



Testimony of Les Sweeney
President, Associated Bodywork & Massage Professionals
before the
Massachusetts Board of Registration of Massage Therapy
and the Executive Office for Administration and Finance
February 1, 2008

I am testifying today on behalf of Associated Bodywork & Massage Professionals (ABMP), a national association that represents the massage and bodywork profession, regarding the proposed promulgation of board regulations and fees for licensure for massage therapists. Our membership numbers more than 62,000, with over 1,800 members in Massachusetts. We publish *Massage & Bodywork* magazine, one of the three major publications in the field, secure professional liability insurance for our members, and help members become successful in building and sustaining a practice. In our work, we have also visited more than 1,000 massage and bodywork training schools across the country in the past 11 years, working with many of them to strengthen their programs.

ABMP also works to encourage an equitable regulatory playing field for massage and bodywork practitioners. ABMP has been involved in shaping legislation in most of the states that have adopted or revised massage laws during the past dozen years, including Massachusetts. I had the privilege of serving on the coalition that helped to draft the current law. In the area of regulation, our mission is to work to ensure the most favorable possible climate for our members, the profession as a whole, and the general public.

Our concerns today rest with the proposed regulations 269 CMR 3.01, *Application and Licensing*— specifically section (2), *Licensure*, subsection (e), regarding the Board-approved course of study. Before referencing the specific areas of concern, I would like to reference two sections of the Massachusetts General Laws that pertain to massage therapy:

Chapter 112: Section 229. Application for massage therapist license; renewal

Section 229. (a) A person desiring to engage in the practice of massage therapy shall make application upon a form furnished by the board, which application shall be signed and sworn to by the applicant. Each application shall be accompanied by payment of the fee prescribed by the executive office of administration and finance pursuant to section 3B of chapter 7. Upon submission of a completed application to the board and the payment of the required fees, the board may issue a license to practice as a massage therapist to an applicant who satisfies the following minimum qualifications: (1) he shall have obtained a high school diploma or its equivalent; (2) he is 18 years of age or older; (3) he has submitted 2 professional letters of reference, with at least 1 being from an employer or professional in the massage therapy or medical field; (4) he shall be of good moral character as determined by the discretion of the board; (5) he shall have successfully completed a course of study consisting of at least 500 classroom hours or an equivalent number of credit hours of supervised instruction at a licensed massage school; (6) he shall have not been convicted in any jurisdiction of sexually-related crime or a crime involving moral turpitude for the 10 years immediately before the date of application; (7) he shall provide proof of professional liability coverage; and (8) he demonstrates such professional competence as may be required by the board's regulations.

Chapter 13: Section 99. Powers and duties of board of registration of massage therapy

Section 99. (a) The board shall have the following powers and duties: (i) to administer and enforce sections 227 to 236, inclusive, of chapter 112; (ii) to adopt rules and regulations governing the licensure of massage therapists, the practice of massage therapy and the operation of massage schools to promote the public health, welfare and safety of citizens of the commonwealth; (iii) to establish standards of professional and ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national standards; and (v) to investigate complaints, conduct inspections, review billing and treatment records and set and administer penalties as defined in sections 61 to 65E, inclusive, and sections 232 to 236, inclusive, of chapter 112 for fraudulent, deceptive or professionally incompetent and unsafe practices and for violations of rules and regulations promulgated by the board.

Proposed regulation 269 CMR 3.01(2)(e) states that effective May 1, 2010, any individual seeking licensure would need to have completed a minimum of 650 classroom hours, or an equivalent number of credit hours of supervised instruction at a Licensed Massage School.

However, this proposal appears to be in direct conflict with the above-referenced Chapter 112, Section 229, Application for massage therapist license, which states, *“the board may issue a license to practice as a massage therapist to an applicant who satisfies the following minimum qualifications...(5)...shall have successfully completed a course of study consisting of at least 500 classroom hours or an equivalent number of credit hours of supervised instruction at a licensed massage school.”*

The proposed regulations raise the following questions:

- 1) Does the board have the legal authority to change the requirements to practice set in statute?***
- 2) What, if anything has changed in Massachusetts since the drafting of the law that would be the impetus for a change in requirements, when licenses are just now being issued?***
- 3) What reasoning can the board give for its position to advocate for the increased hour requirement?***

During my tenure on the coalition that helped draft the current law, at no time did the issue of increasing the required education hours come up. In fact, the group consensus was that 500 hours of education was an appropriate requirement for licensure. ABMP feels that the decisions made during the legislative development process were valid, and any consideration of changing the requirements is premature. How can the board arbitrarily decide that the requirements are insufficient when the requirements have yet to be implemented?

Of the 39 states (and the District of Columbia) that regulate the massage therapy profession, only 12 require massage education greater than 500 hours; the remaining states require a 500-hour standard. No legislation has been enacted in the past 5 years that requires more than 500 hours. No empirical evidence exists that establishes a correlation between longer massage training programs and increased public benefit. There is a direct correlation, however, between longer education programs and greater expenses incurred by students. ABMP asks the board to explain its opinion that Massachusetts would benefit from an increased hour requirement.