

February 12, 2013

House Health and Human Services Committee.

Testimony in Support of House Bill 2187

Chairman Crum and Members of the Committee,

My name is Stuart Little and I am appearing today on behalf of the Kansas Chapter of the American Massage Therapy Association. We requested the introduction of House Bill 2187 and appreciate the opportunity to discuss the issue of licensure for massage therapists in Kansas.

Policy Choice

I am happy to discuss the technical details of HB 2187 but I am going to focus on the public policy choice you are faced with today: should the State of Kansas license individuals who perform massages. The choices will not be easy because we are asking you to require government regulation of individuals who right now practice without fees, state standards, or state oversight. They can essentially perform their business in a free and open market where the good will flourish and the bad will fail.

Many Kansans have a regular or occasional massage therapist. A friend or family member usually refers a massage therapist. Folks often assume a massage therapist is licensed and will not even think about the massage therapist's qualifications, education, background, or history. There is no need because you got an informal reference you trust. That system works well most of the time. Your massage therapist is happy too. They run their own business, some working in the field only part-time without any oversight or government regulation. Why change it?

We believe that House Bill 2187 will not damage the current system. It will provide minimal professional standards, create oversight, and a means of recourse when someone's experience turns bad. The most fundamental issue is that the public does not know, never has to know, and there is no legal reason for anyone to know when the individual in the closed room with you or our unclothed family member has hurt someone in the past, has a criminal history, has perverse and undetected proclivity. Under current state law in Kansas anyone can say he or she a trained massage therapist and no one will ever know.

Background

The supporters of HB 2187 have completed the following tasks:

- The Kansas Department of Health and Environment Credentialing Review Committee held public hearings on the issue and took testimony for and against the issue. Their final

recommendation was that a compelling public safety interest existing warranting licensure. Secretary Moser agreed.

- Met with the State Board of Nursing and addressed their issues in HB 2187. Their participation in discussion does not connote consent or agreement with the bill and their testimony will certainly convey any issues they have.
- Reviewed the laws in the forty-three states that currently provide some form of regulation for massage therapists and incorporated into HB 2187 the best regulations that work in other states.
- Meet with various massage therapist stakeholders over the proceeding years in preparation for licensure. Not all massage therapists agree with licensure but the national professions to which most Kansas massage therapists belong support licensure and support HB 2187.
- Written a bill that sets minimal standards of state regulation, establishes minimum educational standards including contra-indications of offering massage. Also includes fair and reasonable continuing education requirements, provides a means to protect the practice of massage therapists without infringing on the scope of practice of other allied professions, at a cost that is minimal to practioners and that costs the state nothing.
- Written a bill that does not overregulate the practice of massage therapy but protects the practitioners and the public

The massage therapy community

- Nationwide, in 2009 over 280,000 individuals practice massage therapy. It is an estimated \$10 billion business.
- The practice of massage therapy has doubled in size since 1998 prompting many states to initiate regulation.
- In Kansas, an estimated 2,500 individuals perform massage therapy, the vast majority in well-run and safe solo practices or businesses, many part-time providing a desire health-related service to Kansas
- Wants minimal regulation at a low cost for several reasons:
 - Professional standing and growing consumer demand for a clear scope of practice, uniform standards, competency, quality, and safety.
 - Provides a means to evaluate and close down unscrupulous, transient “massage businesses” when they appear.
 - The right to control their profession, not place it in the control of others:
 - Example: Oklahoma House Bill 1417 (2013) places the practice of massage therapy under the Board of Chiropractic Examiners
 - Some Kansas cities have some limited local regulations but lack of uniformity. The general public and practioners are confused about those various standards
 - A few cities have some local regulations that are similar to some of the requirements in HB 2187

- Most local ordinances are designed to curtail prostitution, human trafficking, not professional regulation.
- Provides a means for protecting therapists from consumers seeking illicit activities when massage practitioners are state licensed professionals who must meet minimal standards.

The Public Interest

Many in the public are unaware that massage therapists are not licensed.

- Clients can receive assurance that a licensed massage therapist has:
 - A clear scope of practice
 - A minimal education and training level
 - Continuing education
 - A means of filing a complaint or grievance
 - A state regulatory body empowered to enforce sanctions against those who violate the public trust

Except for a criminal or civil action, there is no recourse for the public

- Provides a method for filing formal complaints to protect themselves and future clients from physical harm, sexual abuse, and unwanted and unwarranted sexual impropriety
- Provide a means for customer complaints to protect the integrity of the profession and thus ensuring public confidence through businesses with licensed massage therapists.

Conclusion

A few in the practice of massage therapy do not want licensure and you will hear from them. They have worked successfully in the field for years without licensure or any regulation and oversight. However, the field of massage therapy has expanded, as public use of massage has increased, and as massage has gained a greater role in the system of health, the times have changes. We believe a point has been crossed where protection of the public and the profession of massage therapy now require a regulated professional status.

I would be happy to stand for questions at the appropriate time.