;

(2) Maintain a barrier of unbroken skin on their exposed body part used for applying treatment during each treatment and in the case of broken skin use a finger cot, glove or chemical barrier product to cover the affected area during treatment; and

(3) Wear clothing that is clean.

WAC 246-830-xxx Operation of a massage business

A person who owns or operates a massage business may be subject to legal action for practice without a license under RCW 18.130.190 if the massage business advertises massage and the massage business employs people to provide massages that are not licensed.

PRACTICE REQUIREMENTS AND LIMITATIONS

WAC 246-830-xxx Scope of practice.

(1) It is not consistent with the standard of practice for a licensed massage practitioner to touch the following body parts on a client:

- (a) Gluteal cleft below tip of coccyx, anus and rectum;
- (b) Inside the mouth unless an intraoral endorsement has been issued;
- (c) Penis;
- (d) Perineal area;
- (e) Prostate;
- (f) Scrotum; and
- (g) Vagina, to include:
 - (i) Intravaginal;
 - (ii) Labia (majors and minors);
 - (iii) Clitoris; ~~and~~

(iv) Urethra. and

(2) Breasts, unless in accordance with WAC 246-830-xxx

~~(2)~~ (3) A licensed massage practitioner shall not engage in sexual misconduct as described in WAC 246-16-100. Sexual misconduct shall constitute grounds for disciplinary action.

WAC 246-830-xxx Breast massage.

In developing the language below, the following is our rationale:

- Massage practitioners should be able to massage breasts.
- Therapeutic rationale should be required.
- No additional training should be required.
- No referral or prescription should be required, except as related to massage of nipples and areoli.
- Client/patient has the option to have a witness present, that the client/patient brings.
- The key to decreasing complaints about inappropriate touching of the breasts is massage practitioner ethics, and clear communication between the massage practitioner and the client in the form of a signed written consent. In addition, AMTA-WA is proposing additional hours of ethics CE every two years within the current 24 credit requirement.

(1) Prior to performing breast massage, a massage practitioner

must:

(a) Acquire a prior signed written consent. The written consent for breast massage may be included within an overall general consent to massage document, if clearly delineated and either specifically initialed or signed. The written consent must:

(i) Be maintained with the client's records,

(ii) Include a statement that the client may discontinue the treatment at any time for any reason;

(iii) If the client is under 18 years of age, prior written consent must be obtained from a parent or legal guardian; and

(iv) Include a statement that the client has the option to have a witness present, and that the witness must be provided by the client.

(b) Use appropriate draping techniques as identified in WAC 246-830-xxx (draping section);

(2) In addition to the requirements in subsection 1, prior to performing a massage of the nipples and areoli, a massage practitioner must:

(a) Have a written prescription or referral from a licensed medical health care provider for this specific treatment; and

(b) Have an additional written consent for massage of the nipple and areoli that may be included in a general consent to massage document, if clearly delineated and specifically initialed or signed.

WAC 246-830-xxx Draping.

(1) Licensed massage practitioners shall:

(a) Allow a patient or client privacy to dress or undress except as may be necessary in emergencies or custodial situations; and

(b) Always provide the patient or client a gown or draping except as may be necessary in emergencies.

(2) Licensed massage practitioners shall use safe and functional coverage and draping practices during the practice of massage when the client or patient is disrobed. The drape(s) must be sufficient to ensure the genitals, gluteal cleft, and the breast area of the clients are not exposed unless breast massage is performed pursuant to WAC

246-830-xxx. Safe and functional coverage/draping means:

(a) The licensed massage practitioner explains, maintains and respects coverage and draping boundaries; and

(b) Massage or movement of the body does not expose genitals, gluteal cleft or breast area unless breast massage is performed pursuant to WAC 246-830-xxx.

~~(3) With informed and written consent of the client or patient, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area. (This is potentially confusing. The issue of breast drapes is covered, in the breast massage WAC. Since the only prohibition of the gluteal area concerns the gluteal cleft, this requirement seems unnecessary and potentially confusing.)~~

~~(4) If variations to this coverage and draping rule occur, a licensed massage practitioner must:~~

~~(a) Document training in specific modalities that require variations in coverage and draping;~~

(b) ~~Receive voluntary and informed consent of the client or patient prior to any variation of coverage/draping;~~ and *(There is no need for a further variation beyond that allowed for breast massage. So, to include this is confusing.)*

~~(c) Document in the client's or patient's record the therapeutic rationale for any variation of coverage/draping.~~

WAC 246-830-xxx Recordkeeping

A licensed massage practitioner ~~providing professional services to a patient or client,~~ must document services provided to a client or patient. The documentation must include:

(a) Patient or client name;

(b) ~~Clinical history and treatment services provided;~~ Health history sufficient to ascertain if there are cautions or contraindications to safe application of massage therapy, and an update of the current health status at each session;

~~(c) Any changes in the patient's or client's presentation or condition;~~

(d) Date ~~treatment~~ massage therapy is provided and the duration of massage therapy ~~treatment~~;

(e) ~~All treatment(s) provided on each occurrence~~ The types of techniques and modalities applied; and

(f) ~~The body parts of all treatment must be recorded in the patient encounter documentation.~~ The location or areas of the body that received massage therapy;

(g) Written consent to treat;

(h) If breast massage is performed, an additional written consent to treat per WAC 246-830-xxx, and documentation of a therapeutic rationale;

(i) If breast massage of the nipples and areoli are involved, documentation of the prescription or referral per WAC 246-830-xxx, as well as an additional written consent to treat per WAC 246-830-xxx.

(j) For massage therapy where the focus is on treating a health condition, the following additional information is required:

- i. Symptoms, for example, pain, loss of function, and muscle stiffness;
- ii. Evaluation and findings, for example, movement, posture, palpation assessment and findings;

- iii. Outcome measures, for example, improvement in symptoms, movement, posture, palpation, and function; and
- iv. Treatment plan for future sessions.

(1) Client or Patient records must be legible, permanent, and recorded within twenty four hours of treatment. Documentation that is not recorded on the date of service must designate both the date of service and the date of the chart note entry. Corrections or additions to the client's or patient's records must be corrected by a single line drawn through the text and initialed so the original entry remains legible. In the case of computer-organized documentation, unintended entries may be identified and corrected, but must not be deleted from the record once the record is signed and completed or locked. Errors in spelling and grammar may be corrected and deleted.

(2) Correspondence relating to any referrals concerning the ~~diagnosis~~ evaluation or treatment of the client or patient must be retained in the client or patient record.

(3) Client or Patient records should clearly identify the massage practitioner who is the provider of services by name and signature or electronic signature and date of service.

(4) All records must be kept for at least seven years following the last client or patient contact. Within this seven-year period, all records must be secured, with properly limited access.

(5) After the seven-year retention period, the ~~licensed~~ massage practitioner may dispose of the record. Disposal must be done in a secure and confidential manner in compliance with HIPAA that includes:

- (a) Shredding;
- (b) Deleting, erasing, or reformatting electronic media; and
- (c) Other readable forms of media that are defaced or rendered unusable or unreadable.

CREDENTIAL STATUS

WAC 246-830-xxx Expired credential—Return to active status.

(1) A person holding an expired credential may not practice until the credential is returned to active status.

(2) If the credential has been expired for less than three years, he or she shall meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the credential has been expired for three years or more, he or she shall comply with chapter 246-12 WAC, Part 2, and submit proof of completion of twenty-four hours of continuing education which

was completed within the past two years of the date of application for renewal.

WAC 246-830-477 Inactive credential

A licensed massage practitioner may obtain an inactive credential as described in chapter 246-12 WAC, Part 4.

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