

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2425

Chapter 41, Laws of 2016

64th Legislature
2016 Regular Session

MESSAGE PRACTITIONERS--RENAMING AS MESSAGE THERAPISTS

EFFECTIVE DATE: 7/1/2017

Passed by the House February 17, 2016
Yeas 95 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 1, 2016
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2016 3:43 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2425** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2016

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2425

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Kuderer, Schmick, S. Hunt, Chandler, Goodman, Rodne, Kilduff, Manweller, and Jinkins)

READ FIRST TIME 02/02/16.

1 AN ACT Relating to changing the words "massage practitioner" and
2 "animal massage practitioner" to "massage therapist" and "animal
3 massage therapist"; amending RCW 18.108.025, 18.108.030, 18.108.040,
4 18.108.045, 18.108.070, 18.108.073, 18.108.085, 18.108.095,
5 18.108.115, 18.108.125, 18.108.131, 18.108.220, 18.108.230,
6 18.108.250, 18.120.020, 18.130.040, 18.240.005, 18.240.010,
7 18.240.020, 18.250.010, 35.21.692, 35A.82.025, 36.32.122, and
8 50.04.223; reenacting and amending RCW 18.108.010 and 18.74.010;
9 creating a new section; and providing an effective date.

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

11 **Sec. 1.** RCW 18.108.010 and 2012 c 137 s 3 are each reenacted and
12 amended to read as follows:

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

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

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

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

1 (4) "Health carrier" means the same as the definition in RCW
2 48.43.005.

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

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

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

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

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

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

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

29 **Sec. 2.** RCW 18.108.025 and 2012 c 137 s 4 are each amended to
30 read as follows:

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

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

36 (b) Define, evaluate, approve, and designate those massage
37 schools, massage programs, and massage apprenticeship programs
38 including all current and proposed curriculum, faculty, and health,
39 sanitation, and facility standards from which graduation will be

1 accepted as proof of an applicant's eligibility to take the massage
2 licensing examination;

3 (c) Review approved massage schools and programs periodically;

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

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

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

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

19 **Sec. 3.** RCW 18.108.030 and 2012 c 137 s 5 are each amended to
20 read as follows:

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

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

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

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

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

11 **Sec. 4.** RCW 18.108.040 and 2012 c 137 s 6 are each amended to
12 read as follows:

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

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

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

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

36 (b) A person certified as a reflexologist may not adopt or use
37 any title or description of services, including for purposes of
38 advertising, that incorporates one or more of the following terms or
39 designations: Massage, masseuse, massager, massagist, masseur,

1 myotherapist or myotherapy, touch therapist, body therapy or
2 therapist, or any derivation of those terms that implies a massage
3 technique or therapy unless the person is also licensed under this
4 chapter as a massage (~~(practitioner)~~) therapist.

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

7 **Sec. 5.** RCW 18.108.045 and 2012 c 137 s 7 are each amended to
8 read as follows:

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

17 **Sec. 6.** RCW 18.108.070 and 2012 c 137 s 10 are each amended to
18 read as follows:

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

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

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

28 (c) Be eighteen years of age or older.

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

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

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

1 (c) Be eighteen years of age or older.

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

6 (4) The secretary may require any information and documentation
7 that reasonably relates to the need to determine whether the massage
8 (~~(practitioner)~~) therapist or reflexologist applicant meets the
9 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.

12 **Sec. 7.** RCW 18.108.073 and 2012 c 137 s 11 are each amended to
13 read as follows:

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

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

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

21 (b) Be eighteen years of age or older.

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

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

38 (4) A massage (~~(practitioner)~~) therapist applicant who fails to
39 make the required grade in the first examination is entitled to take

1 up to two additional examinations upon the payment of a fee for each
2 subsequent examination determined by the secretary as provided in RCW
3 43.70.250. Upon failure of three examinations, the secretary may
4 invalidate the original application and require such remedial
5 education as is required by the board before admission to future
6 examinations.

