

Attachment A

Changes made to the proposed language after hearing

Rule as proposed in WSR 17-07-113	Rule as adopted	Reason for change
<p>WAC 246-830-005 Definitions</p> <p>(3) "Apprentice" means an individual enrolled in an apprenticeship program, and who is held to the same standards as students in massage schools or programs.</p> <p>(4) "Apprenticeship program" means education and training in massage administered by an apprenticeship educator and trainer that satisfies the education and training requirements for massage set forth in this chapter.</p> <p>(5) "Apprenticeship educator and trainer" means a massage practitioner licensed under chapter 18.108 RCW with at least five current years of experience in full-time practice.</p> <p>(17) "Massage transfer program" "Massage transfer program" means a board approved program that allows massage programs and massage schools to accept credits and clock hours that have not been approved by the board pursuant to WAC 246-830-037.</p>	<p>WAC 246-830-005 Definitions</p> <p>(3) "Apprentice" means an individual enrolled in an apprenticeship program, and who is held to the same standards as students in massage schools or <u>massage</u> programs.</p> <p>(4) "Apprenticeship educator and trainer" means a massage practitioner licensed under chapter 18.108 RCW with at least five current years of experience in full-time practice.</p> <p>(5) "Apprenticeship program" means education and training in massage administered by an apprenticeship educator and trainer that satisfies the education and training requirements for massage set forth in this chapter.</p> <p>(17) "Massage transfer program" means a board approved <u>massage</u> program that allows <u>board approved</u> massage programs and massage schools to accept credits and clock hours <u>from massage schools, massage programs, colleges or universities</u> that have not been approved by the board, pursuant to WAC 246-830-037.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>Program staff reformatted subsections four and five to keep the definitions in alphabetical order.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p>
<p>WAC 246-830-020 Applications</p> <p>(1) An applicant for a massage practitioner license must submit to the department:</p> <p>(1)(b) Proof of successful completion of the required education and training of a massage program on an official transcript or school completion form sent directly from the applicant's school or program;</p>	<p>WAC 246-830-020 Applications</p> <p>(1) An applicant for a massage practitioner license must <u>be eighteen years of age or older and must</u> submit to the department:</p> <p>(1)(b) Proof of successful completion of the required education and training of a <u>massage school, massage program, or apprenticeship program</u> on an official transcript or school completion form sent directly from the applicant's <u>massage school, massage program or apprenticeship</u> program;</p>	<p>The board and department agreed that the additional language aligns with statute.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p>

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<p>WAC 246-830-035 Licensing without examination by endorsement</p> <p>(1)(b) The applicant has a massage license in good standing from the initiating jurisdiction; and</p> <p>(3) The applicant must successfully pass one of the following examinations after their graduation date:</p>	<p>WAC 246-830-035 Licensing <u>for out of state applicants</u></p> <p>(1)(b) The applicant has a massage license in good standing <u>as verified by the appropriate jurisdiction</u>; and</p> <p>(3) The applicant must <u>have</u> successfully <u>passed</u> one of the following examinations after their graduation date:</p>	<p>The board and department agreed that this suggestion better reflects the intention of the rule.</p> <p>The board and department agreed to this suggestion because individuals might not hold an active massage license in the jurisdiction in which they were initially licensed.</p> <p>The board and department agreed to this suggestion because out-of-state applicants will have already successfully passed the examination.</p>
<p>WAC 246-830-037 Transfer programs and transfer of prior education and clock hours.</p> <p>(1) Board approved massage schools or massage programs may operate transfer programs that accept an individual's credits or clock hours from massage schools or massage programs that have not been approved by the board, subject to the following conditions:</p> <p>(1)(a) The massage school or massage program from where credits or clock hours are being transferred is:</p> <p>(1)(b) The massage school or massage program from where credits or clock hours are being transferred provides an official transcript;</p> <p>(1)(c) Courses for which credits or clock hours are granted must be substantially equivalent in content and academic rigor to the courses and clock hours presently offered by the massage school or massage program. In order to determine substantial equivalency, the massage school or massage program will evaluate the courses and clock hours. If clock hours are missing,</p>	<p>WAC 246-830-037 Transfer programs and transfer of prior education and clock hours.</p> <p>(1) Board approved massage schools or massage programs may operate transfer programs that accept an individual's credits or clock hours from massage schools, <u>massage programs, colleges or universities</u>, subject to the following conditions:</p> <p>(1) (a) The massage school, <u>massage program, college or university</u> from where credits or clock hours are being transferred is:</p> <p>(1) (b) The massage school, <u>massage program, college or university</u> from where credits or clock hours are being transferred provides an official transcript;</p> <p>(1) (c) Courses for which credits or clock hours are granted must be substantially equivalent in content and academic rigor to the courses and clock hours presently offered by the massage school or massage program. In order to determine substantial equivalency, the massage school or massage program will evaluate the courses and clock hours. <u>If components are missing,</u></p>	<p>The board and department agreed to the suggestion because additional language aligns with statute.</p> <p>The board and department agreed to the suggestion because the additional language aligns with statute</p> <p>The board and department agreed to the suggestion because the additional language aligns with statute.</p> <p>The board and department agreed that this suggestion provides better readability.</p>

