
Health Care & Wellness Committee

ESSB 6103

Brief Description: Concerning the practice of reflexology and massage therapy.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Fraser).

Brief Summary of Engrossed Substitute Bill

- Requires persons practicing reflexology to be certified by the Department of Health (unless the person is licensed as a massage practitioner).
- Provides for Department of Health inspections of massage and reflexology businesses during business hours for the purposes of ascertaining violations of the licensure and certification programs.

Hearing Date: 2/15/12

Staff: Chris Cordes (786-7103).

Background:

Massage Practitioners' Licensure.

Massage practitioners are licensed by the Department of Health (DOH). Massage therapy is defined as a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes, but does not include diagnosis or attempts to adjust or manipulate articulations of the body or spine.

A person may not practice or represent himself or herself as a massage practitioner without being licensed to practice. A person represents himself or herself as a massage practitioner when using various specified terms in a title or description of services, including the term "reflexologist." However, a person who limits his or her practice to reflexology is exempt from the requirement to be licensed as a massage practitioner, and the person's reflexology services are not designated

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or implied to be massage or massage therapy. There is not a separate credential for reflexologists.

Inspections of Massage Practitioners' Businesses.

Under the massage practitioners' licensure statute, state and local law enforcement personnel are authorized to inspect the premises at any time, including business hours. However, in 1976, the Washington Supreme Court enjoined the enforcement of this and a related statute giving the regulating state agency authority to inspect these businesses. The Court found that the two statutes failed to delineate adequate limitations on purpose, time, place, or scope of the inspection. The statute authorizing state agency inspections was repealed in 1987.

Sunrise Review of Reflexology.

In 1999 the DOH conducted a sunrise review of a bill that would have certified reflexologists. At that time, the DOH recommended not making changes to the regulatory structure involving reflexology or massage. Among its findings, the DOH noted that the provision of reflexology services by massage therapists did not appear to pose a significant risk to the public and that no information was presented to justify retaining reflexology as a modality that could only be practiced by licensed massage therapists. The DOH also noted that the demand for reflexology services appeared to be increasing and that the harm to the public from not being able to access the services was a potential harm.

Summary of Bill:

Certification as a Reflexologist.

Reflexology practice is regulated within the statute licensing massage practitioners. A person practicing reflexology or representing himself or herself as a reflexologist is required either to be certified as a reflexologist or licensed as a massage practitioner by the DOH.

"Reflexology" is defined as a health care service that is limited to applying alternating pressure with fingers to the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. It does not include the diagnosis of or treatment for specific diseases or joint manipulations.

To be certified as a reflexologist, an applicant must be at least 18 years of age and have successfully completed a course of study in reflexology approved by the DOH and passed an examination administered or approved by the DOH.

An applicant may be certified without examination if the applicant:

- has practiced reflexology for at least five years prior to the bill's effective date and applies for certification within one year of the bill's effective date; or
- holds a credential from another state, and the Secretary determines that the state's credentialing standards are substantially equivalent to this state's standard.

Exemptions from the certification requirement are provided for:

- individuals giving reflexology to members of his or her immediate family;

- licensed massage practitioners and other credentialed providers performing services within their scope of practice;
- individuals practicing reflexology at an athletic department of (1) any institution that is maintained with public funds, including educational institutions, (2) a school or college approved by the DOH, or (3) a nonprofit organization holding a specified liquor license;
- students enrolled in an approved reflexology school, program, or apprentice program providing uncompensated, supervised services incidental to the school or program; and
- individuals who have completed an approved somatic education training program.

Reflexologists are subject to the Uniform Disciplinary Act for health professions, and the Secretary of Health (Secretary) is the disciplining authority.

Practice as a Reflexologist.

A person represents himself or herself as a reflexologist when he or she uses a title in a description of services that incorporates specified terms, or their derivations, that imply a reflexology technique or method. A person certified as a reflexologist is prohibited from using a title or description of services, including in advertising, that incorporates terms implying a massage technique or therapy unless he or she is licensed as a massage practitioner.

It is unlawful to advertise the practice of reflexology or any other term that implies reflexology technique or method in any public or private publication or communication by a person not certified as a reflexologist or licensed as a massage practitioner.

A reflexologist's name and certification number must conspicuously appear on all the reflexologist's advertisements.

Inspections of Reflexology or Massage Businesses.

For the purposes of ascertaining violations of the licensure and certification requirements, the Secretary is authorized to inspect the premises of any reflexology or massage business during business hours. If access is denied, the Secretary may apply to any court of competent jurisdiction for a warrant authorizing access to the establishment for these purposes.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.