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**HOUSE BILL 2425**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Kuderer, Schmick, S. Hunt, Chandler, Goodman, Rodne, Kilduff, Manweller, and Jinkins

AN ACT Relating to changing the words "massage practitioner" and "animal massage practitioner" to "massage therapist" and "animal massage therapist"; amending RCW 18.108.025, 18.108.030, 18.108.040, 18.108.045, 18.108.070, 18.108.073, 18.108.085, 18.108.095, 18.108.115, 18.108.125, 18.108.131, 18.108.220, 18.108.230, 18.108.250, 18.120.020, 18.130.040, 18.240.005, 18.240.010, 18.240.020, 18.250.010, 35.21.692, 35A.82.025, 36.32.122, and 50.04.223; reenacting and amending RCW 18.108.010 and 18.74.010; creating a new section; and providing an effective date.

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

**Sec.**  RCW 18.108.010 and 2012 c 137 s 3 are each reenacted and amended to read as follows:

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

(1) "Animal massage ((~~practitioner~~)) therapist" means an individual with a license to practice massage therapy in this state with additional training in animal therapy.

(2) "Board" means the Washington state board of massage.

(3) "Certified reflexologist" means an individual who is certified under this chapter.

(4) "Health carrier" means the same as the definition in RCW 48.43.005.

(5) "Intraoral massage" means the manipulation or pressure of soft tissue inside the mouth or oral cavity for therapeutic purposes.

(6) "Massage" and "massage therapy" mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.

(7) "Massage business" means the operation of a business where massages are given.

(8) "Massage ((~~practitioner~~)) therapist" means an individual licensed under this chapter.

(9) "Reflexology" means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include the diagnosis of or treatment for specific diseases, or joint manipulations.

(10) "Reflexology business" means the operation of a business where reflexology services are provided.

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

**Sec.**  RCW 18.108.025 and 2012 c 137 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the board of massage may:

(a) Adopt rules in accordance with chapter 34.05 RCW necessary to implement massage ((~~practitioner~~)) therapist licensure under this chapter, subject to the approval of the secretary;

(b) Define, evaluate, approve, and designate those massage schools, massage programs, and massage apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the massage licensing examination;

(c) Review approved massage schools and programs periodically;

(d) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for massage licensure;

(e) Establish and administer requirements for continuing education, which shall be a prerequisite to renewing a massage ((~~practitioner~~)) therapist license under this chapter; and

(f) Determine which states have educational and licensing requirements for massage ((~~practitioners~~)) therapists equivalent to those of this state.

(2) The board shall establish by rule the standards and procedures for approving courses of study in massage therapy and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

**Sec.**  RCW 18.108.030 and 2012 c 137 s 5 are each amended to read as follows:

(1)(a) No person may practice or represent himself or herself as a massage ((~~practitioner~~)) therapist without first applying for and receiving from the department a license to practice. However, this subsection does not prohibit a certified reflexologist from practicing reflexology.

(b) A person represents himself or herself as a massage ((~~practitioner~~)) therapist when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist except when used by a certified reflexologist, acupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

(2)(a) No person may practice reflexology or represent himself or herself as a reflexologist by use of any title without first being certified as a reflexologist or licensed as a massage ((~~practitioner~~)) therapist by the department.

(b) A person represents himself or herself as a reflexologist when the person adopts or uses any title in any description of services that incorporates one or more of the following terms or designations: Reflexologist, reflexology, foot pressure therapy, foot reflex therapy, or any derivation of those terms that implies a reflexology technique or method. However, this subsection does not prohibit a licensed massage ((~~practitioner~~)) therapist from using any of these terms as a description of services.

(c) A person may not use the term "certified reflexologist" without first being certified by the department.

**Sec.**  RCW 18.108.040 and 2012 c 137 s 6 are each amended to read as follows:

(1)(a) It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage ((~~practitioner~~)) therapist. However, this subsection does not prohibit a certified reflexologist from using the term reflexology or derivations of the term, subject to subsection (2)(b) of this section.

(b) Any person who holds a license to practice as a massage ((~~practitioner~~)) therapist in this state may use the title "licensed massage ((~~practitioner~~)) therapist" and the abbreviation ((~~"L.M.P."~~)) "L.M.T.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage ((~~practitioner~~)) therapist.

(c) A massage ((~~practitioner's~~)) therapist's name and license number must conspicuously appear on all of the massage ((~~practitioner's~~)) therapist's advertisements.

(2)(a) It is unlawful to advertise the practice of reflexology or use any other term that implies reflexology technique or method in any public or private publication or communication by a person not certified by the secretary as a reflexologist or licensed as a massage ((~~practitioner~~)) therapist.

