

February 3, 2015

Free State Coalition
Legislative Chairperson
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The Honorable Mary Pilcher-Cook, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 441-E
Topeka, Kansas 66612

Testimony in opposition of SB40

Chairperson Pilcher-Cook 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 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.

Now we have Senate Bill 40 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 (pg 1-(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 worth.

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 therapists 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 and it hasn't stopped it. Background checks for all business licenses and creating good laws concerning Human Trafficking is the best means to stop this issue. 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.

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