

Testimony against House Bill No. 2499 session of 2008

Given by: Nancy SC Thomer, practicing Bodyworker for 25 years and long standing member of the AMTA and Nationally Certified by the NCBTMB since 1992.

House Bill 2499 Pg 1 lines 12-13 state "may cause public safety issues if the practice is not subject to responsible regulation" There is no factual or statistical data to confirm this statement. My personal experience as a practicing Bodyworker in a highly litigious area of the country contradicts the validity of this claim for need of state regulation. Therefore this Bill should be rejected.

It should be noted that the Industry of Massage Therapy and Bodywork is already regulated, albeit voluntarily, by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) established in 1992.

It should also be noted that the educational standards this body is considering for State Regulation are the very same as those already in effect with the NCBTMB. This certifying board is without incident and serves to protect the public in ways that are more effective than State Regulation could hope to do. Pg2 lines 1-4.

For example; the NCBTMB is a national organization which gives consistency to the minimum standards of practicing Massage Therapists *and* Bodyworkers giving the mobile public ease in choosing a practitioner regardless of their location at the time. Individual state laws preclude this and therefore cause greater chance of harm to the public. The validity of this rationale has been wholly substantiated by the Federal Government when it created the USDA Organic as 'the' official organic certifying agency, whose stated purpose is to create one set of rules and eliminate the confusion caused by having many different certifying bodies.

Another example: The voluntary status of the NCBTMB is an easy indicator for the public of the seriousness and validity of a practicing therapist by its very nature of being voluntary. "Unscrupulous individuals" do not have this designation and pose no threat to the industry because they cannot meet the criteria.

This Bill is fatally flawed because it does not address Bodywork and will cause confusion to the public because of the overlap in techniques shared with Massage Therapy. Therefore, Bodywork needs to be defined separately and distinctly. Failing this the Bill before you should be rejected.

This Bill effectively eliminates the practice of Bodywork or leaves it without any regulation, voluntary or mandated opening the door to confusion and harm to the general public.

This Bill is fatally flawed in protecting the public by its very definition of Massage Therapy Pg 2 lines 27-30 Pg 3 lines 1-13. The language serves to limit the effectiveness of the treatment by imposing the health care philosophy of one method of care, namely

Traditional Health Care, upon those of us who practice under other philosophies such as Wholism, Arevedic and Eastern. It is not unlike demanding that Catholicism be governed by Judaism. It serves not to protect the public but to limit it.

This bill is fatally flawed by including specific techniques such as myofascial release and reflexology without recognizing other techniques that work synergistically with those specifically mentioned. This emphasis gives undue credibility to those techniques mentioned and will serve to confuse the public.

This bill is fatally flawed in protecting the public and the profession by blindly discriminating among techniques that can be lawfully applied by the Massage Therapist.

This Bill fails to clearly define "... active, continuous practice..." as it applies to "Existing Practitioners" under Section 6 Qualifications for Licensure. Pg 9 lines 16-18.

This Bill is fatally flawed in its inability to clearly define and its inadequacy in clearly defining the Scope of Practice thereby creating an avenue for frivolous and unwarranted lawsuits that will harm the public rather than protect them.

This Bill serves to define 'market share' among competing health care practices rather than serving the health, safety and welfare of the public and therefore should be rejected as written.

The State can best protect the general public by creating and advertising Public Service Announcements that inform the general public to seek the services of a Massage Therapist and/or Bodyworker who has been Nationally Certified.



National Certification Board for
Therapeutic Massage & Bodywork

Let it be known that

Nancy J.C. Thomer

*has demonstrated the fundamental knowledge required for competency in this profession
and is hereby awarded the designation*

Nationally Certified in Therapeutic Massage and Bodywork

Donna M. Leely

Chair

Neal Delaporta

Chair-Elect



1992

Certified Since

June 30, 2008

Expiration Date

8134-00

National Certification Number