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Free State Coalition  
Legislative Chairperson  
Denise Gum  
[dgum09@cox.net](mailto:dgum09@cox.net)  
785-234-0752

The Honorable Daniel Hawkins, Chairman  
House Committee on Health and Human Services  
Statehouse, room 521-E  
Topeka, Kansas 66612

Testimony in opposition of HB-2123

Dear Representative Hawkins and Members of the Committee:

My name is Denise Gum and I've been an active Massage Therapist in Kansas for 20 years. I'm appearing today on behalf of the members of the Free State Coalition as their Legislative Chairperson.

As some of you know we have been against licensure for many years because of what we have witnessed happening in other states as they become licensed compared to the freedoms of practice we have here in Kansas. They start out with the best intention only to become more restrictive and oppressive as time goes by leaving many therapists without work and no recourse but to move away from the profession or the state.

We were told once that it is easier to stop a bill then to correct one later on. The Physical Therapists took 10 years to get their licensure right. South Dakota massage therapists tried for 12 years to repeal theirs only to have it amended again. Missouri tried in 2013 to repeal theirs. Each state has lost schools, therapists and income. And even this year in West Virginia we have their Auditor recommending removal of their licensure board and law for the fact there is no public harm. I know each Legislator here is interest in what other state have done or are doing on this issue. It's wise to learn from their mistakes and save our state money, time and our therapists grief.

Now we have HB-2123 on your desk that looks on the surface as a simple bill defining who and what the massage profession is. But what we are seeing are problems with those definitions being more medical then what our practices are. In the definition of compensation (pg1-(Sec.1)-(c)-line13-14) to mean "anything of value" is too oppressive and should be removed.

This definition could even mean that if we are retired and want to volunteer our service to a for-profit city/civic group in exchange for a mention in the program we have to keep up our license, We should be able to volunteer for any group not just for "charitable organizations" that phrase should be removed (pg 4-(Sec5) #4-line17).

No other profession requires retirees to maintain their license to do that. CPAs can volunteer for AARP or do taxes for free. Teachers can volunteer to teach English or teach how to read without a license renewal.

According to surveys done in 2013\* -70% of people searching for massage nation wide are for relaxation. The usual treatment plans required here (pg 2-(Sec.1) (1)-line 11-14) just aren't developed and maintained for relaxation massage and should be modified. All therapists keep an informed consent form, (pg2-(Sec1) #2-line15) and simple client records, (pg2-(Sec1) #6-line25). Even liability insurance (pg 10-(Sec15)-line32) is available online at a reasonable rate of \$150.00 **a year** for 3 million dollars coverage. Even the industry knows we are a low risk.

The majority of massage therapists statewide know nothing about this bill or the threat to their ability to practice their profession. The make up of the Advisory Committee (pg 5-Sec.7)-that will be governing our

profession has changed from last year from 7 member, 2 board members and 5 non-board members- all to have been massage therapists to 2 board members and 4 non-board members with only 3 being massage therapists. What we are seeing is the erudition of our representation to members that aren't in our profession.

We are asking that the number of board members be restored to 7 with the extra member required to be a massage therapist and a member of one of the 2 state massage associations. The 2 state associations (KATMB Inc. (30years old) and Free State Coalition (4years old) are vital in Kansas for providing massage therapists continuing education at a reasonable rate.

In conclusion;

We know that a licensure of massage therapists isn't going to fix the issue of Human Trafficking in Kansas, for cities have had licensure for years and it hasn't stopped it. Background checks for all business licenses at the city level and creating good state laws concerning Human Trafficking is the best means to stop this issue. Kansas did that two years ago. Complaints can be filed with Law enforcement where they are investigated and handled.

Although the field of massage therapy appears to be expanding the public usage is still at only 2% of the population and the graduation rate in schools is declining\*.

Massage Therapy in Kansas is doing well and the state isn't losing income, jobs, and schools or raising the budget because of this profession. But if this bill goes through we believe it will. We stand against licensure of this profession.

Thank you for your time.

I will be happy to stand for questions.

\*Sources:

- 1) Harstad Strategic Research 2013 Consumer Survey
- 2) 2013 ABMP Report on bodywork and massage therapy education