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<p>or require additional credits for the subjects, the massage school or massage program may grant partial credit, as appropriate.</p> <p>(2) A transfer program must be approved by the board prior to a program enrolling a transfer student via the use of transfer credits or clock hours.</p> <p>(3) An authorized representative of the school or program must submit to the board a completed application packet provided by the department. Approval of a transfer program will follow the same process as outlined in WAC 246-830-420.</p>	<p><u>the massage school or massage program shall require credits or clock hours for those subjects while granting partial credit as appropriate.</u></p> <p>(2) A transfer program must be approved by the board prior to a <u>massage school or massage</u> program enrolling a transfer student via the use of transfer credits or clock hours.</p> <p>(3) An authorized representative of the <u>massage</u> school or <u>massage</u> program must submit to the board a completed application packet provided by the department. Approval of a transfer program will follow the same process as outlined in WAC 246-830-420.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p>
<p>WAC 246-830-200 Massage practitioner examination.</p> <p>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.</p>	<p>WAC 246-830-200 Massage practitioner examination.</p> <p>The proposed rule was withdrawn.</p>	<p>The board and department agreed to this suggestion. It was determined by the board and department that a new section was not needed and could be incorporated in to WAC 246-830-201.</p>
<p>WAC 246-830-201 Examination</p> <p>An applicant for a massage practitioner license must successfully pass one of the following examinations:</p> <p>(1) Federation of Massage Therapy Board and massage and bodywork licensing examination; or</p> <p>(2) National certification examination for massage therapy and bodywork; or</p> <p>(3) A board-approved examination.</p>	<p>WAC 246-830-201 Examination</p> <p>An applicant for a massage practitioner license must successfully pass one of the following examinations:</p> <p>(1) Federation of Massage Therapy Board and massage and bodywork licensing examination; or</p> <p>(2) National certification examination for massage therapy and bodywork; or</p> <p>(3) A board-approved examination.</p> <p><u>(4) An applicant who does not pass an examination after three attempts must provide proof to the board of having successfully</u></p>	<p>No change.</p> <p>No change.</p> <p>No change.</p> <p>No change.</p> <p>The board and department agreed to this suggestion. It was determined by</p>

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	<p><u>completed additional clinical training or course work as determined by the board before being permitted three additional attempts to pass an exam.</u></p>	<p>the board and department that the proposed WAC 246-830-200 could be incorporated in to WAC 246-830-201.</p>
<p>WAC 246-830-401 Board authority.</p> <p>The board reviews and approves massage schools, massage programs and apprenticeship programs to assure preparation for safe practice as a massage practitioner by requiring massage schools, massage programs and apprenticeship programs to meet minimum standards. The board also sets standards for licensure by endorsement and massage transfer programs.</p>	<p>WAC 246-830-401 Board authority.</p> <p>The rule was stricken.</p>	<p>The board and department agreed that this rule isn't necessary because it is more restrictive than what the board's authority is in the statute.</p>
<p>WAC 246-830-420 Approval of massage school, massage program, or apprenticeship program.</p> <p>(1) To qualify as a board approved massage school, massage program or apprenticeship program, an authorized representative of the school or program must submit to the board a completed application packet provided by the department. A completed application packet must include, but not be limited to:</p> <p>(1)(d) A student clinic must be supervised by the clinical supervisor who is a licensed massage practitioner with at least two-years practical experience.</p> <p>(1)(e) Health, sanitation, and facilities must be maintained in accordance with local ordinances. The following documentation must be submitted:</p> <p>(1)(h)(iv) Designation of an authorized representative of the school.</p>	<p>WAC 246-830-420 Approval of massage school, massage program, or apprenticeship program.</p> <p>(1) To qualify as a board approved massage school, massage program or apprenticeship program, an authorized representative of the <u>massage school, massage program or apprenticeship program</u> must submit to the board a completed application packet provided by the department. A completed application packet must include, but not be limited to:</p> <p>(1)(d) A student clinic must be supervised by <u>a</u> clinical supervisor who is a licensed massage practitioner with at least two-years practical experience.</p> <p>(1)(e) Health, sanitation, and facilities must be maintained in accordance with local ordinances <u>and these rules</u>. The following documentation must be submitted:</p> <p><u>(1)(i)</u> Designation of an authorized representative of the school <u>or program</u>.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed that change corrects the sentence's grammar.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>~ The board and department agreed to this revision because it is a clarification of the rule. ~ Program corrected the sequencing under subsection one to indicate a new sub-subsection.</p>

