
SENATE BILL 6103

State of Washington

62nd Legislature

2012 Regular Session

By Senators Keiser and Fraser

Read first time 01/11/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to registration of reflexologists; amending RCW
2 18.130.040, 18.120.020, 18.108.030, and 18.108.050; and adding a new
3 chapter to Title 18 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Department" means the department of health.

8 (2) "Reflexologist" means an individual who is registered under
9 this chapter.

10 (3) "Reflexology" means a health care service limited to the use of
11 pressure applied to reflexes located on the feet, hands, and outer
12 ears. Reflexology does not include the diagnosis or treatment for
13 specific diseases, or joint manipulations.

14 (4) "Reflexology business" means the operation of a business where
15 reflexology is performed.

16 (5) "Secretary" means the secretary of the department or the
17 secretary's designee.

1 NEW SECTION. **Sec. 2.** (1) No person may practice reflexology or
2 represent oneself as a reflexologist by use of any title without being
3 registered to practice by the department, unless otherwise exempted by
4 this chapter.

5 (2) A person represents themselves as a reflexologist when the
6 person adopts or uses any title in any description of services that
7 incorporates one or more of the following terms or designations:
8 Reflexologist, reflexology, foot pressure therapy, foot reflex therapy,
9 or any derivation of those terms that implies a reflexology technique
10 or method.

11 (3) A person registered as a reflexologist may not adopt or use any
12 title or description of services, including for purposes of
13 advertising, that incorporates one or more of the following terms or
14 designations: Massage, masseuse, massager, massagist, masseur,
15 myotherapist or myotherapy, touch therapist, body therapy or therapist,
16 or any derivation of those terms that implies a massage technique or
17 therapy unless the person is also licensed under chapter 18.108 RCW as
18 a massage practitioner.

19 (4) It is unlawful to advertise the practice of reflexology in a
20 display advertisement using the terms reflexology or any other term
21 that implies reflexology technique or method without printing the
22 registration number of the reflexologist.

23 NEW SECTION. **Sec. 3.** Nothing in this chapter may be construed to
24 prohibit or restrict the practice by an individual who is:

25 (1) Licensed, certified, or registered under the laws of this state
26 and performing services within the authorized scope of practice; or

27 (2) Employed by the government of the United States while engaged
28 in the performance of duties prescribed by the laws of the United
29 States.

30 NEW SECTION. **Sec. 4.** In addition to any other authority, the
31 secretary has the authority to:

32 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
33 chapter;

34 (2) Establish all registration and renewal fees in accordance with
35 RCW 43.70.250;

- 1 (3) Establish forms and procedures necessary to administer this
- 2 chapter;
- 3 (4) Register applicants who have met the requirements for
- 4 registration and to deny registration to applicants who do not meet the
- 5 requirements of this chapter, except that proceedings concerning the
- 6 denial of registration based upon unprofessional conduct or impairment
- 7 is governed by the uniform disciplinary act, chapter 18.130 RCW;
- 8 (5) Hire clerical, administrative, investigative, and other staff
- 9 as needed to implement and enforce this chapter; and
- 10 (6) Maintain the official department record of all applicants and
- 11 license holders.

12 NEW SECTION. **Sec. 5.** (1) Applicants for registration under this

13 chapter are subject to the grounds for denial of a registration under

14 chapter 18.130 RCW.

15 (2) The secretary may issue a registration to an applicant who

16 completes an application form that identifies the name and address of

17 the applicant, the registration requested, and information required by

18 the secretary necessary to establish whether there are grounds for

19 denial of a registration.

20 NEW SECTION. **Sec. 6.** Applications for registration must be

21 submitted on forms provided by the secretary. The secretary may

22 require any information and documentation that reasonably relates to

23 the need to determine whether the applicant meets the criteria for

24 registration provided for in this chapter and chapter 18.130 RCW. Each

25 applicant must pay a fee determined by the secretary under RCW

26 43.70.250. The fee must accompany the application.

27 NEW SECTION. **Sec. 7.** The secretary must establish by rule the

28 procedural requirements and fees for renewal of a registration.

29 Failure to renew invalidates the registration and all privileges

30 granted by the registration.

31 NEW SECTION. **Sec. 8.** The uniform disciplinary act, chapter 18.130

32 RCW, governs unlicensed practice, the issuance and denial of a license,

33 and the discipline of persons licensed under this chapter. The

34 secretary is the disciplining authority under this chapter.

