

February 6, 2015

Ronald W. Garffie
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Olathe, KS 66062

Kansas State Capitol
Attn: Representative Daniel Hawkins
Chairman of the House Committee on Health and Human Services
300 SW 10th St, Room 521-E
Topeka, KS 66612

Dear Honorable Chairman and Committee Members,

I want to encourage the entire committee to approve House Bill 2123. Although we live in Representative Schwab's district, my wife and I have owned the Massage Envy Spa Lenexa/Shawnee located at 13224 W. 87th Street in Lenexa, KS for seven (7) years. We currently have 18 massage therapists on staff, and are actively hiring more. We believe that state-wide licensing would help the massage industry in multiple ways including:

- Ensuring that all massage therapists have minimum requirements to practice in the state
- Assisting in reducing time from hire-to-job starting
- Allowing massage therapists a wider reach to provide onsite chair massage across multiple city lines without having to license in each separate city
- Legitimizing massage therapy as an occupation/practice in the state of Kansas and following the lead of 48 other states who have state wide licensing
- Helping citizens have a single place to log all complaints and inquiries on massage therapists; and an organization that will investigate issues
- And most importantly, protecting public safety from fraudulent people and practices

As the largest employer of massage therapists in Lenexa, Kansas, we disagree with any and all local communities that local police departments can better regulate licensing than the state Board of Nursing can.

For example, in our city of Lenexa:

In February of 2012, a city attorney convened a special meeting in the City Council chambers with all the legitimate massage therapists in town. This meeting was held to discuss flaws and possible changes in the ordinances should be made to address the illegitimate massage therapists and establishments in

town. Also in attendance, was a city detective disclosing that the police had already an investigation of this matter for some time. A few months later, when I contacted that same city attorney, she was reassigned from that case.

In September of 2013, the city of Lenexa performed an inspection of all massage therapy establishments and massage therapists in town. Although our establishment opened in February of 2008, this was the first inspection the city had ever completed. The city inspector performed the inspections authorized under the current ordinances that allowed "right of entry", which had been on the books since 1995 (attached). At our count, they shut down at least 4 fraudulent massage establishments and their "therapists" in Lenexa.

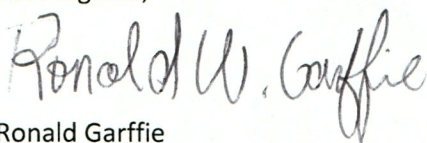
In May of 2014, the city of Lenexa city council passed updated ordinances, with substantially no changes to the "right of entry" code (attached). Both the previous code and the current code neither did nor does require or obligate city officials to perform inspections.

As one can see, in February of 2012, when the city was already suspicious of illegal activity, it took nearly 18 months to shut down the illegitimate establishments and therapists, with over 2 years to respond legislatively. Conversely, those states with statewide licensing, if one reports therapist to their oversight board, the board performs an investigation of the therapist within weeks and if found wrongdoing is found, their license is revoked. We expect the same to happen with the Nursing Board of Kansas. And rest assured, the 40 of the 41 states with statewide licensing, only the massage therapists are licensed, with the establishment licensing, including massage establishments, still handled by local authorities.

You may hear testimony from our city officials looking for the perfect bill that addresses all concerns, such as education validation procedures, background check procedures, state and local communication procedures, and regular inspection procedures. In my humble opinion, no bill passed is perfect for all parties. In this case, this bill has oversight to adapt to changing conditions in the therapist community, in the form of the Board of Nursing and the six (6) member advisory board. If my city officials have particular interests in this area, I would encourage a city representative become an advisory board member to advise the nursing board to avoid potential "bumps in the road". That way, one city's best practices can help to protect the vast majority of Kansas communities that have no massage ordinances.

We believe that the people in the state of Kansas deserve the peace of mind knowing that all massage therapists that they see in this state meets minimum requirements through licensing, and that they have a responsive organization who continues to have oversight over them. We avidly endorse House bill 2123, and encourage all committee members do the same.

Best regards,

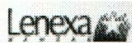
A handwritten signature in dark ink that reads "Ronald W. Garffie". The signature is written in a cursive, flowing style.

