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Senator Mary Pilcher-Cook
Chairwoman of the Senate Committee
Of Health and Welfare
State House, Suite 441-E
Topeka, KS 66612

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Thank you for allowing me to testify here today on SB40. 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 brought about in part by the growth and popularity of our industry and the beliefs that this regulation will benefit all concerned.

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.

From the very beginning, I have spoken out against this process of regulation, because I believe as a fee for service enterprise, the public has regulated us adequately for years. I also 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, 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.”

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 the Board of Nursing. 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.

Massage Therapy is a very broad field with many modalities and half of these board members won’t even be from the field. 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. Now, I ask you would you want your profession regulated by a board where half of them had nothing to do with the profession.

It seems to me that if part of the purpose of this bill is to elevate the profession, then 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.

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