(b) A person certified as a reflexologist may not adopt or use any title or description of services, including for purposes of advertising, that incorporates one or more of the following terms or designations: Massage, masseuse, massager, massagist, masseur, myotherapist or myotherapy, touch therapist, body therapy or therapist, or any derivation of those terms that implies a massage technique or therapy unless the person is also licensed under this chapter as a massage ((~~practitioner~~)) therapist.

(c) A reflexologist's name and certification number must conspicuously appear on all of the reflexologist's advertisements.

**Sec.**  RCW 18.108.045 and 2012 c 137 s 7 are each amended to read as follows:

A massage ((~~practitioner~~)) therapist licensed under this chapter or a reflexologist certified under this chapter must conspicuously display his or her credential in his or her principal place of business. If the licensed massage ((~~practitioner~~)) therapist or certified reflexologist does not have a principal place of business or conducts business in any other location, he or she must have a copy of his or her credential available for inspection while performing services within his or her authorized scope of practice.

**Sec.**  RCW 18.108.070 and 2012 c 137 s 10 are each amended to read as follows:

(1) The secretary shall issue a massage ((~~practitioner's~~)) therapist's license to an applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

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

(b) Successful completion of an examination administered or approved by the board; and

(c) Be eighteen years of age or older.

(2) Beginning July 1, 2013, the secretary shall issue a reflexologist certification to an applicant who completes an application form that identifies the name and address of the applicant and the certification request, and demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of a course of study in reflexologist program approved by the secretary;

(b) Successful completion of an examination administered or approved by the secretary; and

(c) Be eighteen years of age or older.

(3) Applicants for a massage ((~~practitioner's~~)) therapist's license or for certification as a reflexologist shall be subject to the grounds for denial or issuance of a conditional credential under chapter 18.130 RCW.

(4) The secretary may require any information and documentation that reasonably relates to the need to determine whether the massage ((~~practitioner~~)) therapist or reflexologist applicant meets the criteria for licensure provided for in this chapter and chapter 18.130 RCW. The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

**Sec.**  RCW 18.108.073 and 2012 c 137 s 11 are each amended to read as follows:

(1) Applicants for the massage ((~~practitioner~~)) therapist license examination must demonstrate to the secretary's satisfaction that the following requirements have been met:

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

(ii) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and

(b) Be eighteen years of age or older.

(2) The board or its designee shall examine each massage ((~~practitioner~~)) therapist applicant in a written examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) All records of a massage ((~~practitioner~~)) therapist candidate's performance shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the secretary.

(4) A massage ((~~practitioner~~)) therapist applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the secretary as provided in RCW 43.70.250. Upon failure of three examinations, the secretary may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by a massage ((~~practitioner~~)) therapist applicant in meeting the licensing requirement.

**Sec.**  RCW 18.108.085 and 2012 c 137 s 14 are each amended to read as follows:

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

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

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

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

(d) Issue a massage ((~~practitioner's~~)) therapist's license to any applicant who has met the education, training, and examination requirements for licensure and deny licensure to applicants who do not meet the requirements of this chapter;

(e) Issue a reflexology certification to any applicant who has met the requirements for certification and deny certification to applicants who do not meet the requirements of this chapter; and

(f) Hire clerical, administrative, and investigative staff as necessary to implement this chapter.

(2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed and uncertified practice, the issuance and denial of licenses and certifications, and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license or certification issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license or certification. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction, the license or certification shall be reinstated, unless grounds for disciplinary action have been found under chapter 18.130 RCW. No license or certification may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

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

**Sec.**  RCW 18.108.095 and 2012 c 137 s 13 are each amended to read as follows:

A massage ((~~practitioner~~)) therapist applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's. However, the applicant must demonstrate to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

**Sec.**  RCW 18.108.115 and 1987 c 443 s 13 are each amended to read as follows:

Any person holding a valid license to practice massage issued by authority of the state on July 26, 1987, shall continue to be licensed as a massage ((~~practitioner~~)) therapist under the provisions of this chapter.

**Sec.**  RCW 18.108.125 and 2008 c 25 s 2 are each amended to read as follows:

(1) The secretary must grant a massage ((~~practitioner~~)) therapist an inactive credential if the massage ((~~practitioner~~)) therapist submits a letter to the board stating his or her intent to obtain an inactive credential, and he or she:

(a) Holds an active Washington state massage ((~~practitioner's~~)) therapist's license;

(b) Is in good standing, as determined by the board; and

(c) Does not practice massage in the state of Washington.

