

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5403

60th Legislature
2007 Regular Session

Passed by the Senate March 13, 2007
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 5, 2007
YEAS 95 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5403** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5403

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Rasmussen, Brandland and Jacobsen)

READ FIRST TIME 01/30/07.

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, prognosis, or all treatment of diseases, deformities,
6 defects, wounds, or injuries of animals; attempts to adjust or
7 manipulate any articulations of the animal's body or spine or
8 mobilization of these articulations by the use of a thrusting force;
9 acupuncture involving the use of needles; or mechanical therapies that
10 are restricted to the field of veterinary medicine. Animal massage may
11 be performed solely for purposes of patient well-being.

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

13 (4) "Secretary" means the secretary of health or the secretary's
14 designee.

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

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

22 (1) Successful completion of a training program approved by the
23 secretary that includes three hundred hours of instruction in general
24 animal massage techniques, kinesiology, anatomy, physiology, behavior,
25 first aid care, and handling techniques as follows:

26 (a) For a certificate to practice animal massage on large animals,
27 the three hundred hours of specialized instruction must be related to
28 the performance of animal massage on large animals; and

29 (b) For a certificate to practice animal massage on small animals,
30 the three hundred hours of specialized instruction must be related to
31 the performance of animal massage on small animals; and

32 (2) Successful completion of a competency evaluation, approved by
33 the secretary, in either large animal massage or small animal massage,
34 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) Review coursework and training taken by an applicant in another
32 state to determine whether it is substantially equivalent to that
33 required under this chapter and determine whether additional coursework
34 or training is needed before taking an examination for certification
35 under section 7 of this act;

36 (9) Approve education and training programs; and

1 (10) Convene temporary work groups of individuals knowledgeable in
2 the practice of animal massage to advise the secretary on appropriate
3 standards of practice and credentialing, as necessary.

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

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

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

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

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

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

1 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the
2 procedural requirements and fees for renewal of certification. Failure
3 to renew invalidates the certification and all privileges granted by
4 the certification.

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

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

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

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

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

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

22 (iii) Midwives licensed under chapter 18.50 RCW;

23 (iv) Ocularists licensed under chapter 18.55 RCW;

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

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

27 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

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

32 (x) Persons registered under chapter 18.19 RCW;

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

35 (xii) Persons registered as nursing pool operators under chapter
36 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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