



To the honorable Daniel Hawkins, Chairperson
House Health and Human Services Committee
February 9, 2015

Testimony in favor of House Bill 2123

I am a massage therapist and own a massage therapy studio in Roeland Park, KS. One of the controversial aspects of statewide massage regulation has become this issue of what is appropriate for the state to regulate and what authority should remain with local jurisdictions. I am here today to shed some light on what it means to work as a massage therapist in Kansas.

Roeland Park is a small suburb of the Kansas City metro area and is one of 20 cities in the county. Of those cities, 14 currently have various laws on the books regulating massage therapy and licensing. The hodgepodge of licensing in these cities clearly illustrates the need for state control of the license process.

The most egregious aspect of these city laws, is that they don't reciprocate from city to city. Most cities have basic requirements for a local permit, and many of the requirements are the same: fill out an application, pay a fee, meet minimum education requirements, submit to a background check. To expand my business to another city I would have to obtain a local permit in each city. It's duplicative and expensive.

Most cities also require a therapist has to have a physical location (brick and mortar) in order to conduct business in the city. Each location would require a business and establishment license, as well as a massage therapist license for each person who works in that facility. It's cost prohibitive. Many of the business opportunities I'm forced to turn down would not even require a physical location.

For example, it's become more common for businesses to want to offer their chair massage to its employees. This is something that would not require me to have an office of my own. I would simply set up my massage chairs in the



business, bring some co-workers, and offer services. However, this is not permitted in most cities, with local regulations.

Other examples include:

- A licensed massage therapist cannot provide treatment to a hospice patient unless the patient resides in the city where the therapist holds a license.
- I receive requests to go to nursing facilities to provide healing touch to patients who are desperately in need- and I have to say no because the city they are in forbids it.
- Most cities in Johnson County prohibit a resident from having a massage therapist come to their home to provide this care.

Even advertising is complicated. My facility borders Fairway, Prairie Village, Mission, and 7 blocks north Kansas City KS. In order to attend events at these cities and put up a tent promoting my business at the city events, I would have to purchase or rent space in each of them and hold a license in each city. Rent, license and other fees for each facility would easily be over 20K per year per city. Remember, there are 14 cities in Johnson County with license laws where I would want to work.

If a massage therapist were to provide massage throughout all of Johnson County KS, it would literally cost tens of thousands of dollars annually. I am a small business; I barely generate enough revenue to maintain one structure! In addition I employ 6 people in KS, and pay each of them a living wage and high quality employment, as well as generate tax revenue for the state.

It's also obvious that cities are not well equipped to develop ordinances for professional regulation. In most cities, the only profession required to have a city license is massage therapy. We are singled out.

When I applied for licensure in Roeland Park, KS in 2010 I was horrified to learn that the statute on the books (passed in 1977) required a gynecological exam for women for licensure. I was outraged and went to the city council and demanded they change it. They were embarrassed and didn't even know that was a requirement for a massage license. In December 2011 when



Roeland Park changed their rules, they didn't even consult anyone in the industry- even though I had offered to participate.

Instead, the city admitted that they literally cut and pasted the rules from the neighboring town of Mission, KS. We received notification on December 14th, 2011 that we had until December 30th 2011 to comply with the new rules in order to obtain a renewal licensure. Again, I had to go to the Council and request that they insert a grandfather clause and make other changes. Luckily Roeland Park (unlike other cities) listened and they did make changes. But they admitted they had no idea what they were doing in creating statutes concerning professional license. Other cities are not willing to change, and won't even hear testimony when I request to be heard.

Last year the City of Lenexa sent a letter to all licensed massage therapists stating that the city would be amending the massage therapy statutes and those massage therapists who did not qualify under the new terms would be removed from the profession. The city would not even tell us what those new rules were going to be - we would just have to wait and see.

We attended the next City Council meeting with over 100 massage therapists and demanded to be heard. We advocated for a grandfather clause and reciprocity for adjoining cities and to get rid of the onerous "supervision" clause, the bathroom clause, and many other- 28 in total. The new rules The Council agreed to a few of our concerns, though they would not grant reciprocity or omit the supervision or alter the bathroom requirement. The grandfather clause was weak, the only allowance is that the licensee had worked for 5 years in the city of Lenexa. The supervision clause demands the one person be deemed a manager. Even if other therapists are independent contractors are working at the facility- the "manager" has to be on premise any time any licensed practitioner is on site. Most therapists split shifts and work from 8am to 9pm 7 days a week. This clause has required the therapists dramatically cut down on their hours and lose revenue. Another clause states if more than 5 people are in the facility at any one time, you have to provide gender specific restrooms. Many massage therapists, good qualified therapists, were unable to qualify and had to close their offices and leave Lenexa. Many others are looking for space in other cities to avoid these terrible new laws.



We must have state control over licensure. Allowing the cities to have their own rules is crippling the industry. Law enforcement statewide would be able to use this as a tool. At the same time, businesses like mine who are being strangled by city regulation would be able to grow without the threat of cities changing their rules at their discretion.

There has also been some discussion of whether or not allowing a city board to license massage facilities is appropriate. I believe that would be acceptable IF the provision was that they were only able to inspect for cleanliness, safety and compliance with broad city rules. I would not believe it wise to allow the city to have any say on professional licensure, scope of practice or how many bathrooms, who can be on premise etc. Additionally, I believe any facility license requirements should apply broadly to every industry, and cities not be allowed to construct specific language to massage therapists facilities. If this provision cannot be maintained, I would not be in favor of local control over the facility licensing.

Thank you for taking the time to hear my testimony.

Sincerely,

Julia K Thomas
Owner Imagine Wholeness Massage Therapy
Roeland Park, KS
Email: Julia@imaginewholeness.com
816-694-1611