

## MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairperson Mary Pilcher-Cook at 1:30 pm on Tuesday, February 03, 2015, 118-N of the Capitol.

All members were present except:

Senator Jacob LaTurner – Excused

Senator Mitch Holmes – Excused

Committee staff present:

Iraida Orr, Legislative Research Department

Randi Walters, Kansas Legislative Committee Assistant

Whitney Howard, Legislative Research Department

Renae Jefferies, Office of Revisor of Statutes

Nobuko Folmsbee, Office of Revisor of Statutes

Conferees appearing before the Committee:

Stuart Little, Kansas Chapter of the American Massage Therapy Association

Marla Hieger, Government Relations Chair for the Kansas Chapter of the American Massage Therapy Association

Jean Robinson, Government Relations Director, Associated Bodywork and Massage Professionals

Sharon Miller, NCTMB, ITEC Qualification, Bellus Academy Massage Director/Educator

Nicole Proulx Aiken, League of Kansas Municipalities (LKM)

Thomas Honglo, Police Chief, City of Lenexa

Denise Gum, Legislative Chairperson, Free State Coalition

Lynn Stallard, A Shanti Terra Massage

Carrie Collins, President, Kansas Association of Therapeutic Massage and Bodywork, Inc. (KATMB)

Others in attendance:

[See Attached List](#)

### **Hearing on: SB40 — Massage therapist licensure act.**

Chairperson Pilcher-Cook opened the hearing on **SB40**. Nobuko Folmsbee, staff revisor, reviewed the bill. After questions by the committee were addressed, the hearing continued.

Stuart Little, Kansas Chapter of the American Massage Therapy Association, testified in support of **SB40** which would provide for a state license for an individual to practice massage. Mr. Little stated that they believe that **SB40** will not damage the practice of massage. It's going to provide some minimal standards and oversight and recourse for bad experiences. Mr. Little stated that it will provide a formal means for filing formal complaints to protect the public from physical harm, sexual abuse, and unwanted and unwarranted sexual impropriety. ([Attachment 1](#))

Marla Hieger, Kansas Chapter of the American Massage Therapy Association, testified in support of **SB40**. Ms. Hieger stated that they support state licensure as it will bring about uniform standards of

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education, training, standards of practice and ethical requirement for the profession to best protect our citizens. ([Attachment 2](#))

Jean Robinson, ABMP, testified in support of **SB40**. Ms. Robinson stated that ABMP's priority is to insure that the regulation of the profession be accomplished in a way that their members and other massage therapists can continue to practice, grow their business, and that public access to massage therapy as a health care service is not compromised. ([Attachment 3](#))

Sharon Miller, Bellus Academy, testified in support of **SB40**. Ms. Miller stated that she does not want to see over-regulation in their industry, but she believes there must be standards set and followed for the safety and protection of their clientele. Ms. Miller stated that massage licensing in Kansas will protect the public and will legitimize their industry. ([Attachment 4](#))

Nicole Proulx Aiken, LKM, testified in opposition of **SB40**. Ms. Proulx Aiken stated that their concern is with Section 12 of the bill, because it preempts cities from maintaining professional licensure requirements for massage therapists. They are concerned that cities won't be able to protect their citizens from crimes like prostitution. ([Attachment 5](#))

Thomas Hongslo, Police Chief, City of Lenexa, testified in opposition of **SB40**. Chief Hongslo addressed some of the problems they've had in the past and why they believe they need to retain local control of the licensing of the massage therapy industry. Chief Hongslo stated that **SB40** will create confusion and gaps in information at a time when we need to tighten up the licensing of massage therapists, and he believes that is best done at the local level. ([Attachment 6](#))

Denise Gum, Free State Coalition, testified in opposition of **SB40**. Ms. Gum stated that they do not believe that the public is at risk with massage therapy. She addressed some of the concerns that they have with **SB40**, and some requests for changes. She referenced an attachment to her testimony: West Virginia Legislative Auditor Performance Evaluation and Research Division, Regulatory Board Review, *Massage Therapy Licensure Board*, December 2014 PE 14-09-563. ([Attachment 7](#))

Lynn Stallard, A Shanti Terra Massage, testified in opposition of **SB40**. Ms. Stallard stated that she both opposes the bill and would like to support some of it. She indicated that she has attended numerous meetings over the years. Ms. Stallard stated that when this first started she was unhappy with the bills that came out; she believed they were unfair and unequitable. She stated that through that process most of her objections have been addressed, and she's grateful for all the efforts that have been put forward. Ms. Stallard stated that **SB40** still has some parts that she is concerned about, and addressed those issues. ([Attachment 8](#))

Carrie Collins, KATMB, presented neutral testimony on **SB40**. Ms. Collins stated that KATMB has been involved in the process of this bill since the first KDHE hearings in 2009. Ms. Collins indicated that based on the language of **SB40**, as currently introduced, KATMB will remain neutral. She stated

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that they will remain watchful of this process to ensure their members may continue their work in Kansas. ([Attachment 9](#))

Written testimony in support of **SB40** was submitted by:

Ronald W. Garffie, Owner, Massage Envy Spa ([Attachment 10](#))

Les Snyder, Kansas City Regional Director, Massage Envy ([Attachment 11](#))

Written neutral testimony for **SB40** was submitted by:

Katie Killen, Assistant City Manager, City of Shawnee ([Attachment 12](#))

Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing ([Attachment 13](#))

After questions by the committee were answered, Chairperson Pilcher-Cook closed the hearing on **SB40**.

The meeting adjourned at 2:33 p.m.

The next meeting is scheduled for February 4, 2015.