Ronald Garffie
Kansas Citizen and Business Owner

LEGAL[Legal](#)[CITY CODES](#)[Ask Lenexa](#)[SITE INDEX](#) | [ONLINE SERVICES](#) | [BUSINESS](#) | [COMMUNITY](#) | [GOVERNMENT](#)[CONTACT](#) | [E-GOV](#) | [SEARCH](#) | [NEWS](#) | [JOBS](#)**LENEXA CITY CODES**ARTICLE 2-3-B HEALTH AND SAFETY REGULATIONS;
INSPECTIONS**Section 2-3-B-2 RIGHT OF ENTRY.**[LENEXA CITY CODES](#)[GENERAL INFORMATION](#)[GENERAL FAQs](#)

The Police Chief and Building Codes Administrator may, from time to time, make an inspection of each licensed massage therapy establishment in the City, including locations where an in-office massage therapy establishment provides services, for the purposes of determining that the provisions of this Chapter are being complied with. Such inspections shall be made at reasonable times and in a reasonable manner. Any failure on the part of any licensee or employee to permit immediate access to an inspector shall be grounds for revocation or suspension of any business license or therapist license. (Ord. 3905, 3-16-95)

City of Lenexa, Kansas
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would provide any service or satisfy any request for actions which are prohibited under this Chapter.

Q. No individual shall reside, inhabit or otherwise sleep overnight at an establishment with the exception of a licensee who operates an establishment in his/her home or residence. With respect to licensees who operate an establishment out of his/her home or residence, no individual living in the home or residence shall reside, inhabit or otherwise sleep in the portion of the home or residence that is devoted to the practice of massage therapy.

R. The establishment shall comply at all times with the Health and Safety Regulations set forth in Section 2-3-A-5 above.

Section 2-3-A-9 OPERATIONS INSPECTIONS; IMMEDIATE RIGHT OF ENTRY.

City representatives may, from time to time, make an inspection of each licensed establishment in this City, for the purposes of determining that the provisions of this Chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. Prior notice of the City's intention to conduct such inspections is not required. It shall be unlawful for any licensee to fail to allow immediate access to the premises or to hinder an inspection in any manner, and any such behavior by the licensee or manager shall result in revocation or suspension of the establishment license and any appropriate therapists licenses.

Section 2-3-A-10 RESTRICTION OF BUSINESS TO PREMISES.

- A. All massage therapy (excluding in-clients' office or in-clients' home massage, as those terms are defined in Article 2-3-D) provided for under this Chapter shall be conducted on the premises of a licensed massage establishment.
- B. Subject to subsection C herein, all licensed massage establishments shall be operated from a commercial business location.
- C. An establishment can be operated from the therapist's home or residence provided that the location is properly licensed as a massage establishment and otherwise complies with this Chapter and the City's home occupation requirements set forth in Section 4-1-B-24-F.

Section 2-3-A-11 APPLICABILITY TO EXISTING BUSINESSES.

Existing massage establishments are required to bring operations into compliance with all provisions of Article 2-3-A by August 1, 2014.

Section 2-3-A-12 RENEWAL OF LICENSES; EFFECT OF LAPSE.

Establishment licensees are required to apply for an annual renewal of the license at least twenty-one (21) calendar days prior to the expiration date of the license by completing and submitting the renewal paperwork packet. The renewal paperwork packet is similar to the application packet, but is abbreviated and meant to provide the City with any information that has changed or been updated since the original application.

The City will make reasonable efforts to notify licensees of an upcoming expiration of a license, but the City's failure to provide such notice or the failure to receive such notice shall not relieve the licensee from the requirement to file all required renewal paperwork at least twenty-one (21) calendar days prior to expiration of the current license to prevent any lapse. The fee for an annual establishment license renewal is set by separate resolution of the Governing Body. The renewal fee shall be nonrefundable.

If a lapse in the license term occurs, a licensee will be required to apply for a new establishment license pursuant to the provisions of this Chapter.

Section 2-3-A-13 OTHERWISE LICENSED BUSINESSES.

Businesses which provide massage therapy services as an accessory service to the predominant business purpose of the establishment, and which are categorized and qualified to operate by the City under a different business license type, will be subjected to annual inspections of the massage facilities to ensure they are in compliance with this Chapter.

Section 2-3-A-14 EXCEPTIONS.

The provisions of this Article 2-3-A shall not apply to hospitals, nursing homes, or sanitariums.

Section 2-3-A-15 TRANSFER OF LICENSES. (Rep. Ord. 5373, 05/06/2014)

Article 2-3-B MASSAGE THERAPIST LICENSING AND OPERATIONS