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<p>(5)(b) Notify the board of any changes in overall curriculum plan or curriculum content changes prior to implementation by filing an addendum. The board may grant or deny the proposed change; and</p>	<p>(5)(b) Notify the board of any changes in overall curriculum plan or curriculum content changes <u>under section (1)(a)</u> prior to implementation by filing an addendum. The board may grant or deny the proposed change; and</p>	<p>Program staff added this clarification to indicate that changes to a board-approved massage program are specific to subsection (1)(a).</p>
<p>WAC 246-830-440 Curriculum—Academic standards—Faculty—Student clinic.</p> <p>(2) Academic standards. The massage school, massage program, or apprenticeship program trainer must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation is dependent on mastery of the knowledge and skills presented in the massage school, massage program, or apprenticeship program.</p> <p>(3) Faculty. An apprenticeship trainer and faculty member must be qualified by training and experience to give effective instruction in the subject(s) taught. An apprenticeship trainer and faculty member who teaches hands on courses must have a minimum of two-years experience in the subject matter being taught. The apprenticeship trainer and faculty member should develop and evaluate the curriculum instructional methods and facilities; student discipline, welfare, and counseling; assist in the establishment of administrative and educational policies, and scholarly and professional growth. A massage school, massage program, or apprenticeship program must not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty.</p>	<p>WAC 246-830-440 Curriculum—Academic standards—Faculty—Student clinic.</p> <p>(2) Academic standards. The massage school, massage program, or apprenticeship program <u>educator and</u> trainer must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the <u>massage</u> program and graduation is dependent on mastery of the knowledge and skills presented in the massage school, massage program, or apprenticeship program.</p> <p>(3) Faculty. An apprenticeship program <u>educator and</u> trainer and faculty member must be qualified by training and experience to give effective instruction in the subject(s) taught. An apprenticeship trainer and faculty member who teaches hands on courses must have a minimum of two-years experience in the subject matter being taught. The apprenticeship trainer and faculty member should develop and evaluate the curriculum instructional methods and facilities; student discipline, welfare, and counseling; assist in the establishment of administrative and educational policies, and scholarly and professional growth. A massage school, massage program, or apprenticeship program must not discriminate on the basis of sex, race, age, color, religion, physical handicap, national or ethnic origin, <u>or other basis prohibited by law</u> in the recruitment and hiring of faculty.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed to this suggestion to include proposed language that will align and comply with state and federal discrimination laws.</p>

