

2 June, 2008.

To the esteemed members of the House Professional Licensure Committee: RE: **H B 2499**

Once again I thank you for the opportunity to speak up against this measure to unconstitutionally place limitations on the practice of massage in Pennsylvania. I have spoken to your predecessors several times over the last 20 years, and it would seem that they have always accepted my logic and reasoning, and declined to pass the many incarnations of this same bill (with minor wording changes) that have been proffered during that time period. I must admire the AMTA for not accepting "no" for an answer, but making each proposal more detailed than the last does not erase the glaring insufficiencies inherent in their concept. My admiration does not preclude my feelings that our profession is slowly being pecked to death by a flock of chickens. Responding to this assault on our, and the public's freedoms, every two years, could wear down the strongest individuals, so I would like your decision to settle this issue once and for all.

1. There is NO NEED for this action!
2. There is NO PUBLIC OUTCRY for such legislation
3. There is no logic or proper reasoning to this bill, only unsubstantiated assertions and non-sequiturs.
4. The whole concept is un-Constitutional, as it is an obvious 'power grab' by an organization using our State to legislate themselves a monopoly.
5. The public's right to decide their own fate should take precedent over the AMTA's deciding the fate of our profession!

1. **Need.** A search of "Medline" by Dr. Grant reveals just how "Dangerous" massage really is:

### **Abstract**

Medline citations from 1965 to 2003 were searched for cases relating significant injury to the practice of therapeutic massage. Eleven such cases were found from over 12 million medical citations. While this number is far too small for statistical analysis of injury patterns, six recommendations for training and practice were obtainable from these reports on mechanistic grounds. A conclusion of the general safety of massage follows from the paucity of report injury cases in conjunction with corroborative insurance statistics. (1)

**Massage relies on feedback from the client at all times. They are willing participants in their treatment. They are conscious at all times. They can terminate the session at any time. If they are unsatisfied, they can refuse to pay.**

Undoubtedly you will hear today "Anyone can give a massage". This is true. However, can they get PAID for it? Will the customer call them back? Can they make a career out of it? Not unless they have the talent. It might be safe to assume from the above study that more people are killed by lightening each year than were 'wounded' by a bad massage in the last 38 years.

Undoubtedly you will hear today "We need to stop prostitution". Does that mean that there is now NO prostitution masquerading as massage, in the licensed states? I believe there are already laws on the books dealing with prostitution, perhaps this hearing should be about licensing them? I find it hard not to be offended by being forced by this categorization to prove I am not one of 'them', so much for "Innocent until proven guilty!"

Undoubtedly you will hear today that some sort of "Skill Measurement" is necessary to protect the public. Since massage is sort of an intangible "art" like music, would you suggest a WRITTEN test to measure the proficiency of a musician? I suggest Stevie Wonder could not pass a written test, but I'll bet he could give a passable massage.

Finally, there is the fact that given the established 'safety record' of massage, and the fact that no one is really in the profession of massage just for the money, (it is more of a calling) you are setting up a whole bureaucracy based on mostly part time workers who depend on a client base with disposable income, which is dwindling as I speak. This current problem, compounded by the necessity of having to pay a substantial 'entrance fee' to enter the profession will not make it any better for anyone.

2. **Public Outcry.** Would anyone representing the public, and NOT involved in the profession, please raise your hand? I think we can get an indication of the public concern by a show of hands.

3. **Allegations.** Under close scrutiny, the arguments to restrict massage fall apart, and show themselves to be akin to a Hollywood set, that is to say, all for show. Take the one about 'protecting the public', from WHAT? There is no proof or studies that someone with 'formal' training gives a 'better' massage than someone with a natural talent. In fact, I have heard the opposite about newly graduated students, with the requisite hours and no practice. There is no proof that licensing deters prostitution. There is no connection between written proficiency and manual talent and skills.

