



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 12-14-069 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-831 WAC, proposing a new chapter for Reflexology, including the certification requirements.

Hearing location(s): Department of Health
Town Center 2, Room 158
111 Israel Rd SE
Tumwater, WA 98501

Date: May 8, 2013

Time: 9:00 a.m.

Submit written comments to:

Name: Kris Waidely
Address: Department of Health
PO Box 47852
Olympia, WA 98504-7852
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360 236-2901 by (date) 05/08/2013

Assistance for persons with disabilities: Contact

Kris Waidely by 05/06/2013

TTY (800) 833-6388 or () 711

Date of intended adoption: 05/13/2013

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules describe the credentialing requirements to practice reflexology in the State of Washington.

Reasons supporting proposal:

Engrossed Substitute Senate Bill (ESSB) 6103 (Chapter 137, Laws of 2012) creates a new credential and requires certification of reflexologists. Rules are needed for the new profession to establish the minimum education, examination, and certification requirements for reflexologists. Fees for this new credential were adopted in November 2012.

Statutory authority for adoption:

ESSB 6103 (chapter 137, Laws of 2012)

Statute being implemented:

Chapter 18.108 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 04/01/2013

NAME (type or print)

Mary C. Selecky

SIGNATURE

TITLE

Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 01, 2013

TIME: 4:53 PM

WSR 13-08-069

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

none

Name of proponent: (person or organization) Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kris Waidely	PO Box 47852, Olympia WA 98504-7852	360 236-4847
Implementation.... Kris Waidely	PO Box 47852, Olympia WA 98504-7852	360 236-4847
Enforcement..... Kris Waidely	PO Box 47852, Olympia WA 98504-7852	360 236-4847

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kris Waidley

Address: Department of Health

PO Box 47852

Olympia, WA 98504-7852

phone 360-236-4847

fax 360-236-2901

e-mail kris.waidley@doh.wa.gov

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(ii) exempts rules that relate only to internal governmental operations that are not subject to violation by a nongovernment party.

NEW SECTION

WAC 246-831-010 Credentialing requirements. (1) An applicant for a reflexologist certification must be eighteen years of age or older.

(2) An applicant for a reflexologist certification must submit to the department:

(a) A completed application on forms provided by the secretary;

(b) Fees as required in WAC 246-831-990;

(c) Evidence of completion of:

(i) A reflexology education program approved by the secretary;

(ii) An examination approved by the secretary;

(iii) A jurisprudence examination approved by the secretary;

(iv) Four hours of AIDS education and training as required in chapter 246-12 WAC, Part 8.

(d) Any additional documents or information requested by the secretary.

NEW SECTION

WAC 246-831-020 Documents in a foreign language. All application documents, as required in WAC 246-831-010, submitted in a foreign language must be accompanied by an accurate translation of those documents into English. Translated documents must bear a notarized affidavit certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. The applicant is responsible for all costs of translation of all documents.

NEW SECTION

WAC 246-831-030 Display of credential and advertising. (1) A certified reflexologist shall conspicuously display his or her credential in his or her principal place of business.

(2) If the certified reflexologist does not have a principal place of business, or conducts business in any other location, he or she shall have a copy of his or her credential available for

inspection while performing services within his or her authorized scope of practice.

(3) A certified reflexologist's name and certification number must conspicuously appear on all of the reflexologist's advertisements.

NEW SECTION

WAC 246-831-040 Educational requirements. Training in reflexology must include a minimum of two hundred hours of instruction. One hour of instruction is defined as fifty minutes of actual instructional time. The two hundred hours shall consist of the following:

(1) Thirty hours of reflexology, theory, history, zones, reflex points and relaxation response, and contraindications;

(2) Forty hours of study of body systems as related to reflexology:

(a) The study of the leg, feet, hands and outer ears as structures;

(b) Hands-on palpation of landmarks with sensory identification of palpated areas;

(c) A map of reflexes as they are anatomically reflected on the feet, hands and outer ears; and

(d) How the reflexes are affected by stimulation to the feet, hands and outer ears through hands-on experience.

(3) Thirty hours of anatomy and physiology;

(4) Five hours of business practice involving ethics, business standards and local/state laws and ordinances pertaining to the practice of reflexology;

(5) Twenty-five hours or more of supervised practicum or clinical work; and

(6) Seventy hours of additional homework hours that can include giving and documenting client sessions as well as other written work.

NEW SECTION

WAC 246-831-050 Examination. (1) All applicants must take and pass the American Reflexology Certification Board (ARCB) written examination or another examination approved by the secretary.

(2) The secretary will accept the passing score established by the testing company for examinations approved by the secretary.

(3) An applicant who fails an approved examination may take an

approved examination up to two additional times.

(4) After three failed examinations, the secretary may invalidate the applicant's application and remedial education may be required before future examinations can be taken.

NEW SECTION

WAC 246-831-060 Waiver of examination. An applicant may obtain a waiver of the examination for certification as a reflexologist.

(1) The applicant must apply for certification between July 1, 2013 and July 1, 2014.

(2) In addition to the requirements in RCW 18.108.131, the applicant must provide to the department:

(a) A completed application on forms provided by the secretary;

(b) Fees as required in WAC 246-831-990;

(c) Verification of four clock hours of AIDS education and training as required in chapter 246-12 WAC, Part 8; and

(d) Evidence of completion of a jurisprudence examination approved by the secretary.

