



Business League for Massage Therapy & Bodywork (BLMTB)

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Welcome to our first Legislative Info Page!!

We've picked the scales as our logo – as we will attempt to be as fair and as balanced as possible!

We aim to provide information and analysis that we think will shed light on what is happening.

We applaud the AMTA-MT Chapter for its efforts to reach out to massage therapists in the state and inform them. Caution would tell us that there is more to know than just this one view.

For those of you who don't know, in 2002-2003, the AMTA Montana Chapter attempted to force through a bad piece of legislation. They ignored the many voices in the profession and created a situation that could have been very bad for all of us, had it not been for the individual efforts of many people coming together.

The AMTA has promised to do better and do different. We do have concerns about the process so far; we do not want a repeat of 2003. Our concerns are listed below:

1. Will the AMTA-MT Chapter share power?

On the surface, it looks like they are reaching out to everyone to include them in the loop. This is a good first step. But read the "Legislative Intentions" carefully: there is no statement that says that the AMTA-MT will share power once the new bill is developed and handed over to the AMTA-MT. This is exactly where the process broke down in 2002/2003. When the Coalition gave them its draft, the AMTA-MT assumed control, shut out practitioners from the process, and pushed legislation that if passed would have devastated our profession. There are no assurances that it will be different this time, nor have they agreed to share decision making power in the process so far.

2. Where is the Massage-Based Coalition?

They approached national massage based groups to obtain member lists, so that the members of the groups may be contacted. On the surface, it looks good. However, the in-state, local representatives who speak for the organizations were bypassed and left out of the loop. This undermines coalition building and should they comply with the request, implies that these groups support the AMTA-MT Chapter. Not necessarily. Individual members of the groups do not represent the interests of the organization as a whole, and these group representatives need to be an integral part of the decision making, not just part of a bill writing committee. A Massage-based Coalition with decision making power throughout the whole process is needed to prevent a repeat of 2003.

3. What is a true Grandfather Clause?

A true Grandfather Clause is intended to include practitioners who have been practicing when a law is passed or enacted (these are two different things). Period. No education required. The clause is designed to keep those currently practicing on the job. Legislators understand this. Usually, these laws are set up so that at least a year of experience is required at the time of application, as the practitioner would have proven their competency (i.e., they didn't hurt people and they could keep a client base) during that time frame.

It is expected that grandfathered practitioners will eventually die, retire, or move away. Standards will then be raised through attrition. The public is protected adequately. In our opinion, the biggest danger to the public is posed by unethical practitioners (trained or untrained), sexual predators masquerading as massage therapists, and other professions who

would restrict public access to our services – not by "under trained" massage therapists. Show us the clinical studies (not pilot studies) whereby lack of massage therapy training and incidence of injury are directly linked, and we'll change our minds.

4. Is what the AMTA-MT Chapter says about Grandfathering reasonable?

Here is what they have said:

"Grandfathering is often a subject of much discussion when a new law is being developed. There is a desire to show respect for existing practitioners who have entered the field in a variety of ways over time, and we want to avoid putting people out of business. It is also important to demonstrate to the public, the legislators, and members of other health care professions that our profession is united in our support for standards that will ensure a meaningful level of public protection. A grandfather clause that does not require practitioners to meet appropriate standards will not gain for us the respect that the profession deserves. So, we must strike a balance between actively supporting our colleagues and being willing to require that we all meet standards that the public reasonably expects of us."

This is a very carefully worded piece of misinformation. It sounds very reasonable, but this is NOT the purpose of grandfather clauses (see #3 above).

We also want to point out the attempt to tie respect for our profession to a grandfather standard. One has nothing to do with the other. In the long view, no one will care or remember what the grandfather standard was; they will only look at what is required of new practitioners. The rhetoric in the quote above is similar to the language that the physical therapists used to talk the AMTA-MT Chapter into an unreasonable grandfather clause in the last bill (remember the uproar that caused?).

5. Is The AMTA-MT Chapter consistent in what it is saying? What to believe?

First, about the grandfather issue. In the newsletter, as demonstrated above, they are preparing the "public" (you) that some Grandfather requirements are on the way. To the bill-writing group, they've made it clear that the legislation needs to be designed so as not to put anyone currently practicing out of work. It can't be both. Which one is it?

The AMTA-MT Chapter says that it wants to clear the slate and have clearings (mediated clear the air meetings), but then those meetings did not happen. Many who should have been contacted for meetings were not contacted by the mediator.

The AMTA-MT Chapter says that it wants to have an open process, but then bypasses local reps of national organizations, and does not form a massage-based coalition that has decision making power throughout the entire project.

These are just a few of our questions. Future communications with you will flesh these out more.

After reading this, you may think that we are anti-AMTA. On the contrary, we hope to support the AMTA-MT in its efforts to pass legislation – but history makes us hesitant to throw our unconditional support their way. We just view our job as shedding light on the process to keep it honest, open and above board. You, the practitioner, need all of the information in order to make informed decisions.