



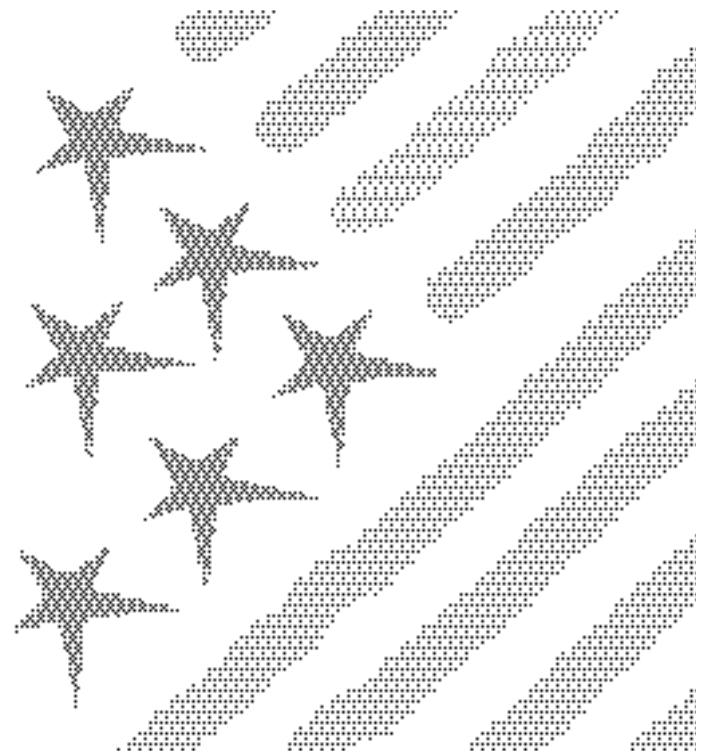
REGULATION OF THE MASSAGE, BODYWORK & SOMATIC THERAPIES PROFESSION

A perspective from Associated Bodywork and Massage Professionals

The practice of therapeutic massage in the United States dates back at least 100 years. During the 1890s, massage was routinely available at YMCAs and YWCAs, among other settings. Practitioners have offered massage services ever since, but the profession really started to grow 30 years ago. During the past 10 years, growth of the field has been explosive.

Today, an estimated 140,000 to 160,000 people in the United States practice massage, bodywork or somatic therapy. The nearly 800 state-recognized massage therapy schools in the U.S. graduate approximately 50,000 trained students each year. It is estimated that only 10% of Americans have experienced a professional massage, but that number grows each year.

The field of massage practitioners is amazingly diverse and certainly is not represented by any one voice. The two large, broad membership associations in the field are Associated Bodywork & Massage Professionals (ABMP) and the American Massage Therapy Association (AMTA). While these associations have somewhat different membership qualification requirements, each requires a significant minimum number of hours of education in massage therapy and agreement by members to adhere to a code of ethics. Together they represent about one-fourth of practitioners in the United States. Numerous other smaller associations exist, generally focused on a particular modality (a specialized practice or technique, often an approach like Rolfing or Feldenkrais developed by a founder after whom the approach is named); these typically have 300 to 1,200 members. Many others in the profession fiercely guard their independence, aren't interested in being organized, and abhor regulatory and licensing excess.



A number of full-time practitioners earn \$40,000 to \$60,000 per year; however, many individuals in the field use massage as a second career or part-time avocation. Many practitioners find working on weekends or just on family and friends to be quite fulfilling. As a result, median income from the practice of massage therapy today appears to be under \$20,000. This part-time, second career element of the massage profession is often overlooked when regulation is developed and implemented. The financial burden created by excessive regulation may be costing the profession its most valuable resource – its members. Licensure or examination fees that exceed \$100 may drive numerous part-time practitioners underground or out of the profession altogether.

