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The Honorable Representative David Crum
Chairperson of the House Committee of
Health and Human Services
State Capital
300 SW 10th Ave, Suite 151-S
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I have been a full-time, self-employed massage practitioner for 30 years and a member of the Kansas Association of Therapeutic Massage and Bodywork for 28 years. My personal viewpoint on licensure is mixed.

On one hand, my father was a civil engineer and my mother was a teacher. I hold two degrees in education, so I grew up accepting established standards for certain professions. On the other hand, I have built a successful business with skills, knowledge and professionalism developed through means other than a 500 hour massage school curriculum. This is also true of many of my colleagues. If we use the numbers presented by the proponents of this bill, that would be around 1,700 to 1,800 therapists. Few of that number want licensure of their profession. None of that number has sought it. Licensure is being sought (by their own numbers) by a minority of only 25 to 30% of massage therapists in this state. I personally think this is a high estimate because some of their own members flatly do not support licensure.

I want this committee to understand that one of the main reasons I oppose this bill, HB2187 is that the proponents of this bill still, after more than five years of preparatory action, have yet to have made what I consider good faith efforts to educate practitioners outside the memberships of the three major organizations of their intentions or of this bill.

I want this committee to understand that the opinions and desires of easily a 2/3rd's majority of this profession are not, and will not be represented here today, because they are unaware that

this application, which will deeply affect their lives and businesses, is even being presented. Contact information for many, many practitioners is available on the internet and local phone books available at public libraries, so it is possible to find at least some of them. I realize this is a daunting task but over the last six years as the proponents of this bill prepared for this day, good faith measures to include members of this profession outside their organizations have been slim to none. Often what I hear back in response to this position is that these 1,800 or so individuals should be taking upon themselves to keep up with what is happening in their chosen vocation. I understand and have some sympathy for this viewpoint. But I also, having practiced for over 30 years, know something of the history and growth of the profession in this state. Until 2004, when the Board of Education made it a requirement for all education classes be taught through or by entities accredited by the Board of Regents, an individual could take a class or series of classes from an established massage therapist and start their own practice. Many of those that succeeded and are still practicing today consider their practice their job, not necessarily their profession. They went back to their communities, established their niches and have quietly been part of the pioneers that have developed massage therapy into the well-respected position it holds today. They did this by developing viable legitimate businesses, earning the trust, confidence, and loyalty of their clients. I have always believed in the value of these individuals and their contributions to the enhancement of their client's lives, their communities, and to the massage profession. Even though I am sure it would be nearly impossible to notify all of these people, I do believe they, as the majority, deserve some truly good faith efforts of notification.

If this bill is passed into law, will the good faith efforts then begin? I think not. Practitioners have one year to figure out that the way they earn a living has been irrevocably changed and must apply for licensure under the grandfathering clause. If they miss the July 1, 2014 deadline to apply for grandfathering, the only way they can obtain a license is to complete a 500 hour course of instruction and pass a nationally recognized exam. They have only 1 year to get this accomplished. For the majority of these practitioners, this would be incredibly daunting, to have to abandon their income (or most of it) and invest upwards of \$9,000 to \$15,000 for the required education. All of this, to be able to continue doing what they've legally been doing for years.

After September 1, 2015, if they are still doing massage, the job they've been doing successfully and legitimately, they will be charged with a class B misdemeanor, tried in civil court, and heavily fined.

All of this can happen to people in your communities. I believe there should be extenuating options for individuals who miss the deadline date and can prove that they owned and

operated practices for at least 5 years that were previously legal and can produce letters of recommendation and support from their clients and constituents.

The second reason I oppose this bill pertains to the way in which the bill directs the advisory board to be chosen. I think it is all too likely that the majority of the therapists appointed by the board will be members of the proponents group. My concerns are that the needs, desires, and opinions of the majority of therapists will again poorly represented - perhaps not considered at all. It is totally conceivable that the "grandfathered", who represent at least a 2/3 majority of the massage therapists in this state, will have only token representation on this board. If you consider the statistics I have already given you, of the 5 massage therapists to be appointed, 3 of them should clearly represent the majority, and 2 should represent the proponents. Why is this important, you ask? Here is one example:

When it comes time for renewal, the bill reads, the board "upon being satisfied that the applicant meets the requirements set forth by law in effect at the time of initial licensure of the applicant, ...shall...grant a renewal license. (section 9, pg7, lines 4-7)

One of those requirements (section 2, line 35) states, "has no other disqualifying conduct as defined by the board".

Section 1, lines 20 through 22 refers to ethical standards of the profession, as set forth in this act and in rules and regulations. Nowhere in this bill are these described.

Section 2, lines 25-27 refers to establishing and maintaining client records, professional records and business records in compliance with standards of professional conduct as required by rules and regulations. Nowhere in this bill are these described.

I have to wonder if a therapist can be denied licensure renewal by the board if they don't keep records in compliance with standards, rules and regulation to be established after passage of said bill. It is reasonable to expect the therapist to acquire these skills. Here's the real problem for the grandfathered therapist. I believe I am correct when I say there is no massage school in the state of Kansas that will allow an individual to take only one (or a few) needed courses. They require that the whole program be taken. There is no CEU provider in the state that provides training or a class on this subject.

So I see real potential pitfalls for those who are grandfathered in to be able to obtain licensure renewal.

Because this bill lacks representation and desire of the majority of massage therapists in Kansas, and because wording in this bill brings to questions the realities of renewal, I urge you to reject this bill.

The proponents of this bill, in their efforts establish standards that will supposedly protect the citizens from potential harm, have produced a bill that can harm more therapists and their clients who have come to trust them than the public they seek to protect. I believe we can do better.

Thank you for listening to me, and I welcome any questions.

Respectfully,