
HOUSE BILL 2095

State of Washington 54th Legislature 1995 Regular Session

By Representatives Dyer and Poulsen

Read first time 04/18/95. Referred to Committee on Health Care.

1 AN ACT Relating to somatic education; amending RCW 18.108.005,
2 18.108.010, 18.108.020, 18.108.030, 18.108.040, 18.108.060, 18.108.070,
3 18.108.073, 18.108.095, and 18.74.010; reenacting and amending RCW
4 18.130.040; adding a new section to chapter 18.108 RCW; and creating a
5 new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 eliminate the confusion under the current massage act by providing a
9 separate somatic education practitioner's license within chapter 18.108
10 RCW.

11 **Sec. 2.** RCW 18.108.005 and 1987 c 443 s 1 are each amended to read
12 as follows:

13 The legislature finds it necessary to license the practice of
14 massage ((and)) massage therapy, and somatic education in order to
15 protect the public health and safety. It is the legislature's intent
16 that only individuals who meet and maintain minimum standards of
17 competence and conduct may provide services to the public. This
18 chapter shall not be construed to require or prohibit individual or

1 group policies or contracts of an insurance carrier, health care
2 service contractor, or health maintenance organization from providing
3 benefits or coverage for services and supplies provided by a person
4 (~~registered or certified~~) licensed under this chapter.

5 **Sec. 3.** RCW 18.108.010 and 1991 c 3 s 252 are each amended to read
6 as follows:

7 In this chapter, unless the context otherwise requires, the
8 following meanings shall apply:

9 (1) "Board" means the Washington state board of massage and somatic
10 education.

11 (2) "Massage" and "massage therapy" mean a health care service
12 involving the external manipulation or pressure of soft tissue for
13 therapeutic purposes. Massage therapy includes massage techniques such
14 as methods of effleurage, petrissage, tapotement, tapping,
15 compressions, vibration, friction, nerve (~~strokes~~) strokes, and
16 Swedish gymnastics or movements either by manual means, as they relate
17 to massage, with or without the aids of superficial heat, cold, water,
18 lubricants, or salts. Massage therapy does not include diagnosis or
19 attempts to adjust or manipulate any articulations of the body or spine
20 or mobilization of these articulations by the use of a thrusting force.

21 (3) "Somatic education practices" means those modalities that
22 employ a whole systems approach using touch, verbal dialogue, and
23 motion for educational or therapeutic purposes. The practitioner works
24 in an interactive manner to bring awareness to the client's posture,
25 patterns of motion, or physiological sensation in order to develop
26 better functional abilities.

27 (4) "Massage practitioner" or "somatic education practitioner"
28 means an individual licensed under this chapter.

29 (~~(4)~~) (5) "Secretary" means the secretary of health or the
30 secretary's designee.

31 (~~(5)~~) (6) Massage business means the operation of a business
32 where massages are given.

33 **Sec. 4.** RCW 18.108.020 and 1991 c 3 s 253 are each amended to read
34 as follows:

35 The Washington state board of massage and somatic education is
36 hereby created. The board shall consist of four members who shall be
37 appointed by the governor for a term of four years each. Two members

1 shall be massage practitioners and two members shall be somatic
2 education practitioners. Members shall be residents of this state and
3 shall have not less than three years experience in the practice of
4 massage or somatic education immediately preceding their appointment
5 and shall be licensed under this chapter and actively engaged in the
6 practice of massage or somatic education during their incumbency.

7 In addition to the members specified in this section, the governor
8 shall appoint a consumer member of the board, who shall serve for a
9 term of four years. The consumer member of the board shall be an
10 individual who does not derive his or her livelihood by providing
11 health care services ((or)), massage therapy, or somatic education and
12 is not a licensed health professional. The consumer member shall not
13 be an employee of the state nor a present or former member of another
14 licensing board.

15 In the event that a member cannot complete his or her term of
16 office, another appointment shall be made by the governor in accordance
17 with the procedures stated in this section to fill the remainder of the
18 term. No member may serve more than two successive terms whether full
19 or partial. The governor may remove any member of the board for
20 neglect of duty, incompetence, or unprofessional or disorderly conduct
21 as determined under chapter 18.130 RCW.

22 Each member of the board shall be compensated in accordance with
23 RCW 43.03.240. Members shall be reimbursed for travel expenses
24 incurred in the actual performance of their duties, as provided in RCW
25 43.03.050 and 43.03.060.

26 The board may annually elect a chairperson to direct the meetings
27 of the board. The board shall meet as called by the chairperson or the
28 secretary. Three members of the board shall constitute a quorum of the
29 board.

30 **Sec. 5.** RCW 18.108.030 and 1987 c 443 s 3 are each amended to read
31 as follows:

32 (1) No person may practice or represent himself or herself as a
33 massage or somatic education practitioner without first applying for
34 and receiving from the department a license to practice.

