



Business League for Massage Therapy & Bodywork (BLMTB)

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Newsletter / Legislative Update March 24, 2009

#0031

The Hearing for HB662, the massage therapy bill has been scheduled:

When: Friday, March 27

Time: 8:30 am

Where: Room 172 at the Capitol building in Helena

We have looked at the bill and we don't like it.

Grandfathering: there is none! This will put practitioners out of business.

Reciprocity: Much stricter than accepted nationally.

Schools: must meet criteria for national accreditation, but criteria is not defined. It could put schools out of business.

Manual techniques and other things excluded from our scope. This is a big concern.

But don't listen to us. Here's another viewpoint: the massage therapy bill has attracted national attention and Vivian Mahoney, a nationally respected insurance consultant to massage therapists had this to say:

I have such a difficult time understanding why they are making this so difficult and so different than in most states. Such as not allowing grandfathering,

I don't know of a state that has not grandfathered practicing therapists in, under certain time frames and conditions.

And the very worst is that they are not allowing MANUAL THERAPY.

In the AMERICAN MEDICAL ASSOCIATION's (AMA) CPT Code Book, the section for PHYSICAL MEDICINE does NOT say PHYSICAL THERAPY, it has a specific code for Manual Therapy 97140.

If they do not allow you to use the term MANUAL THERAPY then you are not allowed to use the term or provide MYOFASCIAL RELEASE techniques to a patient because that is a procedure INCLUDED in MANUAL THERAPY as is MANUAL TRACTION. Or any deep tissue therapy techniques.

AMA (Who owns the CPT CODES) in the CPT Code Book also states in the introduction section, that the codes are NOT for any specific provider group but may be used by any physician or health care provider. Of course we all know what we provide as a service to a patient or client must be within our scope of practice or training. IF myofascial release /manual therapy is not in your scope of practice, you are doomed for the most part except to use only "massage".

So the way I see it, if this AMTA bill is the same as mentioned in this letter and as in the past, then you guys will ONLY be allowed to provide basic Swedish Massage and totally worthless in some major medical conditions prescribed by treating physicians.

The other thing, does the term exercise elimination also mean stretching? How about Range of Motion? How about flexion, extension, rotation, etc??

Vivian M. Mahoney,
Insurance Consultant to Massage Therapists
Insurance Committee Chair, Florida State Massage Therapy Assoc. (FSMTA)
serving approx 5,000 members and over 27,000 FL Licensed LMTs

PS. Deb I have been an AMTA member 25 years this year and have NEVER seen such antics.

So please, go to the hearing, voice your displeasure and say "NO on HB 662"

To read the bill, follow this link: www.leg.mt.gov

Click on 'Bills' then 'current session' then enter 859 next to the LC #.

This will bring up a summary page that has links to an html or pdf text of the bill.

The BLMTB will be at the hearing to submit amendments to the bill, to fix the problems with it. However, we will be submitting them as an opponent. If they are not fixed we just can't support the bill. Those amendments are below our signatures.

We need your help at this time:

1. **Call 444-4800 NOW and leave a message for the House Business and Labor Committee. The message: I oppose HB662 – the Massage Therapy Bill. It needs to be amended and is a bad bill.**
2. **GO TO HELENA TO OPPOSE THE BILL. The supporters of the bill are counting on your apathy.... So please go and stand up for your rights.**

Thanks for all your help.

If you like that what we are doing for you, please feel free to join or make a donation. Yearly membership is \$10 for an email membership.

Thanks again,
The BLMTB Board of Directors
Deb Kimmet, Patty Murphy & Vianna Myles

Here are the amendments we are proposing:

Job Issue 1: Persons currently practicing will be put out of business – Transitional licensing is a hardship, not necessary and unfair to hard working Montanans.

The amendments to fix it:

Page 4 Lines 19
Strike references to transitional licensure

Page 5 Lines 12 through 21
Strike: Section 9 Completely.
Insert: "Section 9. **Grandfather Provision.** (1) Persons who meet the provisions of section (8)(1)(a),(b),(d), and (e) and who can establish that their occupational practice began by the date of passage of this act are eligible to receive a license to practice massage therapy.
(2) This provision expires October 1, 2011 or one year after the date the first licenses are issued, whichever comes later."

Job Issue 2: All but 1 school could be forced to close and Reciprocity is nullified which could make it difficult for people to transfer here.

The amendments to fix it:

Page 5 Lines 5-10 must be re-written
“(2) The applicant, in addition to the requirements established in subsection (1), is required to (A) successfully complete a massage therapy program of a minimum of 500 hours of study that meets or exceeds the criteria educational curriculum requirements of a nationally recognized accreditation program not exceeding 500 hours designated by the board and:-(a) receive a passing score on an examination prescribed by the board;
or
(b) possess an equivalent current license, certification, or registration in good standing from another state.”

Scope of Practice Issue: Our scope should not be limited beyond what is necessary, nor should it be limited by another profession inserting their definition into our practice act as a way to control our scope in the future.

The amendments to fix it:

Page 1, Line 30

Following: "touch"

Insert: "manual techniques, movement"

This amendment adds these items back into the scope of practice

Page 2, Line 11 & 12

Strike: manual therapy or exercise, exercise instruction or prescription, or the use of tape"

This amendment removes these items from a list of prohibited items.

Scope of Practice Issue: Our scope should not be limited beyond what is necessary, but also have the flexibility to include new techniques as they become available to the massage therapy profession.

Page 2, Line 2

Following: "movement,"

Insert: "other therapeutic methods including"

Scope of Practice Issue: Our scope is not just about health care.

Page 1, Line 16

Following: "care."

Insert: "Massage therapy has application in the health care, wellness, and fitness fields."

Misc. Issue: Clarify legislative intent in the following section:

Page 4 lines 6-8 is not clear: #(3)

Can they refuse to license anyone they want to...

Or must the person meet the criteria listed in 3a – e?

Misc. Issue: No practitioners should be forced to 'tell on' another practitioner, nor should civil rights be removed without good reason.

Page 3 line 29

Strike starting with line 29 – through Page 4 Line 5

Misc. Issue: The uniform codes address misconduct, and those who have been convicted of crimes, and the circumstances under which they may not obtain a license. Omit it from here, leave it all to the uniform codes or rules.

Strike Page 4 Line 6 through 16:

The issue below is not a "deal-breaker" for us.

Misc. Issue: Can we really have licenses ready to go by July 2010?

Page 4 line 18

Following: "July 1,"

Strike: 2010

Insert: "2011"