



# **Business League for Massage Therapy & Bodywork (BLMTB)**

## **Legislative Agenda Position Paper**

**4/14/04**

1. Any legislation enacted should not restrict the scope of the profession.
2. Legislation should reflect the diversity of our profession.
3. Grandfathering should be fair and not put practitioners out of business.
4. We agree that non-massage practitioners should be exempted, as this is what they want. But we have concerns about this.
5. We have deep concerns being regulated by the Alternative Health Care Board.
6. Schools and Continuing Education Providers should be minimally regulated by the board.

### **1. Any legislation enacted should not restrict the scope of the profession**

There are many activities that go beyond the hands-on. Movement Therapy, stretching, postural evaluation, Range of Motion, hydrotherapy, cold therapy, heat therapy. Every profession uses these words and uses them differently. We deserve to use these modalities within the context and training of our profession. Any legislation has to include that right. Our practice includes everything from relaxation massage, spa modalities, and injury-based massage. And everything in between. None of these should be restricted by legislation. We also should have the right to assess the extent whether or not we should even work on someone (We don't want to be "required" to work on someone when we know that it is harmful to do so – because the reason to refuse service could be construed as a diagnosis).

### **2. Legislation should reflect the diversity of our profession.**

Language in the bill must, at the very minimum, reflect our diversity to include spa practices, wellness practices as well as health care practices. An ideal bill would include a two-tiered system:

Tier 1: Wellness & Relaxation (MTech.) – massage technician (or some other agreed upon name)

Training Required: 150 hours

Tier 2: Health Care / Therapeutic Massage (LMT) – licensed massage therapist

Required Training: 500 hours

In addition, we would advocate the ability to move from Tier 1 to Tier 2 based on continuing education credits and certifications received that are specific to "treatment" massage (NMT, orthopedic massage, MAT and others).

### **3. Grandfathering should be fair and not put practitioners out of business**

Grandfather clauses are designed to allow those already practicing the ability to continue their work. Our 2-tiered proposal allows everyone who has been practicing the ability to practice in some form or another, yet sets some standard for medical/health care based massage. If there is only one tier, we stick to our premise of what a true Grandfather clause contains. In either case, those licensed in other states would be included through reciprocity.

**IF** a **two-tiered** system is in place we advocate:

Tier 1: One year of practice from date of application.

(This guarantees the person was in practice when the bill was enacted)

Tier 2: Practitioners will meet any **one** of the following:

- a. 1 to 5 years of experience plus 150 hours of training
- b. 5 years of experience
- c. Passage of a National Test (NCTMB or equivalent)
- d. 300 hours of training

**IF** there is only **one tier** then it is fair and equitable to expect practitioners meet any **one** of the following:

- a. One year of practice from date of application.
- b. Passage of a National Test (NCTMB or equivalent)
- c. 300 hours of training

It is our contention that those grandfathered will be "termed out" through attrition and standards will be raised over time.

**4. We agree that some non-massage practitioners should be exempted, as this is what they want. But we have concerns about this.**

Non-Massage Practitioners fought for and gained the ability to be exempted from the bill in 2003. Some of those practitioners such as yoga instructors, personal trainers, and others were given an unrestricted exemption. We adamantly disagree with such exemptions because it meant that any yoga instructor could set up a full-fledged massage therapy practice with no oversight or repercussions. However, native healers who are practicing massage within the scope of their training should be exempt.

In addition, Rolfers®, Feldenkrais® and Trager® Practitioners, and energy workers asked for and received exemptions because they are not massage based. We agree that non-massage based practices should be exempt. **But we have concerns for them over this.** Language provided by their national organizations and acceptable to them in the 2003 bill stated that they could practice as long as "their services were not designated or implied to be massage therapy." Most non-massage based practitioners advertise under the therapeutic massage category in the yellow pages. *This implies massage therapy.* Our concern is that if left as is, this could restrict non-massage based therapies from advertising in the yellow pages. These groups may want to reconsider their exemption language.

**5. We have deep concerns being regulated by the Alternative Health Care Board (AHCBS)**

If any of you have been reading "Massage Today" (a free publication), you will have heard that craniosacral therapy has been outlawed in one state, and other restrictions to practice have been introduced in other states. We are concerned that these types of restrictions could happen here, with a non-massage based board. The AHCBS has opposed us, and does not want to regulate us. We would overwhelm them with our numbers by 8-10 to 1, and by virtue of that, would take over most of the time and energies of the board. All the while, the massage therapists on the board would be outnumbered 6 to 2. We are not Alternative Health Care, something that happens in the place of other health care modalities, which is the case of naturopaths and midwives. We are Complementary and Adjunct and work well with other health care providers. We have seen the attitude toward us of at least one AHCBS board member during the 2003 legislative hearings, and the record is clear: it isn't good.

We would propose a Massage Therapy and Somatic Practices Board (MTSPB) that would be expandable in the future, as other bodywork related modalities see the value of and want to be regulated. We are in the process of developing a full-fledged position paper on this issue to bolster our arguments why we should not be regulated by the AHCBS, and why the MTSPB would be more appropriate.

And speaking of board and board membership, we also believe that due to the unsavory politics of the past, that membership on the regulatory board by school owners and members of professional organizations be restricted through legislation: we do not want one particular constituency controlling the direction of the board.

**6. Schools and Continuing Education Providers should be minimally regulated by the board.**

We believe that the Board should spell out the educational standards that licensees are to meet. The Board's role would be to determine simply whether or not the students meet those standards – i.e. checking to see that they have the required hours of A&P. If the students of the schools meet the educational standards developed by the Board, then a school could be "approved" or green lighted – meaning that if a potential licensee satisfactorily completed that school's curriculum, they would automatically be approved for a license without a thorough examination of their credentials. This is different than each school supplying its full curriculum hour-by-hour and being scrutinized by the Board.