35 (2) A person represents himself or herself as a massage or somatic
36 education practitioner when the person adopts or uses any title or any
37 description of services that incorporates one or more of the following
38 terms or designations: Massage, massage practitioner, massage

1 therapist, massage therapy, therapeutic massage, massage technician,
2 massage technology, massagist, masseur, masseuse, myotherapist or
3 myotherapy, touch therapist, reflexologist, accupressurist, body
4 therapy or body therapist, somatic educator, somatic education, somatic
5 practices, somatic therapy, bodywork, bodyworker, or any derivation of
6 those terms that implies a massage technique or method or a somatic
7 education practice or method.

8 **Sec. 6.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read
9 as follows:

10 (1) It shall be unlawful to advertise the practice of massage using
11 the term massage or any other term that implies a massage technique or
12 method in any public or private publication or communication by a
13 person not licensed by the secretary as a massage practitioner. Any
14 person who holds a license to practice as a massage practitioner in
15 this state may use the title "licensed massage practitioner" and the
16 abbreviation "L.M.P.". No other persons may assume such title or use
17 such abbreviation or any other word, letters, signs, or figures to
18 indicate that the person using the title is a licensed massage
19 practitioner.

20 (2) It shall be unlawful to advertise the practice of somatic
21 education using the term "somatic education" or any other term that
22 implies a somatic education method in any public or private publication
23 or communication by a person not licensed by the secretary as a somatic
24 education practitioner. Any person who holds a license to practice as
25 a somatic education practitioner in this state may use the title
26 "licensed somatic education practitioner" and the abbreviation
27 "L.S.E.P.". No other persons may assume such title or use such
28 abbreviation or any other word, letters, signs, or figures to indicate
29 that the person using the title is a licensed somatic education
30 practitioner.

31 (3) An individual who is licensed as a somatic education
32 practitioner under this chapter may not in any way hold himself or
33 herself out to be a licensed "massage practitioner" or use the initials
34 "L.M.P.".

35 (4) An individual who is licensed as a massage practitioner under
36 this chapter may not in any way hold himself or herself out to be a
37 licensed "somatic education practitioner" or use the initials
38 "L.S.E.P.".

1 **Sec. 7.** RCW 18.108.060 and 1991 c 3 s 256 are each amended to read
2 as follows:

3 All licenses issued under the provisions of this chapter, unless
4 otherwise provided shall expire on the annual anniversary date of the
5 individual's date of birth.

6 The secretary shall prorate the licensing fee for a massage
7 practitioner or a somatic education practitioner based on one-twelfth
8 of the annual license fee for each full calendar month between the
9 issue date and the next anniversary of the applicant's birth date, a
10 date used as the expiration date of such license.

11 Every applicant for a license shall pay an examination fee
12 determined by the secretary as provided in RCW 43.70.250, which fee
13 shall accompany their application. Applications for licensure shall be
14 submitted on forms provided by the secretary.

15 Applicants granted a license under this chapter shall pay to the
16 secretary a license fee determined by the secretary as provided in RCW
17 43.70.250, prior to the issuance of their license, and an annual
18 renewal fee determined by the secretary as provided in RCW 43.70.250.
19 Failure to renew shall invalidate the license and all privileges
20 granted to the licensee, but such license may be reinstated upon
21 written application to the secretary and payment to the state of all
22 delinquent fees and penalties as determined by the secretary. In the
23 event a license has lapsed for a period longer than three years, the
24 licensee shall demonstrate competence to the satisfaction of the
25 secretary by proof of continuing education or other standard determined
26 by the secretary with the advice of the board.

27 **Sec. 8.** RCW 18.108.070 and 1991 c 3 s 257 are each amended to read
28 as follows:

29 The secretary shall issue a massage practitioner's license or a
30 somatic education practitioner's license, as appropriate, to an
31 applicant who demonstrates to the secretary's satisfaction that the
32 following requirements have been met:

33 (1) Effective June 1, 1988, successful completion of a course of
34 study in an approved massage program or approved apprenticeship program
35 for a massage practitioner's license; or successful completion of a
36 course of study in an approved somatic education program for a somatic
37 education practitioner's license;

1 (2) Successful completion of ~~((an))~~ either the massage or the
2 somatic education examination administered or approved by the board;
3 and

4 (3) Be eighteen years of age or older.

5 In addition, applicants shall be subject to the grounds for denial
6 or issuance of a conditional license under chapter 18.130 RCW.

7 The secretary may require any information and documentation that
8 reasonably relates to the need to determine whether the applicant meets
9 the criteria for licensure provided for in this chapter and chapter
10 18.130 RCW. The secretary shall establish by rule what constitutes
11 adequate proof of meeting the criteria. The board shall give an
12 appropriate alternate form of examination for persons who cannot read
13 or speak English to determine equivalent competency.

