



# Business League for Massage Therapy & Bodywork (BLMTB)

PO Box 4686 · Butte, MT 59702  
[www.blmtb.org](http://www.blmtb.org) email: [info@blmtb.org](mailto:info@blmtb.org)

## BLMTB Legislative Alert / Legislative Issues

September 13, 2006

Legislative season is almost here, and we have news to report on that, but first we have some other things to report:

### Transitions:

We've had a lot of changes with the BLMTB over the last few months.

Deb Kimmet resigned from the Board in June. Paige Asten resigned this week due to time constraints and other obligations. Both of them have contributed a lot to the profession and in particular to the BLMTB. There are no words to express our thanks to both of them for the hard work and long hours that they both have given to protect all of us. They will be missed.

Vianna Myles has returned to the Board after her leave of absence and we're happy to have her back. In addition, we are pleased to announce that we've added a new board member: Patricia Murphy.

Patty Murphy is a Massage Therapist and a Butte native. She is the mother of 3 children, Michael, Amber, and Ryan. Patty graduated from the Asten Center in Whitehall, Montana and has been practicing massage therapy for 5 years in the Butte area under the business name Mystic Massage. She's also worked at Fairmont Hot Springs for the last 4-1/2 years and just recently took over the spa under the business name Whispering Willow Spa. Before she became a massage therapist, Patty worked in the grocery business for 20+ years. Her background includes working in management positions, being responsible for negotiating union contracts, and participating on committees for training management and supervisory skills.

Patty tells us that she is "looking forward to working on the BLMTB Board."

Welcome aboard, Patty!

With Paige's departure, we approached Deb Kimmet to see if she would be willing to provide some expertise from time to time concerning legislative issues. It was mutually agreed that she would be an informational source only and that she would not be on the Board. The BLMTB board wants to be clear on this: Deb is a consultant and has no decision making power whatsoever. The Board of Directors (Tracy, Vianna, Patty) is the decision making body for the BLMTB.

### About the Bill Drafting Process

The AMTA states that the bill agreement was made by "consensus." When most people hear the word "consensus" they think that everyone is in agreement with the decision. That is not the case here. In reality, consensus can be defined however the group wants to define it (including decisions made by majority vote). When the process first started, our rep, Paige Asten, made it clear to the BDG that she could not make decisions for the BLMTB. In order for the BLMTB to sign off on the bill, the BLMTB board of directors had to be in agreement.

In May/June a bill was presented that the BLMTB could not agree with it. We informed the BDG of our decision and included information about all of our concerns and what needed to be done to fix them. The next

bill to be released that we know about was on August 3rd. One month later (Sept. 9), the BLMTB Board learned from Rachel Romanelli that the August 3rd bill was agreed to by consensus. This was the first time that the BLMTB Board members outside of the BDG heard of this. Due to personnel changes and miscommunications within the BLMTB, we weren't fully informed as to what was happening. We take full responsibility for that failure. It could be construed that the BLMTB signed off on the bill. We did not. In our mind, consensus is about being able to stand in support of an agreement, whatever decisions are being made. We cannot.

## **The BLMTB Position on the Bill Draft dated 8/8/06**

At this point in time, the BLMTB OPPOSES the bill.

We want to be clear, that at this time, there is NO poison pill in the bill like there was in 2003. The definition looks good and there is nothing in the bill that would keep the majority of practitioners from continuing their practice.

Our position reflects the lack of fairness that is exhibited in the bill, the process by which it was formulated, and the fact that we are not standing in front of the legislature yet. Would we ever support it? We can't make that decision yet -- because the final/final version is not done yet.

What's Right about the bill:

1. the definition is a good one.
2. there is no "poison pill" that would jeopardize practice.
3. there are reasonable qualifications for licensure that fit national standards for education.
4. those groups that wanted exemptions (meaning that they don't have to get a license) got them -- some of the language around the exemptions is problematic though.
5. Animal massage is not considered the practice of veterinary medicine.

What's Not Fair About the bill:

1. School Owners can be board members: It is not fair that some school owners can be on the board and others can't.
2. It is not fair that Schools that currently offer more than 500 hours of training would be prohibited from doing so.
3. It is not fair that the exemptions are not uniform -- we believe that every profession seeking an exemption (meaning that they don't have to get a license) should be treated the same. They are not.
4. It is not fair that those who would use an examination as qualification for licensure could be forced to take more than one examination.
5. It is not fair to designate Massage Therapy as a Health Care Profession only.
6. It is not fair that the language for grandfathering may exclude those who entered the profession since (at least) April from being licensed.

**The Details:**

- 1. School Owners can be board members: It is not fair that some school owners can be on the board and others can't.**

The BLMTB is clear in our position papers that we think that it is too much of a conflict of interest for a school owner to be on the board. Our preference is that NO school owner be on the board. However, if the BDG wants it that way, then make it fair: all potential school owners should be eligible, not just non-massage therapist school owners.

**2. It is not fair that Schools that currently offer more than 500 hours of training would be prohibited from doing so.**

The current bill language says that one of the qualifications is that students complete "studies in a 500-hour course..." In other states this has been interpreted to mean that no school can offer more than 500 hours. An easy fix would be to add the words "at least" or "a minimum."