(2) The secretary may reinstate the massage ((~~practitioner's~~)) therapist's license if the massage ((~~practitioner~~)) therapist:

(a) Pays the current active renewal fee and other fees for active licensure;

(b) Provides a written declaration that:

(i) No action has been taken by a state or federal jurisdiction or a hospital which would prevent or restrict the ((~~practitioner's~~)) therapist's practice of massage therapy;

(ii) He or she has not voluntarily given up any credential or privilege or been restricted in the practice of massage therapy to avoid other sanctions; and

(iii) He or she has satisfied continuing education and competency requirements for the two most recent years; and

(c) Meets other requirements for reinstatement, as may be determined by the board.

**Sec.**  RCW 18.108.131 and 2012 c 137 s 15 are each amended to read as follows:

(1) The secretary may certify an applicant as a reflexologist without examination if the applicant:

(a) Has practiced reflexology as a licensed massage ((~~practitioner~~)) therapist for at least five years prior to July 1, 2013, or provides evidence satisfactory to the secretary that he or she has, prior to July 1, 2013, successfully completed a course of study in a reflexology program approved by the secretary; and

(b) Applies for certification by one year after July 1, 2013.

(2) An applicant holding a reflexology credential in another state or a territory of the United States may be certified to practice in this state without examination if the secretary determines that the other jurisdiction's credentialing standards are substantially equivalent to the standards in this state.

**Sec.**  RCW 18.108.220 and 1994 c 228 s 1 are each amended to read as follows:

For the purposes of this chapter, licensed massage ((~~practitioners~~)) therapists shall be classified as "offices and clinics of health practitioners, not elsewhere classified" under section 8049 of the standard industrial classification manual published by the executive office of the president, office of management and budget.

**Sec.**  RCW 18.108.230 and 2001 c 297 s 3 are each amended to read as follows:

(1) A massage ((~~practitioner~~)) therapist licensed under this chapter may apply for an endorsement as a small or large animal massage ((~~practitioner~~)) therapist upon completion of one hundred hours of training in either large or small animal massage. Training must include animal massage techniques, kinesiology, anatomy, physiology, first aid care, and proper handling techniques.

(2) An applicant who applies for an endorsement within the first year following July 22, 2001, may submit documentation of a minimum of fifty hours of training with up to fifty hours of practical experience or continuing education, or a combination thereof, to fulfill the requirements of this section.

(3) Massage therapy of animals does not include diagnosis, prognosis, or all treatment of diseases, deformities, defects, wounds, or injuries of animals. For the purposes of this section, massage for therapeutic purposes may be performed solely for purposes of patient well-being.

(4) A person licensed and endorsed under this section may hold themselves out as an animal massage ((~~practitioner~~)) therapist.

(5) The board may adopt rules to implement this section upon consultation with the Washington state veterinary board of governors and licensed massage ((~~practitioners~~)) therapists with training in animal massage.

**Sec.**  RCW 18.108.250 and 2007 c 272 s 2 are each amended to read as follows:

(1) A massage ((~~practitioner~~)) therapist licensed under this chapter may apply for an endorsement to perform intraoral massage upon completion of training determined by the board and specified in rules. Training must include intraoral massage techniques, cranial anatomy, physiology, and kinesiology, hygienic practices, safety and sanitation, pathology, and contraindications.

(2) A massage ((~~practitioner~~)) therapist who has obtained an intraoral massage endorsement to his or her massage ((~~practitioner~~)) therapist license may practice intraoral massage.

**Sec.**  RCW 18.74.010 and 2014 c 116 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(2) "Board" means the board of physical therapy created by RCW 18.74.020.

(3) "Close supervision" means that the supervisor has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervisor is continuously on-site and physically present in the operatory while the procedures are performed and capable of responding immediately in the event of an emergency.

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

(5) "Direct supervision" means the supervisor must (a) be continuously on-site and present in the department or facility where the person being supervised is performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel or is required to be directly supervised under RCW 18.74.190.

(6) "Indirect supervision" means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires and consistent with the particular delegated health care task.

(7) "Physical therapist" means a person who meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(8)(a) "Physical therapist assistant" means a person who meets all the requirements of this chapter and is licensed as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical therapist. However, a physical therapist may not delegate sharp debridement to a physical therapist assistant.

(b) "Physical therapy aide" means a person who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist, including but not limited to licensed massage ((~~practitioners~~)) therapists, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their training or education.