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<p>WAC 246-830-490 Intraoral massage training.</p> <p>(2) Supervised training must be obtained from a massage practitioner 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.</p>	<p>WAC 246-830-490 Intraoral massage <u>education and</u> training.</p> <p>(2) Supervised <u>education and</u> training must be obtained from a massage practitioner 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.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed to this revision because it is a clarification of the rule.</p>
<p>WAC 246-830-515 Operation of a massage business.</p> <p>A person who owns or operates a massage business may be subject to legal action for practice without a license under RCW 18.130.190 if the massage business advertises massage and the massage business employs individuals to provide massages who are not licensed under this chapter.</p>	<p>WAC 246-830-515 Operation of a massage business.</p> <p>A person who owns or operates a massage business may be subject to legal action for practice without a license under RCW 18.130.190 if the massage business advertises massage and the massage business employs individuals to provide massages who are not licensed under chapter <u>18.108 RCW</u>.</p>	<p>The board and department agreed with the suggestion because a person is licensed under the statutory requirements, not the WAC.</p>
<p>WAC 246-830-550 Scope of practice—Limitations.</p> <p>(2) A massage practitioner must maintain evidence of the completion of at least sixteen specialized in-person contact hours of education and training if they are performing massage in the perineal area in addition to obtaining prior written informed consent.</p>	<p>WAC 246-830-550 Standards of practice—Limitations.</p> <p>(2) A massage practitioner must maintain evidence of the completion of at least sixteen specialized in-person contact hours of education and training if they are performing massage in the perineal area in addition to obtaining prior written <u>and verbal</u> informed consent. <u>This written consent may be included within an overall general consent to massage document, if clearly delineated and either specifically initialed or signed.</u></p>	<p>The board and department agreed to include the suggestions because it enhances public protection.</p>
<p>WAC 246-830-555 Breast massage.</p> <p>(1)(b) Use appropriate draping techniques as identified in WAC 246-830-560 (draping section).</p> <p>(3)(b) An additional written and signed or initialed consent from the client or patient for massage of the nipple and areolas.</p>	<p>WAC 246-830-555 Breast massage.</p> <p>(1)(b) Use appropriate draping techniques as identified in WAC 246-830-560.</p> <p>(3)(b) An additional <u>prior</u> written and <u>verbal informed</u> consent from the client or patient for massage of the nipple and areolas. <u>This written consent may be included within an overall general</u></p>	<p>The board and department agreed to this suggestion because it is a formatting correction.</p> <p>The board and department agreed to add the word “prior” because it enhances public protection.</p>

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	<p><u>consent to massage document, if clearly delineated and either specifically initialed or signed.</u></p>	<p>The board and department agreed to include “written and verbal informed consent” because it enhances public protection.</p> <p>The board and department agreed to include the last suggested sentence because it enhances public protection.</p>
<p>WAC 246-830-560 Draping.</p> <p>(2) Massage practitioners must use safe and functional coverage and draping practices during the practice of massage when the client or patient is disrobed. The drape(s) must be sufficient to ensure the genitals and the gluteal cleft below tip of coccyx, anus and rectum are not exposed, and the breast area is not exposed except as allowed in subsections (3) and (4) of this section. Safe and functional coverage and draping means:</p> <p>(2)(b) Massage or movement of the body does not expose genitals or gluteal cleft below tip of coccyx, anus and rectum, or does not expose the breast area except as allowed in subsections (3) and (4) of this section.</p> <p>(3) With informed and written consent of the client or patient, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area.</p>	<p>WAC 246-830-560 <u>Coverage and draping.</u></p> <p>(2) Massage practitioners must use safe and functional coverage and draping practices during the practice of massage when the client or patient is disrobed. The drape(s) must be sufficient to ensure the genitals and the gluteal cleft <u>distal to</u> the coccyx, anus and rectum are not exposed, and the breast area is not exposed except as allowed in subsections (3) and (4) of this section. Safe and functional coverage and draping means:</p> <p>(2)(b) Massage or movement of the body does not expose genitals or gluteal cleft <u>distal to</u> the coccyx, anus and rectum, or does not expose the breast area except as allowed in subsections (3) and (4) of this section.</p> <p>(3) With <u>prior written, verbal, and signed informed</u> consent of the client or patient, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area.</p>	<p>The board and department agreed to this revision because it is a clarification of the rule.</p> <p>The board and department agreed to the suggestion because it accurately reflects medical terminology.</p> <p>The board and department agreed to the suggestion because it accurately reflects medical terminology.</p> <p>The board and department agreed to the suggestion to add “prior” because it enhances public protection. The board and department agreed to include “written, signed, and verbal informed consent” because it enhances public protection.</p>
<p>WAC 246-830-565 Recordkeeping.</p> <p>(1) A massage practitioner providing professional services to a</p>	<p>WAC 246-830-565 Recordkeeping.</p> <p>(1) A massage practitioner providing professional services to a</p>	<p>The board and department agreed to the suggestions because it provides</p>

