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Testimony regarding HB2564
House Committee of Health and Human Services

Madam Chairwoman and members of the committee, thank you for allowing me to appear today regarding HB2564. I represent the members of the Free State Coalition made up of Kansas Massage Therapists, Bodyworkers and concerned citizens. Many of us have been opposing licensure the past 9 years by staffing the Legislative Chair Massage and this year is no different.

We are in opposition to HB2564 for we believe it will put many therapists out of work and make working in this profession difficult for full-time, part-time and older working therapists of the state.

While we believe there are over 2,000 massage therapists providing part-time or full time massage in Kansas, no one knows with any certainty how many massage therapists are in Kansas. Many therapists work by referrals only, do not publicly advertise, have a website or are even online. How is everyone doing ethical massage therapy now going to find out about this licensure act by July 1, 2013, if no one has found them? After only 2 months the state will have to send law enforcement officers to their doors to arrest them after Sept. 1 2013, (pg.5 line 12-16).

Although on the surface HB2564 appears to have included a grandfathering clause, we believe it is only a delay, not a true effort to alleviate our concerns.

According to the bill (page 7 lines 7-9) "the board has the right to establish additional requirements for licensure "renewal" which provide evidence of continued competency". This means more than simply continuing education units (CEU's). It may include an exam or specialized classes that veteran working therapists will have to go back to school to pass, even with their years of experience. It is understood the board has the right to upgrade the requirements for licensure applications in the future but why additional requirements for renewal unless it is to mandate additional education and testing for grandfathered licensees? This is not a true grandfathering clause if it only last one year.

These facts about this profession maybe helpful for the committee to understand our position; no two massages are identical, nor are massage therapist's basic routines. Massage therapy is often a second or third career choice. Profession averages; 87% are women, average age is 40, 77% are self employed making 17,000- 25,000 per year,

Employee is 6.7% with average salary 15,000- 19,000 with combination of both at 15.5%. Many therapists (47%) have a secondary source of income. (42%) therapists work in their home office. Massage Therapists are heavily dependent on repeat clients.

The burn-out rate (35%) is 3-5 years because massage is physically demanding and therapists can succumb to injuries, fatigue and repetitive motion problems.

Average career length is 6.3 years, less than 10% have worked longer than 16 years. Full time work for massage therapists is 10-20 hours per week. Average gross income during the first year of practice is \$8,864 with a student loan debt of \$15,000.

Kansas has been in control of all education of massage therapy since 2004 with all the schools having to be registered with the Kansas Board of Regents. There are no massage schools operating in Kansas teaching programs less than 500 hours. Only 40% of graduates take the voluntary national certification exam for it generally only assists in marketing. Passing the test is not a guarantee of a successful massage career. Mentoring, weekend classes or apprenticeships are illegal now.

As schools will be required to offer 500 hours, and there are only 30 massage techniques (called modalities), most schools must add a few of the over 300 bodywork modalities that can be included during a massage session, to complete the requirement. These modalities can be done independently after their own training classes and don't require any massage training. After graduation most CEU's earned are not in massage techniques.

There are 5 licensing states that do not require any continuing education and they have been successful. We believe no CEU's are needed.

After doing massage therapy 15 years or longer, these professionals have gained the necessary experience to be exempt from required CEU's. Their competency has been proven by their repeat clients and ethical longevity. The coalition has many members that have worked over 25 to 32 years.

All Free State Coalition members currently obtain informed consent from their clients, but to not create a "treatment plan" (pg. 2- lines 10-13). The use of "treatment plan" implies that we are performing medical procedures and someone might believe there is a need to have a doctor's referral to practice. This is not true, no doctor's referrals are necessary. The majority of our clients are not coming in for anything other than to receive help with their goal to unwind, relax, de-stress and gain help balancing of their body. Massage is an adjunct therapy that helps influence the body to heal itself.

We agree with requiring all massage therapists to carry liability insurance however we have a concern with the language in the bill relating to limits. It's stated "that the board shall fix the minimum level of coverage for the professional liability insurance" (pg.8, Sec.15, line 18-20).

When did the state start to regulate independent professional insurance company's level of coverage? This act was brought to the legislature by the two national massage associations that sell insurance only to their members. Independent Massage Liability Insurance is available with coverage at \$3,000,000 for \$165. per year.

Additional concerns- why isn't a background check listed somewhere within the act with its required fee amount? All professions licensed by the state are required to have them.

Why is "naturopathic doctor" listed (on pg.6, line 22) instead of massage therapist?

Does Sec.17 on pg 8, line 30-32 mean that "Persons who massage for the purpose of relaxation, muscle conditioning, or figure improvement", doesn't need to be licensed in this act as long as they don't call themselves massage therapists?

It has been proven over the last few years that the public is not at risk from unlicensed massage therapists. Law enforcement has had the required authority to deal with a handful of problems with unprofessional conduct. Licensure will not prevent unprofessional conduct in any profession. Those breaking the law, no matter their profession, should be prosecuted under the appropriate statutes.

The Legislature has bills before it now to license the professions of; Addictions Counselors (SB100), Dental Practitioners (SB192), Acupuncturists (SB195), and Perfusionists (SB4) all which have little or no opposition. The Legislature does not need this expensive, time consuming headache, of trying to license a profession that is so completely divided and where there is no harm to the public.

Free State Coalition members believe that licensure is always about money and HB2564 will put therapists out of work at a time when the state can ill afford for that to be the case.

Thank you for allowing me to appear. I would be happy to stand for questions at the appropriate time.

