

Significant Analysis
for Rule Concerning Intraoral Massage,
WAC 246-830-490 – Board of Massage

Briefly describe the proposed rule.

Substitute House Bill (SHB) 1397 (Chapter 272, Laws of 2007) passed during the 2007 legislative session. This legislation expands the scope of practice for massage therapy to include “manipulation or pressure inside the mouth or oral cavity” and requires training standards to be adopted in rule.

The proposed rules identify the training required for a licensed massage practitioner to apply for an endorsement to perform “manipulation or pressure inside the mouth,” or oral cavity, also known as intraoral massage.

Is a Significant Analysis required for this rule?

Yes.

A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

The statute expands the scope of practice for massage therapy to include manipulation or pressure inside the mouth or oral cavity. The proposed rules will identify the training required for a licensed massage practitioner to apply for an endorsement to perform intraoral massage. The proposed rule requires a licensed massage practitioner to complete sixteen hours of hands-on supervised training in intraoral massage techniques, cranial anatomy, physiology, and kinesiology, hygienic practices, safety and sanitation, pathology, and contraindications.

B. Determine that the rule is needed to achieve these goals and objectives, and analyze alternatives to rulemaking and the consequences of not adopting the rule.

The proposed rules identify the training required for a licensed massage practitioner to apply for an endorsement to perform intraoral massage. No alternatives to rulemaking were discussed as SHB 1397 is new legislation that requires training standards to be adopted in rule.

C. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

The Department determined that the costs are the burden of the licensed massage practitioner. It has been determined the benefits outweigh the costs.

The components of the rules are discussed below.

1. Intraoral Massage Training

Description: The proposed rules require licensed massage practitioners to complete sixteen hours of supervised training which includes: Intraoral massage techniques, cranial anatomy, physiology, kinesiology, hygienic practices, safety and sanitation, pathology, and contraindications.

Analysis: A licensed massage practitioner may perform intraoral massage after completing specific intraoral massage training. The supervised training must be obtained from a licensed massage practitioner endorsed to perform intraoral massage or from an individual who is licensed, certified, or registered under other laws of this state and who is performing services within their authorized scope of practice. There are over 13,500 licensed massage practitioners currently licensed in Washington. We anticipate approximately 300 will apply for the intraoral massage endorsement. If the training is received during massage school training it will be included in the cost of tuition. The average cost to receive sixteen hours of intraoral massage training is approximately \$0-\$399. The cost for the endorsement is \$25.

D. Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

DOH staff worked closely with constituents and the public to minimize the burden of this rule. For example;

1. A mailing was sent to all licensed massage practitioners with a Washington address and all board-approved massage schools providing information regarding the new intraoral massage legislation.
2. Three open public rules writing workshops were held, one in Seattle, Washington and two in Tumwater, Washington.
3. Draft rule language was sent out to our interested parties list during the rule development.

In the course of these and other efforts, the following alternative version of the rule was rejected:

Alternative version #1 for Intraoral Massage 246-830 WAC: This version required the licensed massage practitioner to complete sixteen hours of instructive training in intraoral massage techniques, cranial anatomy, physiology, and kinesiology, hygienic practices, safety and sanitation, pathology, and contraindications. In addition, thirty two hours of clinical experience under direct observation of a qualified provider of intraoral massage was required to obtain an intraoral massage endorsement.

Alternative version #2 for Intraoral Massage 246-830 WAC: This version required licensed massage practitioners to complete sixteen hours of instructive training in intraoral massage techniques, cranial anatomy, physiology, and kinesiology, hygienic

practices, safety and sanitation, pathology, and contraindications. Also, this version required thirty two hours of experience under direct supervision of a qualified provider. The qualified provider was required to have at least two years of work experience, postsecondary training or a combination of both in the subject they instruct. The board and the public that attending the rules workshops could not come up with any reasons that the qualified provider should have at least two years of work experience so they saw this as more of a burden to the practitioner than a public protection issue.

Alternative version #3 for Intraoral Massage 246-830 WAC: This version required sixteen hours of hands-on supervised training in intraoral massage techniques, cranial anatomy, physiology, and kinesiology, hygienic practices, safety and sanitation, pathology, and contraindications. The supervised training must be obtained from a licensed massage practitioner endorsed in intraoral massage or from an individual who is licensed, certified, or registered under other laws of this state and who is performing services within their authorized scope of practice.

The board chose the following version:

WAC 246-830-490 Intraoral massage training. Licensed massage practitioners may perform intraoral massage after completing specific intraoral massage training and after receiving an intraoral massage endorsement to their massage practitioner license. To qualify for an intraoral massage endorsement you must complete the following training:

(1) Sixteen hours of supervised training must include:

(a) Hands-on intraoral massage techniques, cranial anatomy, physiology, and kinesiology; and

(b) Hygienic practices, safety and sanitation; and

(c) Pathology and contraindications.

Hygienic practices, safety and sanitation includes, but is not limited to: Gloves shall be worn during treatment and training which involves intraoral procedures. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for intraoral treatment shall not be reused for any other purpose; and

(2) Supervised training must be obtained from a licensed massage practitioner endorsed in intraoral massage or from an individual who is licensed, certified, or registered and who has performed intraoral massage services within their authorized scope of practice.

Compared to the alternative versions, the proposed rule is less burdensome for those required to comply with it because it requires an adequate number of hands-on supervised training prior to receiving an endorsement to perform intraoral massage which meets the intent of the legislation. The board received public comments opposing the thirty two hours of experience under direct supervision in addition to the sixteen hours of training. The consensus of the board and individuals providing input is that sixteen hours of training in the required areas is sufficient to ensure the practitioner has received the proper training to ensure patient safety prior to performing intraoral massage. This version also allows licensed massage practitioner to choose training from a qualified

practitioner that may be outside of Washington. The previous version required the training to be obtained from an individual who is licensed, certified, or registered under other laws of this state. The board received public input that the training should be obtained from a qualified individual regardless of where they are licensed, certified, or registered.

The board has determined that the benefits of the proposed rules assure the licensed massage practitioners are adequately trained which in turn provides a benefit to the public which outweighs the costs.

E. Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

F. Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

G. Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

H. Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.