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November 23, 1999

Subject: Permissible Scope of Massage and Related Services Performed by  
Aestheticians and Cosmetologists and by Massage Therapists

The practice of aesthetics is regulated by the Barbering and Cosmetology Board, and Wisconsin laws (statutes and rules) restrict the practice of aesthetics to persons holding a license as either an aesthetician or a barber/cosmetologist. The law creates "practice protection".

Wisconsin laws regulate massage therapists and bodyworkers by restricting the use of the title "massage therapist or bodyworker" to persons who are registered with the Department of Regulation and Licensing. The law creates "title protection" only, and the law specifically says that it "does not prohibit a person who is not a registrant from engaging in the practice of massage therapy or bodywork".

The definitions of both aesthetics and massage therapy or bodywork include the word "massage", which has led to some confusion regarding the appropriate scopes of practice of these two professions. The department has taken the position that massage by massage therapists or bodyworkers is limited to massage of soft tissue which is intended to have health benefits and is not intended to have a beautifying effect. A massage therapist may provide a facial massage for relaxation or some other therapeutic purpose, but not for beautification. On the other hand, the massage which is included in the scope of practice of aesthetics or cosmetology is intended to beautify, not to have a health benefit.

The department has received many questions, especially from spa owners, regarding the provision of certain services that might be offered along with body massages, especially body wraps and the application of various topical preparations. Except for the application of an oil or other preparation to facilitate therapeutic massage by preventing skin chafing, these other services may not be performed by massage therapists. The definitions of both aesthetics and cosmetology in section 454.01 (2) and (5) of the Wisconsin Statutes include both wrapping and applying oils, lotions, powders, etc., while the definition of massage therapy or bodywork in section 440.98 (4) of the Wisconsin Statutes does not include such services.

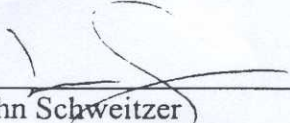
The performance by massage therapists of body wraps and other services which are restricted to holders of aesthetics or cosmetology licenses could result in the filing of an administrative injunction, which could ultimately lead to a monetary penalty.

Regulatory Boards

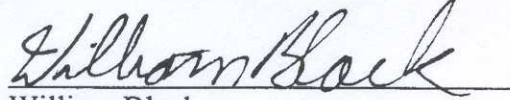
Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapy; and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

The foregoing represents a legal opinion and interpretation of statutes and rules by the following legal counsels as of this date.

  
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John Schweitzer

Legal Counsel to the Barbering and Cosmetology Board

  
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William Black

William Black

Legal Counsel to the Department of Regulation and Licensing  
for the Registration of Massage Therapists and Bodyworkers



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Excerpts from the Wisconsin Statutes related to massage therapy or bodywork.

440.98 Definitions.

...

(4) "Massage therapy or bodywork":

(a) means the science and healing art that uses manual actions to palpate and manipulate the soft tissue of the human body and includes determining whether massage therapy or bodywork is appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate.

...

44.0981 Use of title.

...

(2) This subchapter does not prohibit a person who is not a registrant from engaging in the practice of massage therapy or bodywork.

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Excerpts from the Wisconsin Statutes related to aesthetics.

454.01 Definitions.

...

(2) "Aesthetics" means, for compensation, caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

...

(5) "Barbering or cosmetology" means, for compensation, performing any one or a combination of the following practices:

(a) Arranging, styling, dressing, shampooing, cleansing, curling, dyeing, tinting, coloring, bleaching, waving, cutting, shaving, trimming, relaxing, singeing or performing similar work upon the hair or beard of any person by any means.

(b) Massaging, cleansing, stimulating, manipulating, wrapping, exercising, beautifying or applying cosmetic preparations, antiseptics, powders, oils, tonics, clay or lotion to or performing other similar work upon the skin of any person.