

WSR 22-21-123

PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Massage)

[Filed October 18, 2022, 12:31 p.m.]

Supplemental Notice to WSR 22-13-179.

Preproposal statement of inquiry was filed as WSR 21-09-038.

Title of Rule and Other Identifying Information: WAC 246-830-201, 246-830-485, 246-830-490, 246-830-500, and 246-830-510, massage therapists. The board of massage, in coordination with the department of health, is proposing amendments to existing sections of the massage therapist rules to correct the names of the national examinations, clarify the training requirements for somatic education and intra-oral massage education, and clarify and modernize the language in the equipment and sanitation rule and the hygiene rule. The supplemental proposal clarifies that linens must be laundered before use on a client or patient.

Hearing Location(s): On November 30, 2022, at 10:00 a.m. This hearing is being held as a virtual public hearing, without a physical meeting space, https://us02web.zoom.us/webinar/register/WN_y3XbzLDgRLKQzUYNPcutWg.

Date of Intended Adoption: November 30, 2022.

Submit Written Comments to: Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, email <https://fortress.wa.gov/doh/policyreview>, fax 360-236-2901, megan.maxey@doh.wa.gov, by November 23, 2022.

Assistance for Persons with Disabilities: Contact Megan Maxey, phone 360-236-4945, TTY 711, email megan.maxey@doh.wa.gov, by November 23, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to make additional amendments to five rules adopted in 2017. The proposed clarifications to WAC 246-830-485, 246-830-490, 246-830-500, and 246-830-510, and corrections to WAC 246-830-201, correctly identify the names of the national examinations required for licensure, and clearly specify the necessary hygiene and sanitation practices in the massage setting in order to protect the health and safety of the public. This supplemental proposal changes language in WAC 246-830-500(6) from the original proposed rule regarding the washing of linens. The proposed language clarifies the intent that all linens used for one client or patient must be laundered or cleaned before they are used on any other client or patient.

Reasons Supporting Proposal: A comprehensive review of the chapter was completed in 2017 which included amendments to WAC 246-830-201, 246-830-485, 246-830-490, and 246-830-500, along with adding new WAC 246-830-510. After the adoption of the rules in 2017, these five sections were identified as needing clarifications and corrections. Following the hearing held on July 29, 2022, it was determined that the proposed rule language needed further amendments to clarify when linens should be laundered and to ensure adequate public protection.

Statutory Authority for Adoption: RCW 18.108.025 and 18.108.085.

Statute Being Implemented: Chapter 18.108 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health and board of massage, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Megan Maxey, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4945.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. No significant analysis is required because the proposed amendments meet the exemption enumerated under RCW 34.05.328 (5)(b)(iv). The purpose of the proposed amendments is to correct typographical errors and clarify the current rule language without changing its effect.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: The proposed rule is exempt under RCW 34.05.310 (4)(d) because all revisions, including the changes in the supplemental [notice], are to correct typographical errors and to clarify the existing rule language without changing the effect of the rule.

Scope of exemption for rule proposal:

Is fully exempt.

October 18, 2022
 Kristin Peterson, JD
 Chief of Policy
 for Umair A. Shah, MD, MPH
 Secretary
 and Heidi Williams, LMT, Chair
 Board of Massage

OTS-3660.2

AMENDATORY SECTION (Amending WSR 17-14-062, filed 6/29/17, effective 7/30/17)

WAC 246-830-201 Examination. (1) An applicant for a massage therapist license must successfully pass one of the following examinations:

~~((1))~~ (a) The federation of state massage therapy boards ~~((and))~~ massage and bodywork licensing examination; ~~((or~~
~~(2))~~ (b) The national certification examination for therapeutic ~~((therapy))~~ and bodywork; or

~~((3))~~ (c) A board-approved examination.

~~((4))~~ (2) An applicant who does not pass an examination after three attempts must provide proof to the board of having successfully completed additional clinical training or course work as determined by the board before being permitted three additional attempts to pass an exam.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-201, filed 6/29/17, effective 7/30/17. Statutory Authority: RCW 18.108.025. WSR

91-01-077 (Order 102B), recodified as § 246-830-201, filed 12/17/90, effective 1/31/91; WSR 88-11-011 (Order PM 725), § 308-51-100, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. WSR 85-01-043 (Order PL 501), § 308-51-100, filed 12/13/84. Statutory Authority: RCW 18.108.020. WSR 80-01-018 (Order PL 329, Resolution No. 12/79), § 308-51-100, filed 12/13/79; Order PL 248, § 308-51-100, filed 5/25/76.]

AMENDATORY SECTION (Amending WSR 17-14-062, filed 6/29/17, effective 7/30/17)

WAC 246-830-485 Somatic education training program exemption.

(1) The secretary may approve an exemption from this chapter for an individual who has completed a somatic education and training program that has a professional organization with a permanent administrative location that oversees the practice of somatic education and training and that has the following:

- (a) Standards of practice;
- (b) A training accreditation process;
- (c) An instructor certification process;
- (d) A therapist certification process; and
- (e) A code of ethics or code of professional conduct.