14 **Sec. 9.** RCW 18.108.073 and 1991 c 3 s 258 are each amended to read
15 as follows:

16 (1) The date and location of both the massage examination and the
17 somatic education examination shall be established by the secretary.
18 Applicants who demonstrate to the secretary's satisfaction that the
19 following requirements have been met shall be scheduled for the next
20 examination, either massage or somatic education, as appropriate,
21 following the filing of the application:

22 (a)~~(i)~~ Effective June 1, 1988, successful completion of a course of
23 study in an approved massage program; ~~((or~~

24 ~~(b)))~~ (ii) Effective June 1, 1988, successful completion of an
25 apprenticeship program established by the board; or

26 (iii) Effective June 1, 1996, successful completion of a course of
27 study in an approved somatic education program; and

28 ~~((+e)))~~ (b) Be eighteen years of age or older.

29 In addition, completed and approved applications shall be received
30 sixty days before the scheduled examination.

31 (2) The board or its designee shall examine each applicant for a
32 massage license in a written ~~((and practical))~~ examination determined
33 most effective on subjects appropriate to the massage scope of
34 practice. The subjects may include anatomy, kinesiology, physiology,
35 pathology, principles of human behavior, massage theory and practice,
36 hydrotherapy, hygiene, first aid, Washington law pertaining to the
37 practice of massage, and such other subjects as the board may deem
38 useful to test applicant's fitness to practice massage therapy. Such

1 examinations shall be limited in purpose to determining whether the
2 applicant possesses the minimum skill and knowledge necessary to
3 practice massage competently.

4 (3) The board or its designee shall examine each applicant for a
5 somatic education license in a written examination that must be a
6 nationally recognized exam for somatic education. In addition to
7 theory and application of somatic education, the subjects on the
8 examination may include first aid, CPR, and Washington law pertaining
9 to the practice of somatic education. Such examinations shall be
10 limited in purpose to determining whether the applicant possesses the
11 minimum skill and knowledge necessary to practice somatic education
12 competently.

13 (4) The examination papers, all grading of examinations, and the
14 grading of any practical work, shall be preserved for a period of not
15 less than one year after the board has made and published decisions
16 thereupon. All examinations shall be conducted by the board under fair
17 and impartial methods as determined by the secretary.

18 ((+4)) (5) An applicant who fails to make the required grade in
19 the first examination is entitled to take up to two additional
20 examinations upon the payment of a fee for each subsequent examination
21 determined by the secretary as provided in RCW 43.70.250. Upon failure
22 of three examinations, the secretary may invalidate the original
23 application and require such remedial education as is required by the
24 board before admission to future examinations.

25 ((+5)) (6) The board may approve an examination prepared or
26 administered, or both, by a private testing agency or association of
27 licensing boards for use by an applicant in meeting the licensing
28 requirement.

29 **Sec. 10.** RCW 18.108.095 and 1987 c 443 s 12 are each amended to
30 read as follows:

31 An applicant holding a license in another state or foreign
32 jurisdiction may be granted a Washington license without examination,
33 if, in the opinion of the board, the other state's or foreign
34 jurisdiction's examination and educational requirements are
35 substantially equivalent to Washington's: PROVIDED, That the applicant
36 demonstrates to the satisfaction of the board a working knowledge of
37 Washington law pertaining to the practice of massage or somatic
38 education. The applicant shall provide proof in a manner approved by

1 the department that the examination and requirements are equivalent to
2 Washington's.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.108
4 RCW to read as follows:

5 Any somatic education practitioner who on June 1, 1996, holds a
6 valid license to practice massage, issued by authority of the state,
7 shall continue to be licensed as a massage practitioner under the
8 provisions of this chapter and shall become licensed as a somatic
9 education practitioner at the next renewal date, upon payment of the
10 appropriate fees and provision of documentation as required by the
11 secretary showing successful completion of an approved somatic
12 education program.

13 **Sec. 12.** RCW 18.130.040 and 1995 c 1 s 19 (Initiative Measure No.
14 607), 1994 sp.s. c 9 s 603, and 1994 c 17 s 19 are each reenacted and
15 amended to read as follows:

16 (1) This chapter applies only to the secretary and the boards and
17 commissions having jurisdiction in relation to the professions licensed
18 under the chapters specified in this section. This chapter does not
19 apply to any business or profession not licensed under the chapters
20 specified in this section.