(3)(a) Verification that the applicant has practiced reflexology as a licensed massage practitioner for at least five years prior to July 1, 2013; or

(b) Evidence satisfactory to the secretary that the applicant has, prior to July 1, 2013, successfully completed a course of study in a reflexology program approved by the secretary; or

(c) Verification that the applicant holds a current reflexology credential in another state or a territory of the United States which the secretary determines has substantially equivalent credentialing standards to those of this state.

NEW SECTION

WAC 246-831-070 Applicants licensed in another state. The secretary may issue a person credentialed as a reflexologist in another state or territory of the United States a reflexology certification. The applicant must provide to the department:

(1) Evidence of meeting substantially equivalent education requirements as defined in WAC 246-831-040; and

(2) Verification of a current active credential from any state or territory of the United States.

NEW SECTION

WAC 246-831-080 Equipment and sanitation. (1) The definitions in this subsection apply throughout this section unless the context clearly states otherwise.

(a) "Cleaning" means the removal of all visible dust, soil, and other foreign material, usually done using water with soaps, detergents, or enzymatic products along with physical action such as brushing. Cleaning precedes disinfection.

(b) "Disinfection" means a process that kills or destroys nearly all disease-producing microorganisms. Disinfectants are used on inanimate objects. Disinfectants can include those registered with the U.S. Environmental Protection Agency (EPA). Disinfectants must be used according to product instructions.

(2) The certified reflexologist shall ensure:

(a) All surfaces, instruments, and equipment including massage and hydrotherapy equipment that come in contact with the body are cleaned and disinfected. Any instrument or equipment that is used on one person must be cleaned and disinfected before being used on another person.

(b) If impervious materials are used, they must cover, full length, all massage tables, pads or chairs, directly under fresh sheets and linens or disposable paper sheets.

(c) Soap, or waterless cleanser, and clean towels are provided for use by clients and employees.

(d) Linens used for one person are laundered or cleaned before they are used by any other person. Linens must be stored in a sanitary manner.

(e) All soiled linens are immediately placed in a covered receptacle.

(f) All instruments and equipment are clean, well maintained, and in good repair.

NEW SECTION

WAC 246-831-090 Health, sanitation, and facility standards. All schools, programs, and apprenticeship programs must have adequate facilities and equipment available for students learning reflexology. All facility equipment must be maintained in accordance with local rules and ordinances in addition to those imposed by this chapter. Instructional and practice equipment must be similar to that found in common occupational practice. Programs must make available an adequate reference library appropriate to the subjects being taught. Reference materials may be in electronic format.

NEW SECTION

WAC 246-831-100 Approval of school, program, or apprenticeship program. The secretary will consider for approval any school, program, or apprenticeship program which meets the requirements as outlined in this chapter.

(1) The authorized representative of the school or program, or the administrator of the apprenticeship program shall request approval of a school, program, or apprenticeship program on a form provided by the department.

(2) The authorized representative of the school or program, or the administrator of the apprenticeship program may request approval of the school or program, as of the date of the application or retroactively to a specified date.

(3) The application for approval of a school, program, or apprenticeship program must include, but not be limited to, documentation required by the secretary pertaining to:

- (a) Syllabus;
- (b) Qualifications of instructors;
- (c) Training locations, and facilities;
- (d) Outline of curriculum plan specifying all subjects and length in hours such subjects are taught;
- (e) Class objectives; and
- (f) A sample copy of one of each of the following exams:
 - (i) Reflexology, theory, history, zones, reflex points and relaxation response, and contraindications;
 - (ii) Body systems;
 - (iii) Anatomy and physiology; and
 - (iv) Business standards and ethics.

(4) Any school, program, or apprenticeship program that is required to be licensed by private vocational education under chapter 28C.10 RCW or Title 28B RCW, or any other statute, must complete these requirements before being considered by the secretary for approval.

(5) The secretary will evaluate the application and may conduct a site inspection of the school, program, or apprenticeship program, prior to granting approval.

(6) Upon completion of the evaluation of the application, the secretary may grant or deny approval or grant approval conditioned upon appropriate modification to the application.

(7) If the secretary notifies the school, program, or apprenticeship program of his or her intent to deny an application or grant conditional approval, the authorized representative of the school or program, or the administrator of the apprenticeship program, may request review of that decision. The request for review must be made in writing within thirty days of the date of the secretary's decision. The review process will be conducted in compliance with chapter 34.05 RCW. If review is not requested within thirty days of the date of the secretary's decision, the secretary's decision on that application is final. The authorized representative of the school or program, or the administrator of the apprenticeship program, may submit a new application for the

secretary's consideration.

(8) The authorized representative of an approved school or program or the administrator of an apprenticeship program shall notify the secretary in writing of all significant changes with respect to information provided in the application within thirty days of such changes.

(9) The secretary may inspect or review an approved school, program, or apprenticeship program at reasonable intervals for compliance or to investigate a complaint. The secretary may withdraw approval if the secretary finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(10) If the secretary notifies the school, program, or apprenticeship program of his or her intent to withdraw approval, the authorized representative of the school or program, or the administrator of the apprenticeship program, may request review of that decision. The request for review must be made in writing within thirty days of the date of the secretary's decision. The review process will be conducted in compliance with chapter 34.05 RCW. If review is not requested within thirty days of the date of the secretary's decision, the secretary's decision on withdrawal of approval is final. The authorized representative of a school or program or the administrator of an apprenticeship agreement must correct the deficiencies which resulted in withdrawal of the secretary's approval before requesting reinstatement of approval.