(9) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist licensed by the state. Except as provided in RCW 18.74.190, the use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(10) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under this title ((~~18 RCW~~)), without regard to any scope of practice;

(d) Performing wound care services that are limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner;

(e) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(f) Engaging in administration, consultation, education, and research.

(11) "Secretary" means the secretary of health.

(12) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of July 24, 2005, shall submit to the secretary an affidavit that includes evidence of adequate education and training in sharp debridement, including the use of a scalpel.

(13) "Spinal manipulation" includes spinal manipulation, spinal manipulative therapy, high velocity thrust maneuvers, and grade five mobilization of the spine and its immediate articulations.

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

**Sec.**  RCW 18.120.020 and 2015 c 118 s 12 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage ((~~practitioners~~)) therapists under chapter 18.108 RCW; East Asian medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec.**  RCW 18.130.040 and 2015 c 118 s 13 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) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage ((~~practitioners~~)) therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Chemical dependency professionals and chemical dependency professional trainees certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage ((~~practitioners~~)) therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW.

(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 governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 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 pharmacy quality assurance commission 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;

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

(xv) The board of naturopathy established in chapter 18.36A RCW; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(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.

**Sec.**  RCW 18.240.005 and 2007 c 70 s 1 are each amended to read as follows:

The certification of animal massage ((~~practitioners~~)) therapists is in the interest of the public health, safety, and welfare. While veterinarians and certain massage ((~~practitioners~~)) therapists 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.

**Sec.**  RCW 18.240.010 and 2007 c 70 s 2 are each amended to read as follows:

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~~)) therapist" 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.

**Sec.**  RCW 18.240.020 and 2007 c 70 s 3 are each amended to read as follows:

No person may practice as a certified animal massage ((~~practitioner~~)) therapist in this state without having a certification issued by the secretary unless he or she is exempt under RCW 18.240.040.

**Sec.**  RCW 18.250.010 and 2014 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range‑of‑motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first‑aid and emergency procedures and techniques for nonlife-threatening or life‑threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in RCW 18.250.070;

(v) Treatment, rehabilitation, and reconditioning of work-related injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, under the direct supervision of and in accordance with a plan of care for an individual worker established by a provider authorized to provide physical medicine and rehabilitation services for injured workers; and

(vi) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with RCW 18.250.070.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct‑formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of East Asian medicine as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

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

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage ((~~practitioner~~)) therapist, acupuncturist, occupational therapist, or podiatric physician and surgeon.

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

**Sec.**  RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:

(1) A state licensed massage ((~~practitioner~~)) therapist seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage ((~~practitioner~~)) therapist shall not exceed the licensing or operating fee imposed on similar health care providers, such as physical therapists or occupational therapists, operating within the same city or town.

(3) A state licensed massage ((~~practitioner~~)) therapist is not subject to additional licensing requirements not currently imposed on similar health care providers, such as physical therapists or occupational therapists.

**Sec.**  RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:

(1) A state licensed massage ((~~practitioner~~)) therapist seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage ((~~practitioner~~)) therapist shall not exceed the licensing or operating fee imposed on similar health care providers, such as physical therapists or occupational therapists, operating within the same city.

(3) A state licensed massage ((~~practitioner~~)) therapist is not subject to additional licensing requirements not currently imposed on similar health care providers, such as physical therapists or occupational therapists.

**Sec.**  RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:

(1) A state licensed massage ((~~practitioner~~)) therapist seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage ((~~practitioner~~)) therapist shall not exceed the licensing or operating fee imposed on similar health care providers, such as physical therapists or occupational therapists, operating within the same county.

(3) A state licensed massage ((~~practitioner~~)) therapist is not subject to additional licensing requirements not currently imposed on similar health care providers, such as physical therapists or occupational therapists.

**Sec.**  RCW 50.04.223 and 1994 c 3 s 2 are each amended to read as follows:

The term "employment" does not include services performed by a massage ((~~practitioner~~)) therapist licensed under chapter 18.108 RCW in a massage business if the use of the business facilities is contingent upon compensation to the owner of the business facilities and the person receives no compensation from the owner for the services performed.

This exemption does not include services performed by a massage ((~~practitioner~~)) therapist for an employer under chapter 50.44 RCW.

NEW SECTION. **Sec.**  Beginning July 1, 2017, the department of health shall issue all new licenses and renewals as they become due on the birthdate of the licensee using the terms "massage therapist" or "animal massage therapist" as appropriate. Active licenses using the terms "massage practitioner" or "animal massage practitioner" remain valid until required to be renewed on the licensee's next birthdate after July 1, 2017.

NEW SECTION. **Sec.**  This act takes effect July 1, 2017.

**--- END ---**