Finally, Massage uses another framework entirely from the accepted 'scientific' method. At the end of this document I have printed a copy of the original Hippocratic Oath (Only ONE med school uses it anymore) 1. When you read it you will NOT find "Above all, do no harm" as it is not in there. You WILL find 4 precepts which I dare say that the current medical profession does not, and cannot follow in its present incarnation. In fact, I suggest that since the medical profession doesn't use it anymore, and it is such a good fit to what Bodyworkers hold near and dear, that we could bypass this whole discussion entirely if you will just let us adopt the original Oath for our own use!

4. **Constitutional.** Then there is the matter of the Constitution. I refer you to the Corpus Juris Secundum the widely accepted encyclopedia of law.

Section 497 addresses- Discrimination - it defines it as "The right to transact business in a **manner not contrary to public health, safety, morals or public policy must be preserved to citizens without discrimination.**"

Section 498 addresses - Arbitrary Governmental Interference - it defines it as follows "For one who is qualified, **the pursuit of a business or occupation is a right, and not a matter of the state's grace or favor, or a privilege subject to withdrawal or denial at the whim of the state.** Thus the right may not be taken away or impaired unless there is a paramount and compelling public interest. In other words, the state may not through regulation, deprive or infringe upon the right to pursue a lawful business or occupation, **unless the regulation is reasonable or reasonably necessary to promote the public order, safety, health, morals or welfare. The regulation must have a definite, rational, reasonable relationship to the legitimate state interest sought to be protected,** and the right remains except as limited by provisions of the regulating statute. Furthermore, the limitation must bear a relation to the calling or profession, and compliance must be reasonably attainable. **An individual's right to engage in a lawful business may not be arbitrarily denied to him and granted to another under the guise of regulations.**"

As stated, this bill removes my right to practice a profession; where NO Harms resulting from the present status quo have been shown, there are no comparative studies offered to prove that this 'plan' will meet the 'needs' cited. AND this bill clearly violates the Constitutional prohibitions against restricting what could be the second oldest profession, but is clearly 'legal'. Finally...

6. **Freedom of Choice.** This bill will result in the demise of bodywork as it has developed currently. It eliminates the possibility of apprenticeship as suggested in the Hippocratic Oath. It instead moves massage (Therapy) over to the control of the medical professions, which use an entirely different

# 1. Injuries Reported in Medline as Related to the Practice of Therapeutic Massage — 1965 to 2003

*Keith Eric Grant, Ph.D.*

Head, Sports & Deep Tissue Program

McKinnon Institute, Oakland, CA

## 2. The Hippocratic Oath\* (Original Version)

**\*I\* \*swear\*** by Apollo the physician and Aesculapius, and Health, and All-heal, and all the gods and goddesses, that, according to my ability and judgment, I will keep this Oath and this stipulation. **\*To reckon\*** him who taught me the Art of Massage equally dear to me as my parents, to share my substance with him, and relieve his necessities if required; to look upon his offspring in the same footing as my own brothers, and to teach them this art, if they shall wish to learn it, without fee or stipulation; and that by precept, lecture, and every other mode of instruction, I will impart a knowledge of the Art of Massage to my own sons, and those of my teachers, and to disciples bound by a stipulation and oath according to the law of medicine, but to none others. **\*I will follow\*** that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. **I will give no deadly medicine to any one if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion.** **\*With purity and with holiness\*** I will pass my life and practice my Art. **I will not cut persons labouring under the stone, but will leave this to be done by men who are practitioners of this work.** Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further, from the seduction of females or males, of freemen and slaves. **\*Whatever, in connection\* with my professional service, or not in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret.** **\*While I continue\*** to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of the art, respected by all men, in all times. But should I trespass and violate this Oath, may the reverse be my lot.