**3. It is not fair that the exemptions are not uniform -- we believe that every profession seeking an exemption (meaning that they don't have to get a license) should be treated the same. They are not.**

- a. It is not fair that reflexologists can imply or designate that their practice is massage therapy when the other professions cannot.
- b. It is also not fair for the structural integrators (Rolfers, etc.) not to have a uniform exemption that matches the others. In their exemption, they actually name a group that people either have to meet the requirements or actually belong to a particular organization (IASI). The BLMTB recommends that the language for this exemption be the same as the others that defer to an organization with standards, without naming a specific one.

Here are some of the problems with leaving the language as it is:

- (1) Structural Integration is an umbrella term just like massage therapy is. The current language is exactly the same as telling every Massage Therapist that they have to belong to the AMTA. It does not leave any room for any other structural integration type organizations, and codifies the existence of one group as being more valid than another. The exemptions section is not about deciding which specific standard the structural integrators have to meet. That is for them to determine within the context of their own licensing bill, not in a bill that determines who may call themselves a massage therapist. Any organization meeting the criteria of a general exemption should be acceptable.
- (2) What if the IASI does not survive? Then there is no way for SI practitioners to get an exemption and the law would have to be changed. Which, as we all know, is a horrible process to go through.
- (3) There is a "Friend of IASI" membership level with no or little qualifications. A massage therapist or other practitioner could join as a friend and not have to get a license.
- (4) One of the future criteria to join the IASI will be a test. It has not been developed yet. Once it is in place, any structural integrator who has not taken the test won't be able to join the IASI and by virtue of not meeting the requirements to join, any non-IASI person would NOT meet these criteria. Therefore, once the test is developed, a person would have to become a member of IASI in order to meet this exemption.

**4. It is not fair that those who would use an examination as qualification for licensure could be forced to take more than one examination.** The current bill language opens this door by stating "examination(s)"

**5. It is not fair to designate Massage Therapy as a Health Care Profession only.**

The purpose language does this. The BLMTB puts a priority on protecting the entire profession of massage therapy – not just a small portion of it. Massage therapy is not just about rehabilitative/medical/therapeutic work, it is also about the practitioner who just wants to rub bodies or the chair massage practitioner going to an office to reduce someone's stress or the sports massage specialist offering their services after a bike race. Saying that massage therapy is only about health care mischaracterizes our profession and ignores the personal service aspect of what we do.

**6. It is not fair that the language for grandfathering may exclude those who entered the profession since (at least) April from being licensed.**

In order to be grandfathered in, the applicant "has been in active, continuous professional massage therapy practice for a minimum of one year prior to the effective date of passage."

There are two issues here:

- a. The language is confusing: is it one year from the effective date or one year from the date of passage? And which effective date (there are two)? The BLMTB's choice is "one year from the date the first licenses are issued."  
The BLMTB assumes that the BDG means from the date of passage of the bill. The BLMTB opposes this. This means that for a massage therapist to grandfather, they would have to be in practice several months before the bill was even introduced (or even made known to the profession). And since it can take a while to build a practice, they may need to be in practice even longer than that depending upon how "active, continuous professional massage therapy practice" is defined.
- b. How will "active, continuous professional massage therapy practice" be defined? This has not been made clear, and depending upon the definition, it could be problematic. What is full time to you? 200 massages, 400 massages per year? 10 a week, 5 a week? Until we know what that term means, we can't make a clear determination on this.

The items above are just the big things. The BLMTB has stressed and does stress the importance of attention to detail as being crucial in the legislative process. An example of this are the typos and technical mistakes in the bill. This lack of attention to detail is concerning and plays a role in our decision making process.

Our motivation stems from what is fair for the whole profession and not just a few. We hope that you can see that too, and agree with us. We would encourage you to think about what is right -- not just for you -- but what is right for the profession. Thanks for your consideration.

Sincerely,

The BLMTB Board of Directors:

Tracy Williamson, Vianna Myles, Patricia Murphy

## 2006 Regional Legislative Meeting Schedule:

Fri. Sept. 15 Kalispell 6-9 p.m.	Municipal Library; 247 1 <sup>st</sup> Ave. East	Contact person: Julie Schelling 406-250-3927
Sat. Sept. 16 Great Falls 1-3 p.m.	Best Western Heritage Inn (Missouri Room) 1700 Fox Farm Road	Contact: Arin StCyr 406-581-7646
Thurs. Sept. 21 Glasgow 7-9 p.m.	Cottonwood Inn 45 1 <sup>st</sup> Ave. N.E.	Contact: Linda Lemire 406-690-1506
Fri. Sept. 22 Billings 7-9 p.m.	Mansfield Education Center 2900 12 <sup>th</sup> St. (SW corner of Yellowstone Medical Center; across from St. Vincent Hospital.)	Contact: Linda Lemire 690-1506
Sat. Sept. 23 Helena 1-3 p.m.	Park Plaza Hotel (Elkhorn B Room) 22 N. Last Chance Gulch	Contact: Arin StCyr 581-7646
Wed. Sept. 27 Missoula 7-9 p.m.	Doubletree Inn 100 Madison Street	Contact: Arin StCyr 581-7646
Fri. Sept. 29 Bozeman 7-9 p.m.	Holiday Inn 5 Baxter Lane	Contact: Arin StCyr 581-7646