CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5403

Chapter 70, Laws of 2007

60th Legislature
2007 Regular Session

ANIMAL MASSAGE PRACTITIONERS

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 13, 2007
YEAS 48  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 5, 2007
YEAS 95  NAYS 2

FRANK CHOPP
Speaker of the House of Representatives

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 5403 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

Approved April 18, 2007, 9:15 a.m.

FILED
April 18, 2007

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to certifying animal massage practitioners; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

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

NEW SECTION. Sec. 1. The certification of animal massage practitioners is in the interest of the public health, safety, and welfare. While veterinarians and certain massage practitioners may perform animal massage techniques, the legislature finds that meeting all of the requirements of those professions can be unnecessarily cumbersome for those individuals who would like to limit their practice only to animal massage.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the veterinary board of governors established in chapter 18.92 RCW.

(2) "Certified animal massage practitioner" means an individual who provides external manipulation or pressure of soft tissues by use of the hands, body, or device designed and limited to providing massage. Animal massage may include techniques such as stroking, percussions,
compressions, friction, Swedish gymnastics or movements, gliding, kneading, range of motion or stretching, and fascial or connective tissue stretching, with or without the aid of superficial heat, cold, water, lubricants, or salts. Animal massage does not include: Diagnosis, prognosis, or all treatment of diseases, deformities, defects, wounds, or injuries of animals; attempts to adjust or manipulate any articulations of the animal's body or spine or mobilization of these articulations by the use of a thrusting force; acupuncture involving the use of needles; or mechanical therapies that are restricted to the field of veterinary medicine. Animal massage may be performed solely for purposes of patient well-being.

(3) "Department" means the department of health.

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

NEW SECTION. Sec. 3. No person may practice as a certified animal massage practitioner in this state without having a certification issued by the secretary unless he or she is exempt under section 5 of this act.

NEW SECTION. Sec. 4. The secretary shall issue a certificate to any applicant who demonstrates that the following requirements have been met:

(1) Successful completion of a training program approved by the secretary that includes three hundred hours of instruction in general animal massage techniques, kinesiology, anatomy, physiology, behavior, first aid care, and handling techniques as follows:

(a) For a certificate to practice animal massage on large animals, the three hundred hours of specialized instruction must be related to the performance of animal massage on large animals; and

(b) For a certificate to practice animal massage on small animals, the three hundred hours of specialized instruction must be related to the performance of animal massage on small animals; and

(2) Successful completion of a competency evaluation, approved by the secretary, in either large animal massage or small animal massage, or both.
NEW SECTION. Sec. 5. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of veterinary medicine by those who are in compliance with chapter 18.92 RCW;

(2) The practice of animal massage by those who are in compliance with chapter 18.108 RCW;

(3) The practice of animal massage therapy by a person who is a regular student in an educational program whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor; or

(4) The use of animal massage techniques by the owner of the animal who is the recipient of the services or by an employee of the owner or another person providing gratuitous assistance.

NEW SECTION. Sec. 6. In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW as required to implement this chapter;

(2) Establish all certification and renewal fees in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Certify an applicant or deny certification based upon unprofessional conduct or impairment governed by the uniform disciplinary act, chapter 18.130 RCW;

(5) Deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification;

(6) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter;

(7) Maintain the official department record for all applicants and persons with certifications;

(8) Review coursework and training taken by an applicant in another state to determine whether it is substantially equivalent to that required under this chapter and determine whether additional coursework or training is needed before taking an examination for certification under section 7 of this act;

(9) Approve education and training programs; and
(10) Convene temporary work groups of individuals knowledgeable in
the practice of animal massage to advise the secretary on appropriate
standards of practice and credentialing, as necessary.

NEW SECTION. Sec. 7. (1) The date and location of examinations
must be established by the secretary. Applicants who have been found
by the secretary to meet the other requirements for obtaining a
certificate must be scheduled for the next examination following the
filing of the application. The secretary shall establish by rule the
examination application deadline.

(2) The secretary shall examine each applicant, by means determined
most effective, on subjects appropriate to the scope of practice, as
applicable. The examinations must be limited to the purpose of
determining whether the applicant possesses the minimum skill and
knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the
grading of any practical work must be preserved for a period of not
less than one year after the secretary has made and published the
decisions. All examinations must be conducted under fair and wholly
impartial methods.

(4) Any applicant failing to make the required grade in the first
examination may take up to three subsequent examinations as the
applicant desires upon prepaying a fee determined by the secretary
under RCW 43.70.250 for each subsequent examination. Upon failing four
examinations, the secretary may invalidate the original application and
require remedial education before the person may take future
examinations.

(5) The secretary may approve an examination prepared or
administered by a private testing agency or association of licensing
agencies for use by an applicant in meeting the certification
requirements.

NEW SECTION. Sec. 8. The secretary shall certify an applicant on
forms provided by the secretary. Each applicant shall pay a fee
determined by the secretary under RCW 43.70.250. The fee must
accompany the application.
NEW SECTION. Sec. 9. The secretary shall establish by rule the procedural requirements and fees for renewal of certification. Failure to renew invalidates the certification and all privileges granted by the certification.

NEW SECTION. Sec. 10. The uniform disciplinary act, chapter 18.130 RCW, governs the uncertified practice, the issuance and denial of certification, and the discipline of persons certified under this chapter. The secretary is the disciplining authority under this chapter.

Sec. 11. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:
(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.
(2)(a) The secretary has authority under this chapter in relation to the following professions:
(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
(ii) Naturopaths licensed under chapter 18.36A RCW;
(iii) Midwives licensed under chapter 18.50 RCW;
(iv) Ocularists licensed under chapter 18.55 RCW;
(v) Massage operators and businesses licensed under chapter 18.108 RCW;
(vi) Dental hygienists licensed under chapter 18.29 RCW;
(vii) Acupuncturists licensed under chapter 18.06 RCW;
(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
(x) Persons registered under chapter 18.19 RCW;
(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
(xiv) Health care assistants certified under chapter 18.135 RCW;
(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
(xix) Denturists licensed under chapter 18.30 RCW;
(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
(xxi) Surgical technologists registered under chapter 18.215 RCW;
((and))
(xxii) Recreational therapists; and
(xxiii) Animal massage practitioners certified under chapter 18.-- RCW (sections 1 through 10 of this act).
(b) The boards and commissions having authority under this chapter are as follows:
(i) The podiatric medical board as established in chapter 18.22 RCW;
(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
(iii) The dental quality assurance commission as established in chapter 18.32 RCW;
(iv) The board of hearing and speech as established in chapter 18.35 RCW;
(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

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

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

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

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

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

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

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act constitute a new chapter in Title 18 RCW.

Passed by the Senate March 13, 2007.
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