Other sources:

Albert Schatz has listed many compelling arguments that massage not be regulated down to mediocrity at: [http://www.healingandlaw.com/Massage\\_Law\\_Newsletter/massage\\_law\\_newsletter.html#MLN-CON](http://www.healingandlaw.com/Massage_Law_Newsletter/massage_law_newsletter.html#MLN-CON)

A site calling attention to the interaction of prescription medications, and what the pharmaceutical companies don't tell you is: <http://www.drugawareness.org/>

Tuesday Sept. 7, 1999 The Inquirer section A-7 1.1 billion-plus settlement seen near in vitamin price-fixing lawsuit "The settlement would resolve allegations that the companies orchestrated a vast and tightly controlled nine-year conspiracy to fix prices for wholesale vitamins... The conspiracy was alleged to have led to artificially high prices for hundreds of food and beverage companies... Justice lawyers... labeled it "Vitamins Inc." According to the Justice Department, vitamin makers developed a highly elaborate set of rules and enforcement agreements to ensure that prices and market allocations each year were fixed and stayed that way.

framework than we do. Just how different can be seen by reading the Oath below, and realizing that “Modern Medicine” cannot swear in good faith to any of the tenets of the Oath anymore. ALL they have to offer are drugs or surgery. Whom else work with ‘natural’ remedies and treatments BUT bodyworkers? Pretty much every other profession that could offer anything ‘alternative’ (NOT drugs nor surgery) has already been subsumed by the medical ‘scientific’ model. MD’s have evolved into primarily TRAUMA practitioners, and they are excellent at it. We have gone the other way. One could say, “Back to the roots”. Bodyworkers do NOT, **ever** have to deal with trauma, blood, or life or death situations. We refer to 911. However we are more probably aware of the benefits of Apple Cider vinegar, or Hawthorne Berries for high blood pressure, or the value of stretching. Will those associated tidbits be forced off the table by this bill? I’m sure of it. It severely limits what we can do and say and how we can do it and where. That is a much greater harm to the public, (and us) than the remote possibility of some vague ‘harm’, raised by the AMTA to promote their sole agenda. They sell liability insurance. They should be able to support their claims with numbers, have they?

It certainly doesn’t help our profession to have one of our organizations linking massage to prostitution, instead of asking their members to just report such shady establishments, and have them closed down? Heck, if this group offers to pay my expenses and a small stipend, I might offer to go on a one man crusade! It would certainly be cheaper and more effective in the long run than setting up a whole bureaucracy for an ill-advised non-issue.

It is all well and good to want to benefit the Art of Massage. However I don’t see that dragging our name into the gutter, equivocating our name with illicit practices, and setting up a monopoly so that one organization can dictate and control a profession and ALL of its aspects: ie entrance, education, testing, membership & liability insurance, as well as continuing education and certifications, (Literally cradle to grave) is in Anyone’s best interest, no matter what the high priced lobbyists say!

I beg you to consider and study this plea for reason, common sense and our established “Track Record” to prove once and for all that this thinly disguised, self interested bill will NEVER be worthy of passage no matter how many words they re-arrange within it. Let everyone know that Pennsylvania legislators cannot be swayed by first year debate fallacies, such are used here. Let your constituents know that hasty generalizations, appeals to authority, and non- sequiturs –let alone not proving that “Plan meets need” cannot fool this group. Let your constituents know that you voted to save the last bastion of non-scientific thought left in America. Let your constituents know that you do support the Constitutions of the United States AND Pennsylvania, and voted to uphold them for the good of the public, and their right to know and choose.

Thank You,

Craig Denega, B.A., L.M.T.  
President,  
The Ancient Healing Arts Association

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Dec. 2005

MASSAGE STYLE:

\* Combination of Swedish, Acupressure, Shiatsu, SportsMassage, and other therapeutic techniques learned from Vietnamese soldiers in the field, (similar to Hipbone Yumeiho Therapy). Synthesized from my studies of and experience with athletic techniques, Eastern philosophies, Balance, Stretching/Yoga, and much informal adaptive training and fortuitous 'surprises', experiences and circumstances during many years of practice.

SPECIALIZATION:

- \* Alleviation of muscle pulls and strains resistant to conventional medical treatment.
- \* Customize exercise and stretching program for reinforcement of massage treatment and preventive maintenance.
- \* 2 U.S. Patents issued for "Centridyne" exercise machine a new, revolutionary approach to fitness.

