

Testimony for the 2013 House Committee on Health and Human Services,  
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Ref; HB2187

Free State Coalition  
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The Honorable Chairman Rep. David Crum,  
2013 House Committee on Health and Human Services  
Topeka, Ks.66612

Thank you, Rep. Crum and Committee for this opportunity to speak to our concerns about HB2187.

I represent the Free State Coalition which is a group of Kansas massage therapists, bodyworkers and citizens that are concerned about protecting our ability to continue to work in a profession that we love.

It concerns us that most massage therapists in the state have no voice or even know about what is happening here. AMTA and ABMP have had 5 years to find them. Yet still no one knows how many therapists are working in the state or if they even want to be licensed. Granted they will be hard to find for many do not publicly advertise but work solely from referrals. How is the state going to find them cost affectively?

We have studied HB2187 and we can not support it as it is written here. The Board of Nursing may not be the best choice to regulate this profession for it has precise procedures for doing each technique or treatment in every profession they regulate. In our profession each massage therapist's routine is unique to them and to each client. Fifty percent of Kansas massage therapists do relaxation/ de-stressing / spa massage so the client records are very different and they usually don't create treatment plans unlike other massage therapists but we see no mention of these differences.

This bill is written too vaguely for us with many references to “rules and regulations of the board” without any details being included or reference of where they are located, (page 2-line 25 & 35 - # 3, page 7-line 21, page 8-line 26 & 40, page 9-line 14).

What are the board’s rules and regulations or definitions for standards of professional and unprofessional conduct? We need to know for it is used in both new and grandfathering requirements, (page 2-line 35 -# 3 and page 8-line 26 & 40).

Do they consider using towels instead of sheets, live candle or working bare foot to be unprofessional conduct? Would you sign a work contract that does not spell out your duties and responsibilities? We would not. We can not support this bill because we don’t have the guidelines or definitions of the standards.

On the definition of a professional massage therapy association (page 1-line 17-22) it states that its members must adhere to the code of ethics and standards of practice. Since some of the membership of all the associations is not practicing in the profession, such as associate members, we request that sentence be modified as it is in the grandfathering clause, (page 3-line 15). They could add practicing members.

Perception matters in our profession as it does in politics so the mention of fingerprinting being required for licensure was upsetting. We have worked very hard to get our profession out of the gutter but requiring fingerprinting can give the perception that we are doing something criminal. Can you imagine in a small town after many years doing massage having to go to the police department to be fingerprinted? I know that the KBON require every profession they regulated to be fingerprinted but their professions don’t have our history. We have no problems with background checks.

Although most of our members maybe grandfathered we are concerned about the renewal requirements in two years that maybe changed by the board to require those grandfathered to go back to school or to have taken an exam. We are also concerned about the continued ability of massage therapists to work out of their homes. To lose this ability could mean they would suffer heavy economic hardship.

The Coalition has questioned the need for licensure when it appears massage therapists can band together to change city

requirements, the state has been able to regulate the education as well as handle any problems with existing laws. In fact this Jan.22, 2013 the South Dakota House introduced HB1126 to repeal their Massage Licensure Act. They have been regulating massage therapy since 2005. Both Representatives and Senators sponsored the bill for they thought it was a waste of state resources.

Kansas doesn't have the resources or a need for this bill.  
Thank you for considering our concerns.  
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