

Lynn Stallard
A Shanti Terra Massage
2880 SW College Court
Topeka, KS 66611
785-271-1819

Representative Daniel Hawkins
Chairman of the House Committee
Of Health and Human Services
State House, Suite 521-E
Topeka, KS 66612

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Thank you for allowing me to testify here today on HB2123. I have been a full-time, self-employed massage practitioner for over 31 years and a member of Kansas Association of Therapeutic Massage and Bodywork (KATMB) for 30 years.

At the risk of being confusing, I both support and oppose this bill. Please bear with me while I explain.

I am well aware of the changing cultural problems in our profession, brought about in part by the growth and popularity of our industry, and of the beliefs that this regulation will benefit all concerned.

From the very beginning, I have spoken out against this process of regulation because I do not believe this bill has the support of the massage community, at large, that the proponents would have you believe, and I remain deeply concerned about the difficult impact of all this regulation would have on the majority of therapists.

I want to remind you that the vast majority of massage therapists in this state, during the 32 years I have been practicing, did not attend a massage school – some estimated 1800 business owners' - numbers provided by the proponents of this bill. They have been part of the pioneers that developed massage therapy into the well-respected position it holds today. They did this by developing viable, legitimate business, earning the trust, confidence and loyalty of their clients. I have always believed in the value of these individuals and their contributions to the enhancement of their client's lives, their communities and to the massage profession. I also believe that they, the considerable majority, are unrepresented in this process, and that many still do not know of this bill's existence.

Because of this, I have attended numerous meetings and hearings to bring about compromises that make this licensure bill more fair and equitable. Through that process, many of my

objections and concerns were addressed and diminished, and I am grateful for the efforts of all who have participated. Those efforts have produced, overall, a pretty decent bill. But still, it is a bill I am compelled to oppose.

I, myself, know well over 50 therapists, some of these being members of the proponents' organizations, who oppose this bill, and share my concerns about how this regulation will impact our businesses and our ability to work. Many are also concerned that if passed, the door will be opened to even more regulation that could adversely affect our ability to work (as has happened in other states, like South Dakota.)

There are so many unknowns in this bill, stated as "rules and regulations as established by the board." No less than nine times this phrase appears in this bill, and this board will exert control over our profession long after you have moved on and forgotten this bill. The construction and power of this board is very important to all of us who practice massage. In some states (i.e. West Virginia, South Dakota, etc.), the power of their boards became abhorrent, and they are undergoing efforts to change or eliminate that power.

This board as described in the bill will be comprised of two members of the Board of Nursing, one appointed by the Attorney General and 3 massage therapists, one of which can be an owner of a massage school. That means that half of the board will have no real knowledge of the broad field of massage therapy. One person will be one who will financially benefit from more regulation (the owner of the massage school) and that leaves two people to represent the rest of us and our interests! Since over half of the projected people to apply for licenses will not have attended a massage school and will be grandfathered, will they be adequately represented? I doubt this, given the appointments are to be made by someone other than massage practitioners. Last year's bill stated there would be 5 massage therapists on the board, with one owner of a school. This was much more satisfactory. It seems to me that if part of the purpose of this bill is to elevate the profession, the practitioners themselves should comprise the majority of the board, and that the practitioners who have not been to school, and are worthy of grandfathering, should also be adequately represented on this board, especially in the first 4 years.

Massage Therapy is a very broad field with many modalities and half of these board members won't even be from the field. Stuart Little's testimony to the Senate committee stated that this bill would provide the right to control their (our) profession, not place it in the control of others. This bill does NOT do that.

Now, I ask you would you want your profession regulated by a board where half of them had nothing to do with the profession. I think not! I know I certainly do not, and hope you will reject or at least amend this bill based on this one item alone.

In the end, even though I think this is the best bill drafted to date, I still urge you to reject it, or at least amend it concerning the construction of the board.

Please also remember that the membership of the proponents of this bill number around 600-800 – only 33% at best of the estimated 2400 therapists in the state. They and their bill do NOT represent the wishes of the majority of therapists in this state.

Thank you for listening to me today and considering what I have to say. I am open for any questions or comments.

Sincerely,

Lynn Stallard