

HOUSE BILL REPORT

HB 1387

As Reported By House Committee On:
Law & Justice

Title: An act relating to massage practitioners.

Brief Description: Revoking the license of a massage practitioner who has been convicted of prostitution.

Sponsors: Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff.

Brief History:

Committee Activity:

Law & Justice: 2/14/95, 2/15/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Edie Adams (786-7180).

Background: Persons operating a massage or massage therapy business are regulated under state law and local ordinances. Any person operating a massage business in the state must obtain a license from the Department of Health. In order to qualify for a license, a person must be 18 years of age or older, successfully complete an approved course of study, and pass an approved examination.

Massage practitioners are subject to discipline under the Health Profession Uniform Disciplinary Act. Under this act, the license of a massage practitioner may be restricted, suspended, or revoked, after a hearing, upon a finding that the massage practitioner engaged in unprofessional conduct. Unprofessional conduct includes the commission of any act involving moral turpitude. An act of moral turpitude is an act involving baseness, vileness, or depravity which violates commonly accepted

standards of good morals. Washington courts have held that prostitution related offenses are crimes of moral turpitude.

State law specifically provides that local jurisdictions may require additional registrations or licenses and charge additional fees for the local licensing of massage practitioners. However, a county, city, or town may not subject a state licensed massage practitioner to additional licensing requirements that are not imposed on similar health care providers, such as physical therapists or occupational therapists. In addition, a county, city, or town may not charge a state licensed massage practitioner a licensing or operation fee that exceeds licensing or operation fees imposed on similar health care providers.

Summary of Substitute Bill: It is unlawful to advertise, in display advertisements, the practice of massage without printing in the advertisement the license number of the massage practitioner.

The massage license of any person convicted of violating the state or local offense of prostitution, promoting prostitution, or permitting prostitution must be automatically revoked by the Secretary of the Department of Health upon receipt of a certified copy of the court documents reflecting such conviction. A license may not be granted to any person who has been convicted of a prostitution related offense for a period of eight years after the conviction.

Provisions limiting the ability of counties, cities, and towns from imposing more onerous license fees and requirements than those imposed on other health care providers are amended to provide that a county, city, or town may impose additional licensing requirements on a state licensed massage practitioner and may not charge a state licensed massage practitioner a fee in excess of fees imposed on other licensees. License fees imposed by counties, cities, and towns must be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure. These amendments relating to local license fees and restrictions are effective for two years.

Substitute Bill Compared to Original Bill: The original bill made it unlawful to advertise the practice of massage without displaying the practitioner's license number and required the Secretary of the Department of Health to revoke the license of a massage practitioner convicted of prostitution for a period of eight years.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary to provide stiff penalties for massage practitioners who engage in illegal activity and to provide additional ability to regulate these businesses. Currently, the penalties applied against massage practitioners who get into trouble are too lenient. We need progressive laws to protect the profession and to assure the public that massage practitioners are health care providers. Requiring the printing of the massage practitioner's license number in display advertisement is necessary so the public will know who has a state license to practice massage.

Testimony Against: The requirement that license numbers be printed in display advertisements will give individuals a false sense of security. Publishers of these advertisements have no way of knowing if the numbers are valid and no way of verifying the numbers.

Testified: Melanie Stewart, Washington Chapter of the Washington Association of Massage Therapy (pro); Lori Bielinski, Director of Government Relations, Washington Massage Practitioners Association, American Massage Therapy Association (pro); Detective Pat Covey, King County Police Department (pro); and Rowland Thompson, Allied Daily Newspapers (con on Section 1).