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**SUBSTITUTE SENATE BILL 5556**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

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

Read first time 03/01/95.

1 AN ACT Relating to massage practitioners; amending RCW 18.108.040  
2 and 18.108.085; and adding a new section to chapter 18.130 RCW.

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

4 **Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read  
5 as follows:

6 It shall be unlawful to advertise the practice of massage using the  
7 term massage or any other term that implies a massage technique or  
8 method in any public or private publication or communication by a  
9 person not licensed by the secretary as a massage practitioner or  
10 without displaying in the advertisement the license number of the  
11 massage practitioner. Any person who holds a license to practice as a  
12 massage practitioner in this state may use the title "licensed massage  
13 practitioner" and the abbreviation "L.M.P.". No other persons may  
14 assume such title or use such abbreviation or any other word, letters,  
15 signs, or figures to indicate that the person using the title is a  
16 licensed massage practitioner.

17 **Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read  
18 as follows:

1 (1) In addition to any other authority provided by law, the  
2 secretary may:

3 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to  
4 implement this chapter;

5 (b) Set all license, examination, and renewal fees in accordance  
6 with RCW 43.70.250;

7 (c) Establish forms and procedures necessary to administer this  
8 chapter;

9 (d) Issue a license to any applicant who has met the education,  
10 training, and examination requirements for licensure; and

11 (e) Hire clerical, administrative, and investigative staff as  
12 necessary to implement this chapter, and hire individuals licensed  
13 under this chapter to serve as examiners for any practical  
14 examinations.

15 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the  
16 issuance and denial of licenses and the disciplining of persons under  
17 this chapter. The secretary shall be the disciplining authority under  
18 this chapter.

19 (3) Any license issued under this chapter to a person who is or has  
20 been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or  
21 9A.88.090, or an equivalent local ordinance shall automatically be  
22 revoked by the secretary upon receipt of a certified copy of the court  
23 documents reflecting such conviction. No further hearing or procedure  
24 is required, and the secretary has no discretion with regard to  
25 revocation of the license. The revocation shall be effective even  
26 though the conviction is under appeal or the time period for appeal has  
27 not lapsed. Upon presentation of a final appellate decision  
28 overturning the conviction, the license shall be reinstated, unless  
29 grounds for disciplinary action have been found pursuant to chapter  
30 18.130 RCW. No license may be granted under this chapter to any person  
31 who has been convicted of violating RCW 9A.88.030, 9A.88.070,  
32 9A.88.080, or 9A.88.090, or an equivalent local ordinance within eight  
33 years immediately preceding the date of application. For purposes of  
34 this subsection, "convicted" does not include a conviction that has  
35 been the subject of a pardon, annulment, or other equivalent procedure  
36 based on a finding of innocence, but does include a conviction for an  
37 offense for which the defendant received a deferred or suspended  
38 sentence, unless the record has been expunged according to law.

1       (4) The secretary shall keep an official record of all proceedings  
2 under this chapter, a part of which record shall consist of a register  
3 of all applicants for licensure under this chapter, with the result of  
4 each application.

5       NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW  
6 to read as follows:

7       RCW 18.108.085 governs the issuance and revocation of licenses  
8 under chapter 18.108 RCW issued to or applied for by persons convicted  
9 of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090, or  
10 equivalent local ordinances.

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