The American public and progressive health insurers appear increasingly interested in holistic approaches to good health, embracing sound nutritional and exercise practices alongside traditional medicine. The practice of Swedish massage and certain centuries-old Oriental bodywork modalities have become increasingly accepted as legitimate alternative or complementary medicine. Indeed, certain modalities within the broad headings of bioenergetics, acupuncture and somatic therapy, which stresses mind/body connections, are on the leading edge of alternative and complementary medicine with regard to healing and retraining injured muscles.

While acceptance of massage by the medical community is growing, many traditional medical practitioners remain unconvinced of the connection. As a result, and also because of general health care cost pressures, many health insurers still will not reimburse clients for massage therapy services. Indeed, even within the profession, com-

peting factions promote massage as either deserving a place alongside traditional medicine or as wellness and relaxation care that should be enjoyed but should not be assumed to relate to medical practice. Some view massage as medical treatment, some as an essential part of promoting health through wellness practices, and others as simply a pleasant personal service.

WHAT DOES THE GOVERNMENT HAVE TO DO WITH THIS?

The answer is far from clear, beyond a broadly accepted government role in approving massage training schools to ensure that they deliver to the public the services they advertise. Some states go a step farther to ensure that school curriculums meet certain standards in order to be approved or licensed.

Twenty-nine states (and the District of Columbia) have chosen to extend their reach even further by regulating individual massage practitioners. In the 29 licensing states, you must be approved by the state to practice massage, bodywork or somatic therapies (or at least use certain protected titles). Most of these states have a minimum training requirement of 500 hours; the range is from 300 to 1000. Most of these licensing laws have been implemented during the past 10 years, though Ohio's dates back to 1917. California, which has the largest concentration of therapists, has no statewide massage regulation. Inconsistent regulation is the only reasonable way to describe the current patchwork of approaches.

WHY HAVE SOME STATES CHOSEN TO ENGAGE IN SUCH REGULATION?

Some appear to have done so out of zeal to regulate professional activity broadly. Where this remains the sole motivator, the current trend to sunset certain government activities may lead to termination of jurisdiction over the massage profession.

The other historical cause for state intervention in this field derives from the hijacking of the term massage by prostitutes. The phrase "massage parlor" has become a euphemism for prostitution in some cities and regions. Legislative attempts to eradicate prostitution led to the initiation of regulations affecting the activities of legitimately practicing massage, bodywork and somatic therapists. Some massage therapists welcomed such regulation as a means of distinguishing their activities and educational training from those corrupting the term massage. Others find state involvement unhelpful, expensive, bureaucratic and unknowledgeably intrusive. They see absolutely no history of public harm from receipt of professional massage therapy services and, therefore, no cause for state intervention.

THE CASE FOR NO REGULATION

Public protection is a legitimate reason for government regulation. Legislating professionalism or competency is not. When in doubt, one should be skeptical about claimed benefits of government involvement and protection.

A question asked of all professions that seek licensure (or have it thrust upon them) is "does the practice of this create a public danger or harm?" If the answer is yes, regulation of the practice is deemed necessary for public safety purposes. Does massage fit this description? No evidence has ever been presented that indicates that the practice of massage creates a public danger if unregulated.

Professional associations appropriately have jurisdiction over entry, minimum training standards, conduct, ethical standards of practice, and expulsion of members. Problems occur when professional associations become lazy at these tasks and look to state or local governments to do this work for them. Unfortunately, certain professional associations purportedly representing the interests of the profession have been the defining force in certain jurisdictions in creating barriers to entry into the field and have used the state legislatures as their tool.

For three primary reasons, state mandated regulation does not serve the interests of the industry or the public it serves:

The diverse field of massage, bodywork and somatic therapies does not lend itself to cookie-cutter regulation. In its legislative form, "massage" is a generic term. In actuality, there are more than 50 different modalities and techniques which, legislatively, fall under the umbrella of massage. Practitioners of many of these techniques do not consider themselves related to massage. Creating regulation for massage can give rise to complex definitional challenges.

Proponents of regulatory massage practitioners are mostly well-motivated by a desire to promote sound training and professional conduct. Too often, however, they underestimate side effects of regulation – excessive fees on practitioners to support the regulatory apparatus thereby discouraging people from entering the field, driving others underground which will limit consumer information and choices, raising consumer costs, and limiting practitioner incomes and mobility. The unwitting result can be less rather than greater professionalism.