EDUCATION:

1994 -2004 Taught 'Massage and Therapy for Horses' at Delaware Valley College, Equine Center, Doylestown, PA.

1992: Licensed Massage Practitioner by the State of New Hampshire. (# 509M)

1990: Certified First Level Reiki, Rev. Ojela Frank. (Now 2<sup>nd</sup>. Level)

1988: Certified "Jack Meagher" SportsMassage, Lennox, MA.

1985: Completed BA Degree Liberal Arts Temple U.

1983-1984: Gautama Institute, Philadelphia, PA.

- \* Completed Shiatsu studies with Leilah Wah.

1970-1974: Temple University, Honors Program: Major in Philosophy, Psychology, and Religion; minor in Physical Education.

- \* Emphasis on dance, gymnastics, trampoline and diving.

- \* Studied and demonstrated massage techniques.

1972-1973: Temple University, Junior Year Abroad, Rome, Italy.

- \* Traveled to Karlsruhe, Germany and studied with Gudrun Muller.

- \* Observed, & experienced massage methods from England to India.

EXPERIENCE:

1994-2004: \* Adjunct Faculty, Delaware Valley College

1988- Present: Philadelphia Park and (Prev.) Garden State Park.

- \* SportsMassage for horses at racetracks and fine barns.

1994-1996 Massage Therapist for many of the Philadelphia Eagles football team

1991-1993: Director of Massage, Body Architecture, Malvern, PA. (re-hab)

1991-1994 Elected to the Board, Head Heart and Hands.

National Massage and Bodywork Forum

1986- 1994: The Greater Philadelphia Holistic Guild.

- \* Co-founder and President.  
Organized Sportsmassage for National Events,  
Marathons, Tri-Athilons, Bike Races.  
Networking with National Massage Organizations.
- \* Teach and practice Sports Massage with  
Temple University Gymnastics Team.
- 1988-1990: Cain Chiropractic Center
  - \* Demonstrated rehabilitative stretching,  
Practiced massage.
- 1987-1988: Sheraton Health and Fitness, Valley Forge, PA.
  - \* Employed as a masseur.
- 1987-1988: Berkana Center, Abington, PA.
  - \* Private masseur.
- 1985: Temple Free University, Philadelphia, PA.
  - \* Taught massage, stretching.
- 1985: Temple University, Dance Department, Phila., PA.
  - \* Provided massage services to students and faculty.
- 1984-1985: Inner Visions, Philadelphia, PA.
  - \* Specialized in stress reduction.
- 1984: Touring Company of "The Wiz" and "Cats", Phila., PA.
  - \* Massaged cast members.
- 1981-1984: Private Practice, Philadelphia, PA.
  - \* Developed techniques for stress release.
- 1978-1984: Association for Humanistic Psychology, Annual Regional conference.
  - \* "Troubleshooter" for annual conventions of up to 5,000 participants.
  - \* Massage seminar – presentation, 1980-1983.
    - \* Massage/stretching / “Yoga” workshop presenter, 1980.
- 1978-1981: Resorts International, Atlantic City, N.J.
  - \* Worked with Nora Cattaneo, Choreographer from Las Vegas.
  - \* Massaged dancers, waitresses, casino dealers and executives.
- 1976: Villa De Soto, Argentina.
  - \* Worked with the socialization of retarded children through bodywork.  
Also, trained and rode my Stallion, "Rutilante".
- 1974: Steel Pier, Atlantic City, N. J.
  - \* Massaged Temple Gymnasts who were in the Aqua-Show and worked  
on the High-Diving Horse Lady

#### PUBLICATIONS:

- \* "Pros & Cons of Equissage" Massage Magazine, June 1992.
- \* Co-authored book "Alternative Therapy for Horses",  
with four Veterinarians. Wrote chapters about Equissage.  
Howell Bookhouse, 1992.

#### VIDEO:

- \* "Beginning Equissage" Equine Productions, 1990
- \* "Centridyne video: <http://equirub.org/centridyne/centridyne.htm>