



Business League for Massage Therapy & Bodywork (BLMTB)

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Newsletter / Legislative Update March 4, 2009

#0029

Hello Everyone!

SB287 has moved to the House (it passed the Senate 32-18).

The opposition is coming out in full force.

PLEASE CALL/E-MAIL THE HOUSE BUSINESS & LABOR COMMITTEE TO SUPPORT SB287 NOW.

444-4800 to call or www.leg.mt.gov to email.

The massage therapy licensure bill will be introduced soon. We have not seen a copy yet, but once we do, we will let you know how it affects practitioners in Montana.

The AMTA-MT Chapter is still trying to pit SB287 and the massage therapy licensure bill against each other. We still believe that the 2 bills are separate: Licensure affects the massage therapy community only and SB287 affects everyone else in the larger alternative health care community if licensure does pass (and would include MTs if licensure doesn't pass).

Because the AMTA-MT has chosen to actively oppose SB287, Deborah Kimmet, acting as the Montana Health Freedom Coalition's legislative point person, has pointed out that there have been some unintended consequences of that action.

Deb says:

"The AMTA has taken on the larger alternative health care community, not just the BLMTB. Traditionally, non-massage therapy practitioners stay out of massage politics, but now, they are angry and want to kill the massage therapy bill. My job has been to calm them down and to tell them to stay out of massage therapy politics. So far, I've been successful in this because our strategy to pass SB287 is working. If SB287 fails, I won't have control over them. I've been fielding calls from national organizations that have over 600 distributors in Montana and trying to calm them down. It's unfortunate, but I think it's possible that the AMTA has ticked off a sleeping giant. And the AMTA bill, from what we've seen so far, would affect health freedom in Montana. Without SB287 (a health freedom bill) all alternative practitioners touching the body who don't meet the exemption criteria included in the massage therapy licensing bill could be in jeopardy. Whereas before the larger alternative health care community wouldn't have been looking at the issue very carefully, the AMTA has now given this community a reason to. It makes passing a massage therapy licensure bill a much more complicated issue."

Now on to rebutting the last AMTA update:

What the AMTA-MT says:

SB 287 claims it will protect you as an unlicensed practitioner from other licensed professionals trying to stop you from doing your work. The only way you can be protected is if you have a scope of practice and a definition of your work. When your profession is licensed you have that scope of practice defined and then you are protected.

BLMTB Response: SB287 does protect you, and licensure is not the only way to protect you. There are 6 states that have enacted health freedom laws: CA, ID, MN, LA, OK, and RI. Practitioners AND the public are more protected as a result.

The AMTA says:

Sb 287 claims the public will be protected. SB287 has amended their bill to have one person regulating public complaints. How can one person cover over 1200 unlicensed modalities in the state of Montana to make sure everyone is complying to the disclosure process and investigate public complaints?

BLMTB Response:

First, there is no such amendment. Second, the purpose of the bill is to create criteria that the boards follow when they go after someone from another profession, NOT to regulate or monitor unlicensed professions. The provisions in SB287 become part of and clarify the current complaint process that the state currently uses. It exceeds the courts' standards when it comes to this issue.

The AMTA says:

It legalizes prostitution. Minnesota has the freedom of access law and it still allows prostitutes to work as a "massage therapist". Also a massage therapist convicted of rape continued to work as a massage therapist.

BLMTB Response:

SB287 does NOT legalize prostitution. There are laws on the books prohibiting it. SB287 does not change that. We find it offensive to even bring this up. Members of the alternative health care community think so too and so do members of the senate legislative committee that the massage therapy licensure bill will appear before. This doesn't help the AMTA in their bid for licensure.

It needs to be pointed out that licensure doesn't stop these things from happening either.

The AMTA says:

SB 287 is not a fiscally responsible bill. This bill will cost the state a lot of money. Right now our legislature voted down the CHIPS bill (health insurance for kids) because it costs the state too much money.

BLMTB Response:

First, the fiscal note is not accurate. The departments that make up the fiscal note are trying to kill the bill via "death by fiscal note." We won't get into the details here other than to say that the 3 states that enacted bills most similar to SB287 appropriated \$0 (yes, that's right: **zero** dollars).

In closing, please verify any of these facts yourselves. Go read the bill.

Once again, we have to say that meaningful licensure AND SB287 can co-exist. Other states have done it, so this goal is achievable for Montana too.

Please call 444-4800 NOW and leave a message for the House Business & Labor committee that you support SB287.

If you have any questions about SB287, please contact Deborah Kimmet at 406-251-9704 or deb@debkimmet.com

Sincerely,

Vianna Myles, Patty Murphy, Deborah Kimmet