

Legislating Massage Therapy: Benefits, Drawbacks, and the Reasoning Why

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As licensing development progresses, it is valuable for therapists to understand the benefits, drawbacks, and reasoning behind legislating massage therapy. The following information may omit some points, but these are the main items regarding MT licensure. If you have comments, points to add, or questions, please don't hesitate to email me at amtailgr@ibodycare.com or call the chapter office at 708-484-9282.

Benefits to legislating include:

1. **Protection of the public** from unskilled persons practicing massage for money is one of the top reasons to license massage therapists. If every massage therapist is licensed, the public can be assured that no illegal or inappropriate services can be expected.
2. **Defined Scope of Practice** to protect jobs - both as employer and employee. A scope of practice defined in a state law protects the therapist's right to use his or her skills in their entirety. For example, some employees have a hard time convincing employers that they know how to use and publish about hydrotherapy or cranial work. A well-written law protects a therapist's right to use these skills, but does not prevent him or her from using related skills such as energy work. Most employers don't know WHAT a massage therapist knows if their business includes more than just massage therapy services.
3. **Massage therapy becomes tax deductible** such that the IRS will accept from Medical Savings and Employee Savings accounts for big business. (ESA's and MSA's are tax deductions for healthcare that is not HMO/PPO, or insurance premiums.) So, table massage clients who would like to use company "Wellness Dollars" would be able to use them toward massage therapy with fewer or no corporate problems, and corporate chair massage programs would become tax deductible for businesses. *Human resources consultants verified this information by me. The human resources people typically work with accountants to determine what types of programs work with what taxes and costs.
4. Many say it's **easier to get reimbursed by insurance** when the therapists in the state are licensed, Some therapists want the option of working within healthcare insurance programs, and would like to see their services covered by health insurance. While licensure does not guarantee insurance coverage, it does offer a credential that insurance companies are more likely to recognize. Currently, Washington state is the only state with general medical coverage, so all massage therapy prescribed by a physician must be reimbursed by all HMO's and PPO's.
5. Licensure promotes **greater credibility for massage therapists as they work with other health and fitness professionals**. Licensed therapists have obviously attained a credential that is legally valid. As licensed practitioners, massage therapists will hold the liability for their own actions, which removes liability from referring licensed health and fitness professionals. Massage therapists increase their chances of getting referred to if they are licensed. Doctors in particular always have to think about that liability risk...
7. **General public esteem** - the public appreciates credentialing and ensuring of skills. A license offers public credibility standards, and can raise esteem for the skill of professional massage therapists.
8. Usually, **elimination of local ordinance issues**. If a lot of villages have local ordinances, it may be a full-time job to just keep up with them. A therapist wanting to practice in more than one community can exhaust him or herself paying fees and reviewing the statues. Most state laws eliminate home rule laws and there is no longer a need for massage therapists to scramble around collecting multiple local licenses and keeping up with varying legal requirements (or just practicing illegally).

9. Once state licensure is in place, **information about how therapists' practice** may be obtained and available when short questionnaires are included in licensing renewals. A good number of AMTA members don't reply to surveys. (That's life.) Everyone has to answer to the licensing board, however. Information about how, where, and when massage therapists are practicing is then available and is accurate.

Drawbacks may include:

1. A poorly written law can **limit scope of practice**. Examples include not allowing therapists to practice in orifices, such as in the mouth – as may be required for TMJ treatment. Other loopholes like this must be carefully attended to avoid limiting therapists from proactive work that is safe and appropriate.
2. A poorly written law can **require undesirable signage requirements**.
3. A poorly written law may **require STD testing and the like**, which is offensive and inappropriate for skilled practitioners.
4. There is a **cost to the therapist** to be licensed, although it is usually very manageable.
5. There is **expense in hiring a lobbyist, volunteering time, and passing a state law**. This usually requires politic-ing, fundraising, phone calling, meetings, and diverted resources from other activities.
6. There may be **opposition from related fields** such as cosmetology, physical therapy, Chiropractic, etc. These professionals simply need to be communicated with so details about scope and legal language can be worked out.
7. There may be **problems if a grandfathering clause isn't included**. Therapists who have been practicing need the opportunity to prove that hands on time practicing combined with training from various sources has made them worthwhile MT's that are eligible for licensing.

Questions and Answers

1. **Why would we want to deal with state licensure when national certification is available?**
State licensure is recognized as a credible "hurdle" that professionals must achieve. While national certification also offers a level of knowledge and skill, licensure is a legal accreditation, and proves that therapists are able to meet legal standards as deemed appropriate by state regulators. National certification is an industry standard, while state licensure is a legal qualification.
2. **What other considerations are involved in legislative activity?**
Legislative programs require:
 - a. Keeping up with bills that affect legislating massage therapy in Illinois and nationally
 - b. Educating and promotion action about legislative activities and issues
 - c. Participating in both state and national activities related to legislation
3. **How many states are licensed now?**
As of 7/99, 27 states license massage therapy. Most unlicensed states have some sort of legislative plans.
4. **What can I do to help?**
First, you can answer any questionnaires you receive. Information is incredibly valuable when it comes to licensing therapists and presenting their opinions.

If you only have a few hours a month or if you have several hours a week, you can help the progress of state licensure by helping organize information, contacting your local legislators with materials from AMTA and requesting their support, participating in campaign activities, attending AMTA meetings, reading your newsletter for legislative updates, collecting newspaper and video regarding licensure and passing that on to your state AMTA chair, and by sharing legislative information with

clients, other therapists, and others interested in massage therapy that you know. For more information, contact your AMTA state legislative chair.

Where can I get more information?

There are some 3,100 counties and 7,200 cities, towns, townships, and villages in the United States, as listed in *County Executive Directory* and *Municipal Executive Directory* (Carroll Publishing Co., Washington, DC, updated several times a year). Your local public library should have these or similar directories. You can easily and quickly obtain contact addresses and phone numbers for any local or county official, sometimes just by telephoning your library. Usually the city attorney, mayor, or county commissioner's office is the contact that will provide direct information about the regulation of massage practice.

AMTA has a listing of legislative activities at

<http://www.amtamassage.org/members/legislative/updates.htm>

AMTA-IL is in the process of preparing information about scope of practice, licensing-vs-registration-vs-certification, definitions, etc. These materials will be available for cost and postage. For a listing, please email me at amtailgr@ibodycare.com or call the office at 708-484-9282, and I will put you on the mailing list for the order form and descriptions when the list is ready. I expect that to take 2-4 weeks.

Conclusion – Why To Get Prepared Now

If state massage therapists have a legislative plan, they are in a much better position to ensure a good law is passed that protects MT's in a way they want to be protected. The biggest problems arise out of licensure action where massage therapists are not the ones trying to write the licensing law. Indiana cosmetologists have started the licensing process for massage therapy, and Indiana bodyworkers have had to scramble to deal with the developments. Being prepared in advance can save a lot of stress and anxiety (and money). Licensure will usually happen eventually- it's just a matter of who will go to the table to write it. If MT's in a state are prepared, then they can be the key people to write the language of that law.