21 (2)(a) The secretary has authority under this chapter in relation
22 to the following professions:

- 23 (i) Dispensing opticians licensed under chapter 18.34 RCW;
- 24 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 25 (iii) Midwives licensed under chapter 18.50 RCW;
- 26 (iv) Ocularists licensed under chapter 18.55 RCW;
- 27 (v) Massage ((operators)) practitioners, somatic education
28 practitioners, and businesses licensed under chapter 18.108 RCW;
- 29 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 30 (vii) Acupuncturists certified under chapter 18.06 RCW;
- 31 (viii) Radiologic technologists certified and x-ray technicians
32 registered under chapter 18.84 RCW;
- 33 (ix) Respiratory care practitioners certified under chapter 18.89
34 RCW;
- 35 (x) Persons registered or certified under chapter 18.19 RCW;
- 36 (xi) Persons registered as nursing pool operators under chapter
37 18.52C RCW;

1 (xii) Nursing assistants registered or certified under chapter
2 18.79 RCW;

3 (xiii) Health care assistants certified under chapter 18.135 RCW;
4 (xiv) Dietitians and nutritionists certified under chapter 18.138
5 RCW;

6 (xv) Sex offender treatment providers certified under chapter
7 18.155 RCW; and

8 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW
9 18.71.205.

10 (b) The boards and commissions having authority under this chapter
11 are as follows:

12 (i) The podiatric medical board as established in chapter 18.22
13 RCW;

14 (ii) The chiropractic quality assurance commission as established
15 in chapter 18.25 RCW;

16 (iii) The dental quality assurance commission as established in
17 chapter 18.32 RCW;

18 (iv) The board on fitting and dispensing of hearing aids as
19 established in chapter 18.35 RCW;

20 (v) The board of examiners for nursing home administrators as
21 established in chapter 18.52 RCW;

22 (vi) The optometry board as established in chapter 18.54 RCW
23 governing licenses issued under chapter 18.53 RCW;

24 (vii) The board of osteopathic medicine and surgery as established
25 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
26 18.57A RCW;

27 (viii) The board of pharmacy as established in chapter 18.64 RCW
28 governing licenses issued under chapters 18.64 and 18.64A RCW;

29 (ix) The medical quality assurance commission as established in
30 chapter 18.71 RCW governing licenses and registrations issued under
31 chapters 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter 18.74
33 RCW;

34 (xi) The board of occupational therapy practice as established in
35 chapter 18.59 RCW;

36 (xii) The nursing care quality assurance commission as established
37 in chapter 18.79 RCW governing licenses issued under that chapter;

38 (xiii) The examining board of psychology and its disciplinary
39 committee as established in chapter 18.83 RCW;

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW; and

3 (xv) Denturists licensed under chapter 18.30 RCW.

4 (3) In addition to the authority to discipline license holders, the
5 disciplining authority has the authority to grant or deny licenses
6 based on the conditions and criteria established in this chapter and
7 the chapters specified in subsection (2) of this section. This chapter
8 also governs any investigation, hearing, or proceeding relating to
9 denial of licensure or issuance of a license conditioned on the
10 applicant's compliance with an order entered pursuant to RCW 18.130.160
11 by the disciplining authority.

12 **Sec. 13.** RCW 18.74.010 and 1991 c 12 s 1 are each amended to read
13 as follows:

14 Unless the context otherwise requires, the definitions in this
15 section apply throughout this chapter.

16 (1) "Board" means the board of physical therapy created by RCW
17 18.74.020.

18 (2) "Department" means the department of health.

19 (3) "Physical therapy" means the treatment of any bodily or mental
20 condition of any person by the use of the physical, chemical, and other
21 properties of heat, cold, air, light, water, electricity, sound,
22 massage, and therapeutic exercise, which includes posture and
23 rehabilitation procedures; the performance of tests and measurements of
24 neuromuscular function as an aid to the diagnosis or treatment of any
25 human condition; performance of treatments on the basis of test
26 findings after consultation with and periodic review by an authorized
27 health care practitioner except as provided in RCW 18.74.012;
28 supervision of selective forms of treatment by trained supportive
29 personnel; and provision of consultative services for health,
30 education, and community agencies. The use of Roentgen rays and radium
31 for diagnostic and therapeutic purposes, the use of electricity for
32 surgical purposes, including cauterization, and the use of spinal
33 manipulation or manipulative mobilization of the spine and its
34 immediate articulations, are not included under the term "physical
35 therapy" as used in this chapter.

36 (4) "Physical therapist" means a person who practices physical
37 therapy as defined in this chapter but does not include (~~massage~~
38 ~~operators as defined in~~) persons licensed under RCW 18.108.010.

1 (5) "Secretary" means the secretary of health.

2 (6) Words importing the masculine gender may be applied to females.

3 (7) "Authorized health care practitioner" means and includes
4 licensed physicians, osteopathic physicians, chiropractors,
5 naturopaths, (~~podiatrists~~) podiatric physicians and surgeons, and
6 dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as
7 altering the scope of practice of such practitioners as defined in
8 their respective licensure laws.

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