

To: Committee on Public Health and Welfare  
The Honorable Mary Pilcher-Cook, Chair

From: Sharon Miller, Massage Therapist, Massage Therapy Educator,  
Nationally Certified in Therapeutic Massage and Bodywork,  
International Therapeutic Examination Council Qualification in  
Holistic Massage Level III, Craniosacral Therapy Level I

Date: February 3, 2015

Re: Advocate of Senate Bill SB 40

Madame Chair and members of our Public Health and Welfare Committee,

Good afternoon, ladies and gentlemen. It is an honor to be here and speak to you today.

My name is Sharon Miller. I am a native Kansan. I was born and raised here and I raised my own family in Kansas. I am a Kansas massage therapist and the program director for massage therapy at Bellus Academy in Manhattan, Kansas. I have over 25 years of experience in this industry as a practitioner, and have served 13 years as a massage therapy program director and lead educator for three career colleges within our state. I have also maintained a status of national certification through the NCBTMB since 2006, and I hold an international qualification for Holistic Massage, Level III through the International Therapy Examination Council, aka ITEC. The NCB contacted me several years ago and invited me to be the Kansas Liaison for their Government Relations Board, which I graciously accepted and served on several committees. Because of recent changes within the NCB's mission and purpose for the advancement of massage therapy education, this Board no longer exists, but I still maintain my personal and professional interest and support in regulating massage therapy in Kansas.

I am here in support of SB40 regarding massage therapy licensing for the State of Kansas. I, like most massage practitioners, do not want to see over-regulation in our industry, but I do believe there must be standards set and followed for the safety and protection of our clientele.

I am also here to suggest amending this bill to include measures that will require regular inspections of massage therapy facilities for the protection of the public, and for the safety of possible human trafficking victims. This bill, as presented, does not have provisions for massage facility inspections, and does not address any specific plan for protecting the massage consumer.

Massage is in the category of alternative medicine, human touch services as well as health and wellness. Our clients have the right to expect safety, cleanliness

and protection from injury or sexual activities. Without a governing board to oversee massage regulations, Kansas consumers currently have nowhere to go to report violations, therefore, Kansans are NOT protected and will not be protected without the support for and passing of this bill.

Another concern for the massage therapy industry in Kansas is the growing issue of human trafficking. We cannot turn a blind eye and a deaf ear to this horrible business of exploiting innocent young victims any longer. Unfortunately, Kansas has become a crossroads for human trafficking with the use of interstates 70 and 35. This awful crime has taken Kansas hostage along with the massage industry. We have become a pathway for the exploitation of young women in our nation. Kansas has seen several convictions over the years, and most recently in our own capitol city of Topeka. These criminals can simply set up a “massage” business almost anywhere in Kansas. They bring in their victims to sexually exploit innocent individuals who are simply looking for what they think is an opportunity to be employed in our state.

Kansas has also become a “dumping ground” for therapists from regulated states who have violated laws and lost their state license. Kansas is known nationwide as one of the last five unregulated states, so violators come here to set up business.

Because Kansas does not require licensing on the state level, several cities and counties in Kansas, such as Wichita and Johnson County, have taken the steps on their own to regulate massage therapy, and they require their massage practitioners to be licensed.

Our neighboring states of Missouri, Nebraska and Colorado ALL require a state massage license to practice. In fact, 45 out of 50 states in the United States have faced this decision before us and HAVE passed licensing legislation for massage therapy. Massage licensing in Kansas will protect the public and will legitimize our industry. We ARE professional practitioners. We NEED to have health and safety standards to protect the public. We need regulations that CAN and WILL be enforced. We need massage facilities INSPECTED regularly like many other health-related and human touch-related professions.

I have included in this testimony a copy of a letter from the General Counsel for the Kansas State Board of Healing Arts that was presented in 2012. I thought this was important for you to review as this letter supports my concern for this current bill having no required inspections.

The testimony provided stated, **“Additionally, HB 2564 (the bill introduced in 2012) does not contain any provisions for licensure of the massage therapy establishment. A brief survey of other states’ regulation of this profession indicates that approximately 9 states regulate both the massage therapist and the establishment. This includes the neighboring states of Missouri**

**and Nebraska. As an example, Missouri performs inspections of massage establishments to ensure adequate facilities and cleanliness. In order to fully ensure the safety of massage recipients, it may be necessary to also regulate the establishment. As such, regulation of the profession may be more appropriate with the agency which already inspects many of the facilities in which massage is performed.”**

In addition to this recommendation from the previous quote above, last year the Director of the Kansas Board of Cosmetology shared her thoughts on the regulation of massage and on the importance of inspections. She stated, “As Kansas increases its commitment to combatting human trafficking in the State, the opportunity should not be missed to combat this practice by requiring the licensure and annual inspection of massage therapy establishments. Inspections protect the public and serve as a deterrent to individuals and organizations who would seek to engage in illegal activities.”

Again, I have attached a copy of this testimony for your review.

We have been before you on this matter in many previous years when massage therapy licensing legislation has failed to pass. We need your support this time. We ask you to pass SB40 once it has been amended to include responsible and necessary facility inspection for the safety and protection of the public.

Thank you for this opportunity and thank you for your time.