(2) An authorized representative must submit a request for approval of a program on forms provided by the secretary.

(3) The secretary in consultation with the board will evaluate the education and training program and grant approval or denial. If denied, applicants will be given the opportunity to appeal through the brief adjudicative hearing process as authorized in chapter 246-10 WAC.

(4) The secretary may request from an approved education and training program, and the program must provide, updated information every three years to ensure the program's compliance with this rule. Approval may be withdrawn if the program fails to maintain the requirements of this rule. Where a determination has been made that the program no longer meets the requirements of this rule and a decision is made to withdraw approval, an approved program may appeal through the brief adjudicative proceeding as authorized in chapter 246-10 WAC.

(5) Organizations representing multiple training programs such as the International Alliance of Healthcare Educators, must obtain an exemption for each training program to ensure clarity regarding what is and is not exempt as a somatic education program.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-485, filed 6/29/17, effective 7/30/17. Statutory Authority: Chapter 18.108 RCW. WSR 00-07-086, § 246-830-485, filed 3/15/00, effective 4/15/00.]

AMENDATORY SECTION (Amending WSR 17-14-062, filed 6/29/17, effective 7/30/17)

WAC 246-830-490 Intraoral massage education and training. A massage therapist may perform intraoral massage after completing spe-

cific intraoral massage education and training and after receiving an intraoral massage endorsement to their massage therapist license.

To qualify for an intraoral massage endorsement a massage therapist must complete the following education and training:

(1) Sixteen hours of direct supervised education and training, which must include:

(a) Hands-on intraoral massage techniques, cranial anatomy, physiology, and kinesiology;

(b) Pathology, cautions, and contraindications; and

(c) Hygienic practices, safety and sanitation. Hygienic practices, safety and sanitation includes, but is not limited to:

(i) Gloves must be worn during treatment and training which involves intraoral procedures;

(ii) Fresh gloves must be used for every intraoral client or patient contact;

(iii) Gloves that have been used for intraoral treatment must not be reused for any other purpose; and

(iv) Gloves must not be washed or reused for any purpose. The same pair of gloves must not be used, removed, and reused for the same client or patient at the same visit or for any other purpose.

(2) Supervised education and training must be obtained from a massage therapist endorsed in intraoral massage or from an individual who is licensed, certified, or registered and who has performed intraoral massage services within their authorized scope of practice.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-490, filed 6/29/17, effective 7/30/17. Statutory Authority: Chapter 18.108 RCW, 2007 c 272. WSR 08-17-001, § 246-830-490, filed 8/6/08, effective 9/6/08.]

AMENDATORY SECTION (Amending WSR 17-14-062, filed 6/29/17, effective 7/30/17)

WAC 246-830-500 Equipment, linens, and sanitation. (1) A massage therapist using hydrotherapies including, but not limited to, cabinet, vapor or steam baths, whirlpool, hot tub or tub baths must have ((available)) adequate shower facilities available for client or patient use.

(2) All cabinets, showers, tubs, basins, massage or steam tables, hydrotherapy equipment, and all other fixed equipment used must be thoroughly cleansed using ((an-effective)) a bactericidal agent in accordance with the manufacturer directions.

(3) Combs, brushes, shower caps, mechanical, massage and hydrotherapy instruments, or bathing devices that come in contact with the body must be sterilized or disinfected by modern and approved methods and instruments. Devices, equipment or parts thereof having been used on one person must be sterilized or disinfected before being used on another person.

(4) Impervious material must cover, full length and width, all massage tables or pads, pillows, bolsters, and face cradles directly under ((fresh sheets and linens or disposable paper sheets)) single service linens or disposable covers. Impervious materials and surfaces must be disinfected after each use.

(5) A massage therapist must provide single service materials or clean (~~linen such as sheets, towels, gowns, pillow cases, and all other~~) linens used in the practice of massage. Linens must be stored in a sanitary manner.

(6) All (~~towels and~~) linens used for one client or patient must be laundered or cleaned before they are used on any other client or patient.

(7) All soiled linens must be immediately placed in a covered receptacle.

(8) Soap and clean towels must be provided by the massage therapist for use by massage therapists, clients or patients and any employees.

(9) All equipment must be clean, (~~well~~) in good repair, and maintained (~~and in good repair~~) to industry standards.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-500, filed 6/29/17, effective 7/30/17.]

AMENDATORY SECTION (Amending WSR 17-14-062, filed 6/29/17, effective 7/30/17)

WAC 246-830-510 Hygiene. To maintain a professional standard of hygiene in their practice, a massage therapist must:

(1) Cleanse (~~their~~) any exposed body part used for applying treatment, before and after each treatment, using a sink with (~~hot~~) water and soap or a chemical germicidal product;

(2) Maintain a barrier of unbroken skin on their exposed body part used for applying treatment during each treatment and in the case of broken skin use a finger cot, glove or chemical barrier product to cover the affected area during treatment; and

(3) Wear clothing that is clean.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-510, filed 6/29/17, effective 7/30/17.]