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SENATE BILL 5403

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Rasmussen, Brandland and Jacobsen

Read first time 01/18/2007. Referred to Committee on Agriculture & Rural Economic Development.

1            AN ACT Relating to certifying animal massage practitioners;  
2 amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

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

4            NEW SECTION.    **Sec. 1.** The certification of animal massage  
5 practitioners is in the interest of the public health, safety, and  
6 welfare. While veterinarians and certain massage practitioners may  
7 perform animal massage techniques, the legislature finds that meeting  
8 all of the requirements of those professions can be unnecessarily  
9 cumbersome for those individuals who would like to limit their practice  
10 only to animal massage.

11           NEW SECTION.    **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires otherwise.

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

15           (2) "Certified animal massage practitioner" means an individual who  
16 provides external manipulation or pressure of soft tissues by use of  
17 the hands, body, or device designed and limited to providing massage.  
18 Animal massage may include techniques such as stroking, percussions,

1 compressions, friction, Swedish gymnastics or movements, gliding,  
2 kneading, range of motion or stretching, and fascial or connective  
3 tissue stretching, with or without the aid of superficial heat, cold,  
4 water, lubricants, or salts. Animal massage does not include:  
5 Diagnosis, prescription, or prognosis of conditions; attempts to adjust  
6 or manipulate any articulations of the animal's body or spine or  
7 mobilization of these articulations by the use of a thrusting force;  
8 acupuncture involving the use of needles; or mechanical therapies that  
9 are restricted to the field of veterinary medicine.

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

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

13 NEW SECTION. **Sec. 3.** No person may practice as a certified animal  
14 massage practitioner in this state without having a certification  
15 issued by the secretary unless he or she is exempt under section 5 of  
16 this act.

17 NEW SECTION. **Sec. 4.** The secretary shall issue a certificate to  
18 any applicant who demonstrates that the following requirements have  
19 been met:

20 Successful completion of a training program approved by the  
21 secretary that includes:

22 (1) A minimum number of hours of instruction, as determined by the  
23 department, in general animal massage techniques, kinesiology, anatomy,  
24 physiology, behavior, first aid care, and handling techniques; and

25 (a) For a certificate to practice animal massage on large animals,  
26 a minimum number of hours of specialized instruction related to the  
27 performance of animal massage on large animals, as defined by the  
28 department, in consultation with the board; or

29 (b) For a certificate to practice animal massage on small animals,  
30 a minimum number of hours of specialized instruction related to the  
31 performance of animal massage on small animals, as defined by the  
32 department, in consultation with the board; and

33 (2) Successful completion of a competency evaluation, approved by  
34 the secretary, in either large animal massage or small animal massage,  
35 or both.

1        NEW SECTION.    **Sec. 5.** Nothing in this chapter may be construed to  
2 prohibit or restrict:

3            (1) The practice of veterinary medicine by those who are in  
4 compliance with chapter 18.92 RCW;

5            (2) The practice of animal massage by those who are in compliance  
6 with chapter 18.108 RCW;

7            (3) The practice of animal massage therapy by a person who is a  
8 regular student in an educational program whose performance of services  
9 is pursuant to a regular course of instruction or assignments from an  
10 instructor and under the general supervision of the instructor; or

11           (4) The use of animal massage techniques by the owner of the animal  
12 who is the recipient of the services or by an employee of the owner or  
13 another person providing gratuitous assistance.

14        NEW SECTION.    **Sec. 6.** In addition to any other authority provided  
15 by law, the secretary has the authority to:

16           (1) Adopt rules under chapter 34.05 RCW as required to implement  
17 this chapter;

18           (2) Establish all certification and renewal fees in accordance with  
19 RCW 43.70.110 and 43.70.250;

20           (3) Establish forms and procedures necessary to administer this  
21 chapter;

22           (4) Certify an applicant or deny certification based upon  
23 unprofessional conduct or impairment governed by the uniform  
24 disciplinary act, chapter 18.130 RCW;

25           (5) Deny certification to applicants who do not meet the training,  
26 competency evaluation, and conduct requirements for certification;

27           (6) Hire clerical, administrative, investigative, and other staff  
28 as needed to implement this chapter;

29           (7) Maintain the official department record for all applicants and  
30 persons with certifications;

31           (8) Determine which states have credentialing requirements  
32 substantially equivalent to those of this state, and issue  
33 certifications to individuals credentialed in those states without  
34 examinations;

35           (9) Approve education and training programs; and

36           (10) Convene temporary work groups of individuals knowledgeable in

1 the practice of animal massage to advise the secretary on appropriate  
2 standards of practice and credentialing, as necessary.

3 NEW SECTION. **Sec. 7.** (1) The date and location of examinations  
4 must be established by the secretary. Applicants who have been found  
5 by the secretary to meet the other requirements for obtaining a  
6 certificate must be scheduled for the next examination following the  
7 filing of the application. The secretary shall establish by rule the  
8 examination application deadline.

9 (2) The secretary shall examine each applicant, by means determined  
10 most effective, on subjects appropriate to the scope of practice, as  
11 applicable. The examinations must be limited to the purpose of  
12 determining whether the applicant possesses the minimum skill and  
13 knowledge necessary to practice competently.

