

HOUSE BILL REPORT

SSB 5556

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: Senate Committee on Health & Long-Term Care (originally sponsored by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice, Moyer and Haugen).

Brief History:

Committee Activity:

Law & Justice: 3/28/95, 3/29/95 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; 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 Amended Bill: It is unlawful to advertise the practice of massage without printing in display 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. The revocation is effective even though the conviction is on appeal.

A license may not be granted to any person who has been convicted of a prostitution related offense during the preceding eight years. "Conviction" includes deferred or suspended sentences, unless the record has been expunged.

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.

Amended Bill Compared to Substitute Bill: The amended bill provides that a city, town, or county may not charge a massage license fee in excess of fees charged for other licenses and that the fees must be reasonable and shall not exceed the costs of administration. The amended bill also provides that state licensed massage practitioners may be subject to additional licensing requirements by a city, town, or county.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is necessary to clean up the practice of massage. Currently the Department of Health is not effective in revoking the licenses of massage practitioners who practice and promote prostitution.

Testimony Against: None.

Testified: Melanie Stewart, Washington Association of Massage Therapy, Washington Chapter (pro).