SELF REGULATION

The case for self-regulation respects a market approach to economic and political activity. In this model, consumers have central responsibility for choosing among alternative service providers. As professions mature, skilled and educated practitioners find it in their interest to organize, to embrace standards of practice and codes of

ethical conduct, and to take other actions to distinguish themselves from less committed practitioners. They educate the consuming public about distinguishing features of their capabilities and services. Over time, skilled practitioners thrive and less committed colleagues leave the field.

In the positive version of this model, strong practitioners “self-regulate” through internally adopted standards, continuing education requirements and codes of conduct. This is the model that implicitly applies today in states without regulation and is interwoven on top of state regulation that sets forth minimum requirements in the other 29 states.

The status of self-regulation of the massage therapy profession today can be characterized as imperfect but evolving. The two large umbrella organizations have solid standards and codes of conduct. They are adding members at an even faster rate than the growth rate of the profession as a whole. In their individual ways they provide leadership and direction to the profession.

In addition, the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) was created for the purpose of advancing the profession, foremost by developing a uniform national exam (the National Certification Examination for Therapeutic Massage and Bodywork or NCETMB) to certify practitioners. That exam has been in use since 1992. Approximately 36,000 practitioners have passed the exam and currently are certified (a significant number of them also are members of ABMP or AMTA). To maintain that status, they must subscribe to a code of ethics, earn a certain number of continuing education credits, and become recertified every four years.

The National Certification Exam appears to provide an adequate test of basic “academic” information a massage therapist needs to know. It does not, however, test hands-on proficiency in touch. Also, no single version of this test, which is all there is at this point, can address skills in the wide variety of modalities practiced under the broad banner of massage, bodywork and somatic therapies. Nonetheless, the exam has been approved by the National Commission for Certifying Agencies and potentially offers an additional foundation piece toward self-regulation of the profession. The certification credential also may help persuade certain members of the medical profession and the general public that they can have confidence in certified practitioners.

In actuality, the presence of the NCETMB has raised the opportunity of a more seamless level of regulation throughout the United States. The critical qualification for practitioners appears to be completion of a 500-hour program from a school that has been approved to operate by the state department of post-secondary education. This is used as primary qualification for taking the NCETMB. As a method of recognizing the developing nature of the profession, it makes sense that accepting the NCETMB as an

alternative method allows for the flexibility that the field’s growth necessitates, while separating legitimate professional massage therapy practitioners from prostitutes masquerading under the massage banner.

In ABMP’s view, these two approaches (500 hours and the NCETMB) are excessive when combined. It is a very costly exercise to require both methods as fare for entry. While the allure of the NCETMB to regulators is duly noted, it is redundant and only penalizes entrants to the profession where they can afford it least – in the pocketbook. The NCETMB can be a helpful alternative, but does not merit a role as a mandate to practice.

FAIR STATE REGULATION WHERE REGULATION IS NEEDED

If problems related to massage are sufficient as to warrant government regulatory involvement, then that involvement should come at the appropriate level and should be fair and unbiased.

State level regulation is far superior to local regulation. Otherwise, the problem being addressed – usually prostitutes masquerading as massage practitioners – simply gets exported to the next jurisdiction. A classic current example is non-smoking ordinances applied to restaurants. However meritorious the motives behind such legislation, particular municipalities which pass such rules find that both sales taxes and dining choices for their residents decline. Further, most states have greater resources available than do municipalities to define and administer regulation of professions. Training schools also prefer uniform state requirements for practitioners to the alternative of trying to design a curriculum to match diverse local requirements.

