

## MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 1:30 PM on Wednesday, February 8, 2012 in Room 784 of the Docking State Office Building.

All members were present except:

Representative Mast – Excused  
Representative Winn – Excused  
Representative Bethel - Excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes  
Katherine McBride, Office of the Revisor of Statutes  
Martha Dorsey, Kansas Legislative Research Department  
Jay Hall, Kansas Legislative Research Department  
Joseph Leiker, Kansas Legislative Research Department  
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Stuart Little, Kansas Chapter of the American Massage Therapy Association  
([Attachment 1](#))  
Marla Hieger, President, American Massage Therapy Association ([Attachment 2](#))  
Jean Robinson, Government Relations Director, Associated Bodywork and Massage Professionals ([Attachment 3](#))  
Julia Thomas, Owner, Imagine Wholeness Massage Therapy Studio, Roeland Park, Kansas ([Attachment 4](#))  
Ronald Garffie, Massage Envy, Lenexa, Kansas ([Attachment 5 & 6](#))  
Denise Gum, Massage Therapist, Legislative Chairperson, Free State Coalition  
([Attachment 7](#))  
Candy Bahner, Kansas Physical Therapy Association ([Attachment 8](#))  
Anita Popelka, Massage Therapist, Salina, Kansas ([Attachment 9](#))  
Lynn Stallard, Massage Therapist, A Shanti Terra Massage ([Attachment 10](#))  
Cara Walker-Spurney, Client of Massage Therapists ([Attachment 11](#))  
Kelli Stevens, General Counsel, Kansas State Board of Healing Arts ([Attachment 12](#))

Others in attendance:

See attached list.

### **HB 2564–Massage therapist licensure act**

Chairperson Landwehr opened the hearing on the bill.

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Stuart Little provided testimony in support of the bill. The public policy choice is the question as to whether individuals who perform massages should be licensed by the State of Kansas. Information was provided concerning the tasks completed by supporters of the bill and general information concerning the massage therapy community. He commented the field of massage therapy has expanded. As public use of massage has increased, and as massage has gained a greater role in the system of health, it has come to the point where protection of the public and the profession of massage therapy now require a regulated professional status. ([Attachment 1](#))

Marla Hieger provided testimony in support of the bill. In Kansas, there are no entry-level standards for our profession. Anyone can offer massage therapy without training or understanding of the need to know contra-indications to offer massage therapy. Licensure of the profession will protect the public from harm or potential harm and offer them an appropriate avenue to file a complaint should that need arise. ([Attachment 2](#))

Jean Robinson provided testimony in support of the bill. She reviewed four main areas that were the principal cause of anxiety and apprehension over the regulation of the profession – 1) qualifications, 2) affordability, 3) continuing education, and 4) home office. She stated the proposed bill is to set minimum training requirements, define a scope of practice, provide an avenue for consumer complaint, and pre-empt local regulations so that there is one consistent regulation for all massage therapists in Kansas. ([Attachment 3](#))

Julia Thomas provided testimony in support of the bill. She stated without state licensure, cities are left to have to regulate the massage industry, something which cities do not have the resources or knowledge base to effectively do. Not having minimum standards and background checks can pose a health risk to anyone receiving massage. Kansans need to join 44 other states in adopting state license laws. ([Attachment 4](#))

Ronald Garffie provided testimony in support of the bill. He stated the bill will help legitimize massage therapy and hold therapists accountable to their profession. It will also restrict and discourage practitioners from promoting or implying “other” illegal and illicit services under the guise of “massage,” similar to these CraigsList ads that are on the web this week. He requested that a provisional licensing section be added to the bill. He also requested that CEUs be accepted from both accredited establishments like massage schools, colleges and universities, but also from accredited online sources. ([Attachments 5 & 6](#))

Denise Gum provided testimony in opposition to the bill. She stated the belief that it will put many therapists out of work and make working in this profession difficult for the full-time, part-time and older working therapists of the state. Many facts about the profession were presented in