1 NEW SECTION. **Sec. 9.** For the purposes of ascertaining violations
2 of this chapter and chapter 18.130 RCW, the secretary shall have the
3 authority to inspect the premises of any reflexology business
4 establishment during hours such business is open. If the secretary is
5 denied access to any premises or establishment the secretary may apply
6 to any court of competent jurisdiction for a warrant authorizing access
7 to such premises or establishment for such purposes. The court may,
8 upon such application, issue a warrant for the purpose requested.

9 NEW SECTION. **Sec. 10.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 **Sec. 11.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to
14 read as follows:

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

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

22 (i) Dispensing opticians licensed and designated apprentices under
23 chapter 18.34 RCW;

24 (ii) Midwives licensed under chapter 18.50 RCW;

25 (iii) Ocularists licensed under chapter 18.55 RCW;

26 (iv) Massage operators and businesses licensed under chapter 18.108
27 RCW;

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

29 (vi) East Asian medicine practitioners licensed under chapter 18.06
30 RCW;

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

33 (viii) Respiratory care practitioners licensed under chapter 18.89
34 RCW;

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

1 (x) Persons licensed as mental health counselors, mental health
2 counselor associates, marriage and family therapists, marriage and
3 family therapist associates, social workers, social work associates--
4 advanced, and social work associates--independent clinical under
5 chapter 18.225 RCW;

6 (xi) Persons registered as nursing pool operators under chapter
7 18.52C RCW;

8 (xii) Nursing assistants registered or certified under chapter
9 18.88A RCW;

10 (xiii) Health care assistants certified under chapter 18.135 RCW;

11 (xiv) Dietitians and nutritionists certified under chapter 18.138
12 RCW;

13 (xv) Chemical dependency professionals and chemical dependency
14 professional trainees certified under chapter 18.205 RCW;

15 (xvi) Sex offender treatment providers and certified affiliate sex
16 offender treatment providers certified under chapter 18.155 RCW;

17 (xvii) Persons licensed and certified under chapter 18.73 RCW or
18 RCW 18.71.205;

19 (xviii) Denturists licensed under chapter 18.30 RCW;

20 (xix) Orthotists and prosthetists licensed under chapter 18.200
21 RCW;

22 (xx) Surgical technologists registered under chapter 18.215 RCW;

23 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
24 chapter 18.230 RCW;

25 (xxii) Animal massage practitioners certified under chapter 18.240
26 RCW;

27 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;

28 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)
29 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and
30 (xxvi) Reflexologists registered under chapter 18.--- RCW (the new
31 chapter created in section 15 of this act).

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

34 (i) The podiatric medical board as established in chapter 18.22
35 RCW;

36 (ii) The chiropractic quality assurance commission as established
37 in chapter 18.25 RCW;

1 (iii) The dental quality assurance commission as established in
2 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
3 licenses and registrations issued under chapter 18.260 RCW;

4 (iv) The board of hearing and speech as established in chapter
5 18.35 RCW;

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

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

10 (vii) The board of osteopathic medicine and surgery as established
11 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
12 18.57A RCW;

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

15 (ix) The medical quality assurance commission as established in
16 chapter 18.71 RCW governing licenses and registrations issued under
17 chapters 18.71 and 18.71A RCW;

18 (x) The board of physical therapy as established in chapter 18.74
19 RCW;

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

22 (xii) The nursing care quality assurance commission as established
23 in chapter 18.79 RCW governing licenses and registrations issued under
24 that chapter;

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

27 (xiv) The veterinary board of governors as established in chapter
28 18.92 RCW; and

29 (xv) The board of naturopathy established in chapter 18.36A RCW.

30 (3) In addition to the authority to discipline license holders, the
31 disciplining authority has the authority to grant or deny licenses.
32 The disciplining authority may also grant a license subject to
33 conditions.

34 (4) All disciplining authorities shall adopt procedures to ensure
35 substantially consistent application of this chapter, the Uniform
36 Disciplinary Act, among the disciplining authorities listed in
37 subsection (2) of this section.

1 **Sec. 12.** RCW 18.120.020 and 2010 c 286 s 14 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) "Applicant group" includes any health professional group or
6 organization, any individual, or any other interested party which
7 proposes that any health professional group not presently regulated be
8 regulated or which proposes to substantially increase the scope of
9 practice of the profession.

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

15 (3) "Grandfather clause" means a provision in a regulatory statute
16 applicable to practitioners actively engaged in the regulated health
17 profession prior to the effective date of the regulatory statute which
18 exempts the practitioners from meeting the prerequisite qualifications
19 set forth in the regulatory statute to perform prescribed occupational
20 tasks.