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

11 **Sec. 8.** RCW 18.108.085 and 2012 c 137 s 14 are each amended to
12 read as follows:

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

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

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

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

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

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

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

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

35 (3) Any license or certification issued under this chapter to a
36 person who is or has been convicted of violating RCW 9A.88.030,
37 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances
38 shall automatically be revoked by the secretary upon receipt of a
39 certified copy of the court documents reflecting such conviction. No

1 further hearing or procedure is required, and the secretary has no
2 discretion with regard to the revocation of the license or
3 certification. The revocation shall be effective even though such
4 conviction may be under appeal, or the time period for such appeal
5 has not elapsed. However, upon presentation of a final appellate
6 decision overturning such conviction, the license or certification
7 shall be reinstated, unless grounds for disciplinary action have been
8 found under chapter 18.130 RCW. No license or certification may be
9 granted under this chapter to any person who has been convicted of
10 violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or
11 equivalent local ordinances within the eight years immediately
12 preceding the date of application. For purposes of this subsection,
13 "convicted" does not include a conviction that has been the subject
14 of a pardon, annulment, or other equivalent procedure based on a
15 finding of innocence, but does include convictions for offenses for
16 which the defendant received a deferred or suspended sentence, unless
17 the record has been expunged according to law.

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

22 **Sec. 9.** RCW 18.108.095 and 2012 c 137 s 13 are each amended to
23 read as follows:

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

34 **Sec. 10.** RCW 18.108.115 and 1987 c 443 s 13 are each amended to
35 read as follows:

36 Any person holding a valid license to practice massage issued by
37 authority of the state on July 26, 1987, shall continue to be

1 licensed as a massage (~~practitioner~~) therapist under the provisions
2 of this chapter.

3 **Sec. 11.** RCW 18.108.125 and 2008 c 25 s 2 are each amended to
4 read as follows:

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

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

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

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

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

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

17 (b) Provides a written declaration that:

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

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

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

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

28 **Sec. 12.** RCW 18.108.131 and 2012 c 137 s 15 are each amended to
29 read as follows:

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

32 (a) Has practiced reflexology as a licensed massage
33 (~~practitioner~~) therapist for at least five years prior to July 1,
34 2013, or provides evidence satisfactory to the secretary that he or
35 she has, prior to July 1, 2013, successfully completed a course of
36 study in a reflexology program approved by the secretary; and

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

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

6 **Sec. 13.** RCW 18.108.220 and 1994 c 228 s 1 are each amended to
7 read as follows:

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

14 **Sec. 14.** RCW 18.108.230 and 2001 c 297 s 3 are each amended to
15 read as follows:

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

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

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

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

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

1 **Sec. 15.** RCW 18.108.250 and 2007 c 272 s 2 are each amended to
2 read as follows:

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

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

12 **Sec. 16.** RCW 18.74.010 and 2014 c 116 s 3 are each reenacted and
13 amended to read as follows:

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

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

22 (2) "Board" means the board of physical therapy created by RCW
23 18.74.020.

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

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

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

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

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

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

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

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

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

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

39 (a) Examining, evaluating, and testing individuals with
40 mechanical, physiological, and developmental impairments, functional

1 limitations in movement, and disability or other health and movement-
2 related conditions in order to determine a diagnosis, prognosis, plan
3 of therapeutic intervention, and to assess and document the ongoing
4 effects of intervention;

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

16 (c) Training for, and the evaluation of, the function of a
17 patient wearing an orthosis or prosthesis as defined in RCW
18 18.200.010. Physical therapists may provide those direct-formed and
19 prefabricated upper limb, knee, and ankle-foot orthoses, but not
20 fracture orthoses except those for hand, wrist, ankle, and foot
21 fractures, and assistive technology devices specified in RCW
22 18.200.010 as exemptions from the defined scope of licensed orthotic
23 and prosthetic services. It is the intent of the legislature that the
24 unregulated devices specified in RCW 18.200.010 are in the public
25 domain to the extent that they may be provided in common with
26 individuals or other health providers, whether unregulated or
27 regulated under this title (~~18-RCW~~), without regard to any scope of
28 practice;