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the testimony. They do not believe that CEUs are needed and stated there are 5 licensing states that do not require any continuing education and have been successful. Concern was also expressed concerning the liability insurance requirements in the bill. (Attachment 7)

Candy Bahner provided testimony in opposition to the bill. She stated the Kansas Physical Therapy Association (KPTA) does support the credentialing of massage therapists in the state of Kansas and sees this as a positive direction for massage therapy practitioners and for the protection of Kansas consumers. The KPTA currently stands in opposition to the bill with a few simple requests for change in the current language of the “practice of massage therapy” and with the definition of “massage therapy services”. They first received this bill in the middle of last week and have forwarded to the massage therapists, suggested changes within the currently proposed language for the “practice of massage therapy” and the “definition of massage therapy services”. Their concerns deal with the current definition of the “practice” and “services” of massage therapy as the definition infers the restoration of general health with its definition and clearly calls for a “treatment plan”. Their current terminology within the definition and scope of services needs to be modified in order NOT to lead the public into believing that the practice and services of massage therapists are part of a healthcare treatment plan. She said they would appreciate the opportunity to work with the massage therapists prior to this current bill being worked or moved within this committee. (Attachment 8)

Anita Popelka provided testimony in opposition to the bill. Concerns were raised about the amount of schooling being required as well as how the state of Kansas would monitor all the massage therapists in Kansas. (Attachment 9)

Lynn Stallard provided testimony in opposition to the bill. She believes the bill is unneeded, unwarranted, and lacks support of the many massage therapists and their clients. She was particularly concerned about the incredible number of therapists who have no idea that this bill, which will impact their businesses and livelihoods, has been presented. The proponents of this bill have yet to have made any good faith efforts to educate practitioners, outside the membership of the three major professional organizations in this state, of their intentions or of this bill. The proponents of this bill would have you believe this bill has a generous grandfathering clause. At first read, this appears to be so, but on closer examination, you will find that a board, made up primarily of members of ONE entity’s choosing, may establish additional requirements for license renewal which provide evidence of continued competency. This one sentence opens the door of those of us who are grandfathered in to be denied renewal of our licenses until we pass “additional requirements”. (Attachment 10)

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Cara Walker-Spurney provided testimony in opposition to the bill. She expressed concerns about the educational requirements stated in the bill and requested the committee to reconsider the training requirements. There needs to be some sort of cooperative effort for those that have training and have many years of experience. ([Attachment 11](#))

Kelli Stevens provided neutral testimony to the bill. While the agency's position on regulation of massage therapists is neutral, the bill raises some concerns. As defined in the proposed legislation, massage therapy is performed "to enhance or restore the general health and well-being of the recipient." It can also be purely for the purpose of relaxation and enjoyment. As such, massage therapy is less connected to the practice of the healing arts than the other professions regulated by the Kansas State Board of Healing Arts. Additionally, the bill does not contain any provisions for licensure of the massage therapy establishment. Another concern to the agency is the anticipated increase in expenditures by the agency if the bill is passed. Lastly, the bill is lacking some provisions contained in other practice acts which are needed to effectively regulate the profession. The agency would like to have the opportunity to propose additional provisions and amend some of the language to be more consistent with the other professions in the areas of standards for violations, disciplinary procedures and remedies, and others. ([Attachment 12](#))

Written only testimony in support of the bill was provided by:

Deb Johnson, NCTMB, Owner Stillpoint Massage & Bodywork Studio ([Attachment 13](#))

Written only testimony in opposition to the bill were provided by:

John Keifhaber, Executive Director, Kansas Chiropractic Association ([Attachment 14](#))

Carol Rubino, Massage Therapist, Salina, Kansas ([Attachment 15](#))

Betty Nuce, Massage Therapist, Belleville, Kansas ([Attachment 16](#))

Janell Nease, Licensed Registered Nurse and Massage Therapist, Heavenly Body Massage Therapy, Hays, Kansas ([Attachment 17](#))

Following the completion of a question and answer session, Chairperson Landwehr closed the hearing on the bill.

The meeting was adjourned at 3:01 p.m.

The next meeting is scheduled for February 9, 2012.

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