Adherence to several key principles will go a long way toward assuring comprehensive, fair, and unbiased state regulation of the practice of massage:

- A comprehensive definition of what is encompassed by massage, bodywork and somatic therapies, so that each of the broad array of modalities is treated equally, avoiding “cookie-cutter” legislation under the Swedish massage umbrella.
- Reasonable educational standards for state certification of practitioners – a curriculum encompassing 500 hours of classroom work is adequate as a minimum requirement.
- Recognition of classroom work from any training institution approved by the state department of higher or post-secondary education.
- Reciprocity for work completed at an out-of-state training school (transcript review if necessary) including national or international

institutes such as those connected with Rolfing, Rosen Method, Feldenkrais, etc.

- A provision which allows an individual to practice, absent completion of the education requirements, if he or she can demonstrate to a state board of experts both physical skills and knowledge of anatomy, physiology, and the limits of appropriate practice.
- No organization-specific language, or distinction between for-profit or not-for-profit form of organization, in considering which training institutions to approve or which membership organizations to recognize.
- No requirement that a practitioner must belong to any particular professional organization. Practitioners are qualified or not qualified; their choice of professional affiliation should not determine their eligibility to practice.
- A tone to regulations which keeps them from becoming overly clinical or medicalized. Both massage practitioners and clients take pride in the heart and sense of connection provided by a skilled touch experience and don't desire to see this legislated away via mandated bureaucratic procedures.

In defining minimum education requirements, a fine balance exists between ensuring appropriate curriculum coverage and excessive hour-counting. The most frequently employed current standard is 500 hours. Thorough training in anatomy, physiology, appropriate touch techniques, the appropriate depth of touch for different muscle groups and client condition, ensuring client privacy, ethics, and business practice can be accomplished within a 500-hour curriculum. Standards that build to 1,000 or 2,000 hours or which require a practitioner to have a college degree indicate a guild mentality – trying to close the door to new practitioners or an attempt to enhance training institution revenue.

A trend in several states which recently have passed new laws regulating massage practitioners has been to require those individuals to be nationally certified as evidenced by passing the National Certification Exam sponsored by NCBTMB. Such a requirement, at least at this stage of the exam's development, is highly discriminatory. It simply does not fairly test individuals whose training has been in certain modalities other than Swedish massage. One size does not fit all. The test does not require any measure of tactile skill, of demonstrated proficiency in skilled touch.

Where an appropriate minimum education requirement exists as part of state standards, the National Certification Exam becomes superfluous as a **requirement** to practice, and an unneeded financial barrier to entry. Qualifying educational institutions will at least require students to demonstrate practical abilities, as well as book knowledge. Offering passage of the NCETMB as an **alternative** way of qualifying to practice is reasonable, and can help someone in the circumstance of relocating to a regulated state.

HELP IN DRAFTING OR CHALLENGING REGULATORY REQUIREMENTS

There seems a right and a wrong way to go about adopting state regulation of massage practice. First, it is important to take the pulse of massage practitioners and the general public to determine whether regulation is really needed. Where a clear consensus emerges on the appropriateness of regulation, then by far the preferred approach is forming a broad coalition of practitioners. Such a coalition should include members of both ABMP and AMTA, representative smaller associations organized around particular modalities, and training school administrators and teachers.

ABMP stands ready to participate in any such effort, through both contributing the expertise of its national staff and by locating practitioners in the affected state who wish to contribute to the process. We also can modify a model legislative template we have drafted to provide a proposed starting document for interested legislators. Alternatively, we will help legislators make the case that further regulation of therapeutic massage in their state is not needed or that the inequitable portions of their current state law should be revised. To take advantage of this offer of assistance, please contact:

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Associated Bodywork & Massage Professionals is a professional membership association founded to provide massage and bodywork practitioners with valuable services and information. ABMP is growing rapidly and currently includes over 32,000 women and men in its ranks. ABMP is dedicated to promoting ethical practices, protecting the rights of practitioners, and educating the public as to the benefits of massage and bodywork. Its membership is present in all 50 states and several other countries. Services provided through membership in the association include professional liability insurance, professional resource publications, an international referral service, regulatory interaction, and program accreditation through the Integrative Massage & Somatic Therapies Accreditation Council (IMSTAC).

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