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

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

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

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

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

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

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

20 **Sec. 17.** RCW 18.120.020 and 2015 c 118 s 12 are each amended to
21 read as follows:

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

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

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

35 (3) "Grandfather clause" means a provision in a regulatory
36 statute applicable to practitioners actively engaged in the regulated
37 health profession prior to the effective date of the regulatory
38 statute which exempts the practitioners from meeting the prerequisite

1 qualifications set forth in the regulatory statute to perform
2 prescribed occupational tasks.

3 (4) "Health professions" means and includes the following health
4 and health-related licensed or regulated professions and occupations:
5 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
6 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
7 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
8 dental anesthesia assistants under chapter 18.350 RCW; dispensing
9 opticians under chapter 18.34 RCW; hearing instruments under chapter
10 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
11 funeral directing under chapter 18.39 RCW; midwifery under chapter
12 18.50 RCW; nursing home administration under chapter 18.52 RCW;
13 optometry under chapters 18.53 and 18.54 RCW; ocularists under
14 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
15 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
16 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
17 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
18 practical nurses under chapter 18.79 RCW; psychologists under chapter
19 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
20 therapists licensed under chapter 18.59 RCW; respiratory care
21 practitioners licensed under chapter 18.89 RCW; veterinarians and
22 veterinary technicians under chapter 18.92 RCW; massage
23 (~~practitioners~~) therapists under chapter 18.108 RCW; East Asian
24 medicine practitioners licensed under chapter 18.06 RCW; persons
25 registered under chapter 18.19 RCW; persons licensed as mental health
26 counselors, marriage and family therapists, and social workers under
27 chapter 18.225 RCW; dietitians and nutritionists certified by chapter
28 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing
29 assistants registered or certified under chapter 18.88A RCW;
30 reflexologists certified under chapter 18.108 RCW; medical
31 assistants-certified, medical assistants-hemodialysis technician,
32 medical assistants-phlebotomist, and medical assistants-registered
33 certified and registered under chapter 18.360 RCW; and licensed
34 behavior analysts, licensed assistant behavior analysts, and
35 certified behavior technicians under chapter 18.380 RCW.

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

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

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

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

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

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

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

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

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

1 **Sec. 18.** RCW 18.130.040 and 2015 c 118 s 13 are each amended to
2 read as follows:

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions
5 licensed under the chapters specified in this section. This chapter
6 does not apply to any business or profession not licensed under the
7 chapters specified in this section.

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

10 (i) Dispensing opticians licensed and designated apprentices
11 under chapter 18.34 RCW;

12 (ii) Midwives licensed under chapter 18.50 RCW;

13 (iii) Ocularists licensed under chapter 18.55 RCW;

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

16 (v) Dental hygienists licensed under chapter 18.29 RCW;

17 (vi) East Asian medicine practitioners licensed under chapter
18 18.06 RCW;

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

21 (viii) Respiratory care practitioners licensed under chapter
22 18.89 RCW;

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

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

30 (xi) Persons registered as nursing pool operators under chapter
31 18.52C RCW;

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

34 (xiii) Dietitians and nutritionists certified under chapter
35 18.138 RCW;

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

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

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

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

5 (xviii) Surgical technologists registered under chapter 18.215
6 RCW;

7 (xix) Recreational therapists under chapter 18.230 RCW;

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

10 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

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

12 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

13 (xxiv) Reflexologists certified under chapter 18.108 RCW;

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

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

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

22 (i) The podiatric medical board as established in chapter 18.22
23 RCW;

24 (ii) The chiropractic quality assurance commission as established
25 in chapter 18.25 RCW;

26 (iii) The dental quality assurance commission as established in
27 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
28 licenses and registrations issued under chapter 18.260 RCW, and
29 certifications issued under chapter 18.350 RCW;

