

2 **SSB 5556** - H COMM AMD

3 By Committee on Law & Justice

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

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

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

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

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

32 (e) Hire clerical, administrative, and investigative staff as
33 necessary to implement this chapter, and hire individuals licensed
34 under this chapter to serve as examiners for any practical
35 examinations.

1 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
2 issuance and denial of licenses and the disciplining of persons under
3 this chapter. The secretary shall be the disciplining authority under
4 this chapter.

5 (3) Any license issued under this chapter to a person who is or has
6 been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or
7 9A.88.090, or an equivalent local ordinance shall automatically be
8 revoked by the secretary upon receipt of a certified copy of the court
9 documents reflecting such conviction. No further hearing or procedure
10 is required, and the secretary has no discretion with regard to
11 revocation of the license. The revocation shall be effective even
12 though the conviction is under appeal or the time period for appeal has
13 not lapsed. Upon presentation of a final appellate decision
14 overturning the conviction, the license shall be reinstated, unless
15 grounds for disciplinary action have been found pursuant to chapter
16 18.130 RCW. No license may be granted under this chapter to any person
17 who has been convicted of violating RCW 9A.88.030, 9A.88.070,
18 9A.88.080, or 9A.88.090, or an equivalent local ordinance within eight
19 years immediately preceding the date of application. For purposes of
20 this subsection, "convicted" does not include a conviction that has
21 been the subject of a pardon, annulment, or other equivalent procedure
22 based on a finding of innocence, but does include a conviction for an
23 offense for which the defendant received a deferred or suspended
24 sentence, unless the record has been expunged according to law.

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

29 NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW
30 to read as follows:

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

35 **Sec. 4.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to read
36 as follows:

37 (1) A state licensed massage practitioner seeking a city or town

1 license to operate a massage business must provide verification of his
2 or her state massage license as provided for in RCW 18.108.030.

3 (2) The city or town may charge a licensing or operating fee, but
4 the fee charged a state licensed massage practitioner shall not exceed
5 the licensing or operating fee imposed on (~~similar health care~~
6 ~~providers, such as physical therapists or occupational therapists,~~)
7 other licensees operating within the same city or town, and such fees
8 shall be reasonable and shall not exceed the costs of the processing
9 and administration of the licensing procedure.

10 (3) A state licensed massage practitioner (~~is not~~) may be subject
11 to additional licensing requirements (~~not currently imposed on similar~~
12 ~~health care providers, such as physical therapists or occupational~~
13 ~~therapists~~) under RCW 18.108.100.

14 **Sec. 5.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read
15 as follows:

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

19 (2) The city may charge a licensing or operating fee, but the fee
20 charged a state licensed massage practitioner shall not exceed the
21 licensing or operating fee imposed on (~~similar health care providers,~~
22 ~~such as physical therapists or occupational therapists,~~) other
23 licensees operating within the same city, and such fees shall be
24 reasonable and shall not exceed the costs of the processing and
25 administration of the licensing procedure.

26 (3) A state licensed massage practitioner (~~is not~~) may be subject
27 to additional licensing requirements (~~not currently imposed on similar~~
28 ~~health care providers, such as physical therapists or occupational~~
29 ~~therapists~~) under RCW 18.108.100.

30 **Sec. 6.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to read
31 as follows:

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

35 (2) The county may charge a licensing or operating fee, but the fee
36 charged a state licensed massage practitioner shall not exceed the
37 licensing or operating fee imposed on (~~similar health care providers,~~

1 ~~such as physical therapists or occupational therapists,))~~ other
2 licensees operating within the same county, and such fees shall be
3 reasonable and shall not exceed the costs of the processing and
4 administration of the licensing procedure.

5 (3) A state licensed massage practitioner (~~(is not)~~) may be subject
6 to additional licensing requirements (~~(not currently imposed on similar~~
7 ~~health care providers, such as physical therapists or occupational~~
8 ~~therapists)~~) under RCW 18.108.100.

9 NEW SECTION. Sec. 7. The amendments to RCW 35.21.692, 35A.82.025,
10 and 36.32.122 contained in sections 4 through 6 of this act shall
11 expire July 1, 1997."

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15 On page 1, line 1 of the title, after "practitioners;" strike the
16 remainder of the title and insert "amending RCW 18.108.040, 18.108.085,
17 35.21.692, 35A.82.025, and 36.32.122; adding a new section to chapter
18 18.130 RCW; and providing an expiration date."

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