14 (3) The examination papers, all grading of the papers, and the  
15 grading of any practical work must be preserved for a period of not  
16 less than one year after the secretary has made and published the  
17 decisions. All examinations must be conducted under fair and wholly  
18 impartial methods.

19 (4) Any applicant failing to make the required grade in the first  
20 examination may take up to three subsequent examinations as the  
21 applicant desires upon prepaying a fee determined by the secretary  
22 under RCW 43.70.250 for each subsequent examination. Upon failing four  
23 examinations, the secretary may invalidate the original application and  
24 require remedial education before the person may take future  
25 examinations.

26 (5) The secretary may approve an examination prepared or  
27 administered by a private testing agency or association of licensing  
28 agencies for use by an applicant in meeting the certification  
29 requirements.

30 NEW SECTION. **Sec. 8.** The secretary shall certify an applicant on  
31 forms provided by the secretary. Each applicant shall pay a fee  
32 determined by the secretary under RCW 43.70.250. The fee must  
33 accompany the application.

34 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the

1 procedural requirements and fees for renewal of certification. Failure  
2 to renew invalidates the certification and all privileges granted by  
3 the certification.

4 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter  
5 18.130 RCW, governs the uncertified practice, the issuance and denial  
6 of certification, and the discipline of persons certified under this  
7 chapter. The secretary is the disciplining authority under this  
8 chapter.

9 **Sec. 11.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
10 as follows:

11 (1) This chapter applies only to the secretary and the boards and  
12 commissions having jurisdiction in relation to the professions licensed  
13 under the chapters specified in this section. This chapter does not  
14 apply to any business or profession not licensed under the chapters  
15 specified in this section.

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

18 (i) Dispensing opticians licensed and designated apprentices under  
19 chapter 18.34 RCW;

20 (ii) Naturopaths licensed under chapter 18.36A RCW;

21 (iii) Midwives licensed under chapter 18.50 RCW;

22 (iv) Ocularists licensed under chapter 18.55 RCW;

23 (v) Massage operators and businesses licensed under chapter 18.108  
24 RCW;

25 (vi) Dental hygienists licensed under chapter 18.29 RCW;

26 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

29 (ix) Respiratory care practitioners licensed under chapter 18.89  
30 RCW;

31 (x) Persons registered under chapter 18.19 RCW;

32 (xi) Persons licensed as mental health counselors, marriage and  
33 family therapists, and social workers under chapter 18.225 RCW;

34 (xii) Persons registered as nursing pool operators under chapter  
35 18.52C RCW;

1 (xiii) Nursing assistants registered or certified under chapter  
2 18.88A RCW;

3 (xiv) Health care assistants certified under chapter 18.135 RCW;

4 (xv) Dietitians and nutritionists certified under chapter 18.138  
5 RCW;

6 (xvi) Chemical dependency professionals certified under chapter  
7 18.205 RCW;

8 (xvii) Sex offender treatment providers and certified affiliate sex  
9 offender treatment providers certified under chapter 18.155 RCW;

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
11 RCW 18.71.205;

12 (xix) Denturists licensed under chapter 18.30 RCW;

13 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

14 (xxi) Surgical technologists registered under chapter 18.215 RCW;

15 (~~and~~)

16 (xxii) Recreational therapists; and

17 (xxiii) Animal massage practitioners certified under chapter 18.--  
18 RCW (sections 1 through 10 of this act).

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

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

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

25 (iii) The dental quality assurance commission as established in  
26 chapter 18.32 RCW;

27 (iv) The board of hearing and speech as established in chapter  
28 18.35 RCW;

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

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

33 (vii) The board of osteopathic medicine and surgery as established  
34 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
35 18.57A RCW;

36 (viii) The board of pharmacy as established in chapter 18.64 RCW  
37 governing licenses issued under chapters 18.64 and 18.64A RCW;

1 (ix) The medical quality assurance commission as established in  
2 chapter 18.71 RCW governing licenses and registrations issued under  
3 chapters 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74  
5 RCW;

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

8 (xii) The nursing care quality assurance commission as established  
9 in chapter 18.79 RCW governing licenses and registrations issued under  
10 that chapter;

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

13 (xiv) The veterinary board of governors as established in chapter  
14 18.92 RCW.

15 (3) In addition to the authority to discipline license holders, the  
16 disciplining authority has the authority to grant or deny licenses  
17 based on the conditions and criteria established in this chapter and  
18 the chapters specified in subsection (2) of this section. This chapter  
19 also governs any investigation, hearing, or proceeding relating to  
20 denial of licensure or issuance of a license conditioned on the  
21 applicant's compliance with an order entered pursuant to RCW 18.130.160  
22 by the disciplining authority.

23 (4) All disciplining authorities shall adopt procedures to ensure  
24 substantially consistent application of this chapter, the Uniform  
25 Disciplinary Act, among the disciplining authorities listed in  
26 subsection (2) of this section.

27 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act  
28 constitute a new chapter in Title 18 RCW.

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