30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;

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

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

36 (vii) The board of osteopathic medicine and surgery as
37 established in chapter 18.57 RCW governing licenses issued under
38 chapters 18.57 and 18.57A RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The medical quality assurance commission as established in
5 chapter 18.71 RCW governing licenses and registrations issued under
6 chapters 18.71 and 18.71A RCW;

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

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

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

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

16 (xiv) The veterinary board of governors as established in chapter
17 18.92 RCW;

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

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

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

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the uniform
27 disciplinary act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 **Sec. 19.** RCW 18.240.005 and 2007 c 70 s 1 are each amended to
30 read as follows:

31 The certification of animal massage (~~(practitioners)~~) therapists
32 is in the interest of the public health, safety, and welfare. While
33 veterinarians and certain massage (~~(practitioners)~~) therapists may
34 perform animal massage techniques, the legislature finds that meeting
35 all of the requirements of those professions can be unnecessarily
36 cumbersome for those individuals who would like to limit their
37 practice only to animal massage.

1 **Sec. 20.** RCW 18.240.010 and 2007 c 70 s 2 are each amended to
2 read as follows:

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

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

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

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

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

26 **Sec. 21.** RCW 18.240.020 and 2007 c 70 s 3 are each amended to
27 read as follows:

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

32 **Sec. 22.** RCW 18.250.010 and 2014 c 194 s 1 are each amended to
33 read as follows:

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

36 (1) "Athlete" means a person who participates in exercise,
37 recreation, sport, or games requiring physical strength,
38 range-of-motion, flexibility, body awareness and control, speed,

1 stamina, or agility, and the exercise, recreation, sports, or games
2 are of a type conducted in association with an educational
3 institution or professional, amateur, or recreational sports club or
4 organization.

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

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

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

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

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

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

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

36 (v) Treatment, rehabilitation, and reconditioning of work-related
37 injuries through the application of physical agents and modalities,
38 therapeutic activities and exercise, standard reassessment techniques
39 and procedures, commercial products, and educational programs, under
40 the direct supervision of and in accordance with a plan of care for

1 an individual worker established by a provider authorized to provide
2 physical medicine and rehabilitation services for injured workers;
3 and

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

8 (b) "Athletic training" does not include:

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

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

15 (iii) The practice of occupational therapy as defined in chapter
16 18.59 RCW;

17 (iv) The practice of East Asian medicine as defined in chapter
18 18.06 RCW;

19 (v) Any medical diagnosis; and

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

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

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

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

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

32 **Sec. 23.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to
33 read as follows:

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

38 (2) The city or town may charge a licensing or operating fee, but
39 the fee charged a state licensed massage (~~(practitioner))~~ therapist

1 shall not exceed the licensing or operating fee imposed on similar
2 health care providers, such as physical therapists or occupational
3 therapists, operating within the same city or town.

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

8 **Sec. 24.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to
9 read as follows:

10 (1) A state licensed massage (~~(practitioner)~~) therapist seeking a
11 city license to operate a massage business must provide verification
12 of his or her state massage license as provided for in RCW
13 18.108.030.

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

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

23 **Sec. 25.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to
24 read as follows:

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

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

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

1 **Sec. 26.** RCW 50.04.223 and 1994 c 3 s 2 are each amended to read
2 as follows:

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

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

11 NEW SECTION. **Sec. 27.** Beginning July 1, 2017, the department of
12 health shall issue all new licenses and renewals as they become due
13 on the birthdate of the licensee using the term "massage therapist."
14 Active licenses using the term "massage practitioner" remains valid
15 until required to be renewed on the licensee's next birthdate after
16 July 1, 2017.

17 NEW SECTION. **Sec. 28.** This act takes effect July 1, 2017.

Passed by the House February 17, 2016.

Passed by the Senate March 1, 2016.

Approved by the Governor March 29, 2016.

Filed in Office of Secretary of State March 30, 2016.

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