21 (4) "Health professions" means and includes the following health
22 and health-related licensed or regulated professions and occupations:
23 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
24 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
25 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
26 dispensing opticians under chapter 18.34 RCW; hearing instruments under
27 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
28 funeral directing under chapter 18.39 RCW; midwifery under chapter
29 18.50 RCW; nursing home administration under chapter 18.52 RCW;
30 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
31 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
32 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
33 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
34 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
35 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
36 registered nurses under chapter 18.79 RCW; occupational therapists
37 licensed under chapter 18.59 RCW; respiratory care practitioners
38 licensed under chapter 18.89 RCW; veterinarians and veterinary

1 technicians under chapter 18.92 RCW; health care assistants under
2 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
3 East Asian medicine practitioners licensed under chapter 18.06 RCW;
4 persons registered under chapter 18.19 RCW; persons licensed as mental
5 health counselors, marriage and family therapists, and social workers
6 under chapter 18.225 RCW; dietitians and nutritionists certified by
7 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
8 ~~((and))~~ nursing assistants registered or certified under chapter 18.88A
9 RCW; and reflexologists registered under chapter 18.--- RCW (the new
10 chapter created in section 15 of this act).

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

15 (6) "Legislative committees of reference" means the standing
16 legislative committees designated by the respective rules committees of
17 the senate and house of representatives to consider proposed
18 legislation to regulate health professions not previously regulated.

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

24 (8) "Professional license" means an individual, nontransferable
25 authorization to carry on a health activity based on qualifications
26 which include: (a) Graduation from an accredited or approved program,
27 and (b) acceptable performance on a qualifying examination or series of
28 examinations.

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

32 (10) "Public member" means an individual who is not, and never was,
33 a member of the health profession being regulated or the spouse of a
34 member, or an individual who does not have and never has had a material
35 financial interest in either the rendering of the health professional
36 service being regulated or an activity directly related to the
37 profession being regulated.

1 (11) "Registration" means the formal notification which, prior to
2 rendering services, a practitioner shall submit to a state agency
3 setting forth the name and address of the practitioner; the location,
4 nature and operation of the health activity to be practiced; and, if
5 required by the regulatory entity, a description of the service to be
6 provided.

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

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

15 **Sec. 13.** RCW 18.108.030 and 1995 c 198 s 15 are each amended to
16 read as follows:

17 (1) No person may practice or represent himself or herself as a
18 massage practitioner without first applying for and receiving from the
19 department a license to practice.

20 (2) A person represents himself or herself as a massage
21 practitioner when the person adopts or uses any title or any
22 description of services that incorporates one or more of the following
23 terms or designations: Massage, massage practitioner, massage
24 therapist, massage therapy, therapeutic massage, massage technician,
25 massage technology, massagist, masseur, masseuse, myotherapist or
26 myotherapy, touch therapist, (~~reflexologist,~~) acupressurist, body
27 therapy or body therapist, or any derivation of those terms that
28 implies a massage technique or method.

29 **Sec. 14.** RCW 18.108.050 and 2002 c 277 s 2 are each amended to
30 read as follows:

31 This chapter does not apply to:

32 (1) An individual giving massage to members of his or her immediate
33 family;

34 (2) The practice of a profession by individuals who are licensed,
35 certified, or registered under other laws of this state and who are
36 performing services within their authorized scope of practice;

1 (3) Massage practiced at the athletic department of any institution
2 maintained by the public funds of the state, or any of its political
3 subdivisions;

4 (4) Massage practiced at the athletic department of any school or
5 college approved by the department by rule using recognized national
6 professional standards;

7 (5) Students enrolled in an approved massage school, approved
8 program, or approved apprenticeship program, practicing massage
9 techniques, incidental to the massage school or program and supervised
10 by the approved school or program. Students must identify themselves
11 as a student when performing massage services on members of the public.
12 Students may not be compensated for the massage services they provide;

13 (6) Individuals who have completed a somatic education training
14 program approved by the secretary;

15 (7) Persons who limit their practice to reflexology and are
16 licensed to practice under chapter 18.--- RCW (the new chapter created
17 in section 15 of this act). For purposes of this chapter, the practice
18 of reflexology is limited to the hands, feet, and outer ears. The
19 services provided by those who limit their practice to reflexology are
20 not designated or implied to be massage or massage therapy.

21 NEW SECTION. **Sec. 15.** Sections 1 through 10 of this act
22 constitute a new chapter in Title 18 RCW.

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