



Associated Bodywork & Massage Professionals

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February 8, 2012
House Health and Human Services Committee
Testimony in Support of House Bill 2564

Chairwoman Landwehr and Committee Members,

My name is Jean Robinson and I am the government relations director for Associated Bodywork & Massage Professionals (ABMP). ABMP is a national professional association for massage therapists. We provide professional liability insurance, business resources, professional publications, and legislative and regulatory advocacy for our members. ABMP has more than 79,000 members nationwide, including more than 600 members in Kansas.

ABMP does not believe that licensing should automatically be required in every state. We believe it is important to evaluate every state's individual environment and evaluate on a case by case basis whether licensing is needed to protect the public. It is also important that the regulation of the profession be accomplished in a way that our members and other massage therapists can continue to thrive in business, and public access to massage therapy health care is not adversely affected.

ABMP fully participated in the Occupational Credentialing Review Program together with the Kansas Chapter of the American Massage Therapy Association. We consider this process to be an excellent tool in which to evaluate professions to determine whether a profession should indeed be regulated. In this case, the Technical Review Committee (Committee), after close consideration of the evidence and facts about the profession, decided to recommend the state licensing of massage therapists. ABMP respects and agrees with the Committee's assessment that the profession should be state regulated in Kansas.

This is not to say that all massage therapists agree. There was opposition to state regulation voiced throughout the Committee hearings. The Committee acknowledged the opposition and asked thoughtful, insightful questions of those opposed to regulation and those in support. After hearing the arguments for and against regulation, the Committee still came to the conclusion that massage therapists should be regulated.

In subsequent meetings with the opposing group of massage therapy professionals, we were able to identify four main areas that were the principal cause of anxiety and apprehension over the regulation of the profession:

1. *Qualifications*: a generous grandfathering provision must be included to ensure current massage therapists don't lose their right to practice.
2. *Affordability*: the cost of licensing must be affordable to keep current/renew to ensure all massage therapists, especially those in rural communities, can continue to practice in good standing.
3. *Continuing education (CE)*: only a reasonable number of CE hours (no more than 6) should be mandated and there should be broad acceptance of CE providers to ensure access to continuing education for all professionals, including those in rural areas.
4. *Home office*: many massage therapists have home offices. They don't want to lose their right to practice in their home office, i.e. zoning and permitting local business.

Frankly, we all share these concerns and I believe we have addressed them by drafting a bill that fully considers protecting the public through the least intrusive regulation.

The grandfathering provision in HB 2564 is generous. The vast majority of massage therapists have completed a 500 hour program. However, completion of a 500 hour program has not always been the "norm." The grandfathering provision takes into consideration the reality of massage education and how it has evolved in the last 20 years. No one will lose their right to practice and the public would still be assured that the licensee has the appropriate training to work safely.

Considering the fact that Kansas is a rural state, we have specified a 2 year provision. We want to be sure to give enough time to get word out about licensing and provide everyone currently practicing an opportunity to qualify under the grandfathering provision.

You will also notice that one way to qualify is to have been a member of a professional association for at least a year. This provision is included to ease the administrative burden of the Board of Healing Arts. Professional associations that provide liability insurance verify education prior to membership. This provision has been used in several of the 43 states that regulate massage and it has proved to make the licensing process more efficient.

As far as *affordability* of licensing is concerned, we have taken several factors into consideration. The Board of Healing Arts already has application processes in place. We're not attempting to create a new bureaucracy. The bill is consistent with the policies already in effect with that Board. We have listed capped fees that are also in line with fees for the other professions of similar size.

We have capped the *continuing education* requirement at six (6) hours per year. This was the number agreed on by the professional associations. We will advocate through the massage therapy advisory committee this bill creates to encourage broad acceptance of providers and methods to obtain it, such as online or distance education. The reality of the profession is that the majority of practitioners work part-time and their average income is \$25,000 per year. We don't want to cause financial hardship for practitioners; we simply want to ensure the public is protected.

There are at least six local jurisdictions in Kansas that regulate massage therapists. The local jurisdiction would still control business licensing and zoning, massage therapists would still be able to have a *home office* if so allowed by zoning regulations in their community. HB 2564 would only pre-empt their ability to double license massage therapists as individuals.

HB 2564 is consistent with the licensing requirements throughout the country

After the grandfathering opportunity expires, the majority of states require applicants to complete a minimum 500 hour massage therapy program and pass an entry-level competency exam to obtain a license.

Licensure is implemented in a profession to ensure a minimum standard of training in a field in order to protect consumers. The minimum standard is exactly that - a training floor that all practitioners should possess. Completion of a massage program of a minimum 500 hours is accepted by twenty-seven (27) states and the District of Columbia. The remaining sixteen (16) states and Puerto Rico have higher education requirements ranging from 570 to 1000 hours. There is no evidence that requiring more hours of education for entry into the profession has increased public safety or affected the quality of massage provided. HB 2564 requires completion of a minimum 500 hour program.

The bill clearly exempts professions already licensed by the state that may have an overlapping scope of practice. Similar scope of practice overlap may also occur in trademarked bodywork practices that employ touch. Those professions are listed as exempt in Section 5 of the bill.

The purpose of the bill is to set minimum training requirements, define a scope of practice, provide an avenue for consumer complaint, and pre-empt local regulations so that there is one consistent regulation for all massage therapists in Kansas.

Thank you for the opportunity to discuss the possibility of licensing massage therapists in Kansas. I'm happy to answer questions at the appropriate time.