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<p>client or patient, must document services provided. Documentation should be appropriate to the venue, the type and complexity of those services, and in sufficient detail to support and enable anticipated continuity of care. The documentation must include:</p> <p>(a) Client or patient name and contact information; (b) Health history sufficient to ascertain if there are cautions or contraindications to safe application of massage therapy, and an update of the current health status at each session; (c) Date massage therapy is provided and the duration of treatment; (d) The types of techniques and modalities applied; (e) The location or areas of the body that received massage therapy; (f) Written consent to treat; (g) If breast massage is performed, an additional written consent to treat per WAC 246-830-555, and documentation of a therapeutic rationale; (h) If breast massage of the nipples and areolas are involved, documentation of the prescription or referral per WAC 246-830-555 (3)(a), or an additional written consent to treat per WAC 246-830-555 (3)(b); (i) Documentation of any written consent or any modification in coverage and draping as required by WAC 246-830-560; and (j) For massage therapy where the focus is on treating a health condition, the following additional information is required: (i) Symptoms, for example, pain, loss of function, and muscle stiffness; (ii) Evaluation and findings, for example, movement, posture, palpation assessment and findings; (iii) Outcome measures, for example, improvement in symptoms, movement, posture, palpation, and function; and (iv) Treatment plan for future sessions.</p>	<p>client or patient must document services provided. Documentation should be appropriate to the venue, the type and complexity of those services and, <u>when applicable</u>, in sufficient detail to support and enable anticipated continuity of care. The documentation must include:</p> <p>(a) Client or patient name and contact information <u>or name and contact information of a parent or guardian if a client or patient is a minor</u>; (b) <u>Age of client or patient</u>; (c) Health history sufficient to ascertain if there are cautions or contraindications to safe application of massage therapy, and an update of the current health status at each session; (d) Date massage therapy is provided and the duration of treatment; (e) The types of techniques and modalities applied; (f) The location or areas of the body that received massage therapy; (g) Written consent to treat; (h) If breast massage is performed, an additional written consent to treat per WAC 246-830-555, and documentation of a therapeutic rationale; (i) If breast massage of the nipples and areolas are involved, documentation of the prescription or referral per WAC 246-830-555 (3)(a), or an additional written consent to treat per WAC 246-830-555 (3)(b); (j) Documentation of any written consent or any modification in coverage and draping as required by WAC 246-830-560; (k) For massage therapy where the focus is on treating a health condition, the following additional information is required: (i) Symptoms, for example, pain, loss of function, and muscle stiffness; (ii) Evaluation and findings, for example, movement, posture, palpation assessment and findings; (iii) Outcome measures, for example, improvement in symptoms, movement, posture, palpation, and function; and (iv) Treatment plan for future sessions; and</p>	<p>clarification of the intent of the rule and enhances public protection.</p> <p>The board and department agreed to the suggestions because it provides clarification of the intent of the rule and enhances public protection.</p> <p>Program staff corrected the sub-subsection sequencing.</p>

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<p>(3) Correspondence relating to any referrals concerning the evaluation or treatment of the client or patient must be retained in the client or patient record.</p>	<p><u>(1) If performing massage in the perineal area, an additional written and verbal informed consent to treat per WAC 246-830-550(2).</u></p> <p>(3) Correspondence relating to any referrals <u>by other health care providers</u> concerning the <u>diagnosis</u>, evaluation or treatment of the client or patient must be retained in the client or patient record.</p>	<p>The board and department agreed to the suggestion because it enhances public protection.</p> <p>The board and department agreed to the suggestion because it provides clarification of the intent of the rule.</p>
<p>WAC 246-830-570 Record retention.</p> <p>(3) All records must be secured with properly limited access.</p> <p>(4) After the retention period, the massage practitioner may dispose of the record. Disposal must be done in a secure and confidential manner in compliance with HIPAA as applicable and that includes:</p>	<p>WAC 246-830-570 Record retention.</p> <p><u>(3) A massage practitioner must also comply with record retention requirements of chapter 70.02 RCW.</u></p> <p>(4) All records must be secured with properly limited access <u>in compliance with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act (HIPAA).</u></p> <p><u>(5) After the retention period, the massage practitioner may dispose of the record. Disposal must be done in a secure and confidential manner in compliance with chapter 70.02 RCW and HIPAA and must include as appropriate:</u></p>	<p>The board and department agreed to the suggestion to include proposed language that will align and comply with state and federal record retention laws.</p>