



Testimony of Les Sweeney  
President, Associated Bodywork & Massage Professionals  
before the  
Professional Licensure Committee  
Pennsylvania House of Representatives  
June 2, 2008

I am testifying today regarding House Bill 2499, which would establish licensure for massage therapists. I am representing Associated Bodywork & Massage Professionals (ABMP), a national association that represents the massage and bodywork profession. Our membership numbers more than 64,000, with over 3,600 members in Pennsylvania. We publish *Massage & Bodywork* magazine, one of the three major publications in the field, secure professional liability insurance for our members, and help members become successful in building and sustaining a practice. In our work, we have also visited more than 1,000 massage and bodywork training schools across the country in the past 12 years, working with many of them to strengthen their programs.

ABMP also works to encourage an equitable regulatory playing field for massage and bodywork practitioners. ABMP has been involved in shaping legislation in most of the states that have adopted or revised massage laws during the past dozen years, and I have personally provided input on Pennsylvania's massage legislation efforts since 1994. In the area of regulation, our mission is to work to ensure the most favorable possible climate for our members, the profession as a whole, and the general public.

ABMP is a willing supporter of the effort toward licensure represented in House Bill 2499. We do, however, have concerns regarding language in several key areas, specifically the definition of massage therapy, pre-emption of local regulations, grandfathering, examination language, board member composition and qualifications, and continuing education. In the interests of time, I will keep my testimony brief; I have included detailed comments in my written testimony. I would like to take a minute to briefly comment about three issues:

### **Definition of Massage Therapy**

The definition as currently written limits the scope of practice for massage therapists. ABMP feels it is critically important that passive and active stretching within the normal anatomical range of movement is included in the definition and that only intentional joint mobilization is restricted.

In addition, it should not be stated that massage therapists do not provide "treatment" of impairment or injury; they do. Massage therapists do not diagnose, but they certainly treat injuries and impairment.

With these considerations in mind, ABMP has included a proposed amended definition; it has also been used by the state of Colorado in a bill passed this session and just signed by the Governor.

***"MASSAGE" OR "MASSAGE THERAPY" MEANS A SYSTEM OF STRUCTURED TOUCH, PALPATION, OR MOVEMENT OF THE SOFT TISSUE OF ANOTHER PERSON'S BODY IN ORDER TO ENHANCE OR RESTORE THE GENERAL HEALTH AND WELL-BEING OF THE RECIPIENT. SUCH SYSTEM INCLUDES, BUT IS NOT LIMITED TO, TECHNIQUES SUCH AS EFFLEURAGE, COMMONLY CALLED STROKING OR GLIDING; PETRISSAGE, COMMONLY CALLED KNEADING; TAPOTEMENT OR PERCUSSION; FRICTION; VIBRATION; COMPRESSION; PASSIVE AND ACTIVE***

*STRETCHING WITHIN THE NORMAL ANATOMICAL RANGE OF MOVEMENT; HYDROTHERAPY; AND THERMAL MASSAGE. SUCH TECHNIQUES MAY BE APPLIED WITH OR WITHOUT THE AID OF LUBRICANTS, SALT OR HERBAL PREPARATIONS, WATER, HEAT, OR A MASSAGE DEVICE THAT MIMICS OR ENHANCES THE ACTIONS POSSIBLE BY HUMAN HANDS. "MASSAGE" OR "MASSAGE THERAPY" DOES NOT INCLUDE THERAPEUTIC EXERCISE, INTENTIONAL JOINT MOBILIZATION OR MANIPULATION.*

### **Pre-emption of Local Regulations**

ABMP was unable to locate language in the bill that indicated the proposed new law would pre-empt local regulations. Does this need to be specified in the bill? Pre-empting local regulation is an integral element of any licensure law. Many local municipalities have adopted regulation of massage therapists in lieu of a state license; as a result many massage therapists have to obtain local licenses to practice. It is important that massage therapists are not forced to become double licensed by the addition of state regulations.

### **Provisions for Grandfathering Existing Practitioners**

The current language in HB 2499 specifies a grandfathering period in which existing practitioners can obtain a license. However, it does not stipulate when that grandfathering period will end. In addition, Section 6, subsection (b), article (3) lists three subparagraphs that are options for existing practitioners to complete in order to obtain a license. ABMP would like to suggest an amended version of subparagraph (ii), which refers to allowing a candidate to obtain a licensure by passing an examination. We feel the language utilized can be improved upon, and have included language that would allow candidates for licensure to obtain their license by having passed an exam offered by either the National Certification Board for Therapeutic Massage and Bodywork or the Massage and Bodywork Licensure Examination (MBLEx) offered through the Federation of State Massage Therapy Boards (FSMTB).

Suggested Language:

*(ii) has passed one of the following examinations:*

*(A) an examination offered by the National Certification Board for  
Therapeutic Massage and Bodywork; or*

*(B) the Massage and Bodywork Licensure Examination (MBLEx) offered  
through the Federation of State Massage Therapy Boards (FSMTB).*

As mentioned, additional comments are included in ABMP's written testimony. I am happy to answer any questions or provide any support the committee may need. Thank you for your consideration of ABMP's views.

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Additional comments on HB 2499:

### **Examinations**

Section 8 states somewhat general language that allows the board to approve or administer an exam. ABMP recommends that Section 8 be changed to "has passed a massage therapy competency assessment examination that meets generally recognized psychometric principles and standards, and that has been approved by the Board." This will give some structure to the types of examinations the board can recognize; exams currently used in the profession (such as those referenced above regarding the grandfathering provision) would meet these criteria.

### **Board of Massage Therapy**

The bill establishes qualifications for candidates for board membership. Based on career demographics and practitioner surveys, ABMP believes that requiring candidates to have five years' experience will limit the pool of applicants significantly; we suggest three years of experience as an appropriate qualification.

We also recommend limiting the number of members of the board who have massage school connections to one member. The potential for self-serving decisions is simply too great if individuals with massage school connections dominate a board. This circumstance has occurred repeatedly in other regulated states where no restrictions were in place. We recommend adding: "No more than one professional member of the board may be an owner of or be affiliated with any massage school."

### **Continuing Education**

ABMP is also concerned with the number of continuing education hours mandated in the bill. The purpose of continuing education should be continued competency, not professional development. Much of massage therapy continuing education that is offered is technique based. Should massage therapists keep up with contraindications of massage, review intake and health history information, and ensure safe and effective provision of massage? Yes. Do all massage therapists need to be mandated to learn new massage techniques? No. ABMP recommends decreasing the continuing education mandate to no more than six hours per year.