

AMTA Government Relations Overview

Why license the massage therapy profession?

Under U.S. law authority rests with states to regulate professions that have an impact on the health, safety and welfare of the public. This isn't something that is done through national legislation.

The American Massage Therapy Association (AMTA) recognizes that state government regulation of the practice of massage therapy is the best way to meet the needs of the public and the massage therapy profession. Leaving massage therapy regulation decisions to local government results in inconsistent regulation or none at all. The association believes that state licensure is the most effective means for the states to regulate our profession.

State licensure requires that only a person who holds a valid license from the state can engage in the practice of massage therapy or advertise to the public that they are practicing massage therapy. It also applies criminal penalties for people who practice without a valid massage therapy license. Professional licensure laws establish a minimum level of competency necessary to safely and effectively practice.

What are the benefits of professional licensure?

AMTA believes that the following benefits come from professional licensure:

- Protection of the public through the establishment of standards for entry into the profession.
- Protection of the public through the regulation of practice and recourse to effective disciplinary action.
- Fair and consistent regulation applying to the whole state.
- The right of massage therapists to define their practice, through proposed legislation and through regulation under an authoritative or advisory board of massage therapy.

These are some reasons AMTA is proactively pursuing state licensure in all states. These regulations are designed to protect the general public by demanding accountability from the profession. They also seek to unify the profession by providing a common governing structure, minimum competency, culture and language.

How can we achieve fair, consistent massage therapy licensure laws?

The most significant problem associated with professional massage therapy licensure is the lack of consistency among states that have some form of regulation in place. This could be due, in part, to a lack of a centralized government relations strategy which has left us with a patchwork of state and city laws. The wide-ranging massage therapy regulations have presented many challenges for therapists who relocate from one city or state to another, for health care professionals trying to refer patients for massage therapy, for the patients themselves, and for third party reimbursement.

AMTA supports consistent massage therapy licensure standards that encourage reciprocity between states and eventually achieve overall portability of massage therapy credentials. Portability means a licensed massage therapist's education and training credentials would be accepted if they move to another state or open a location in another state. AMTA is working to improve the current regulatory environment through the creation of a centralized government relations strategy designed to achieve fair and consistent licensing in all states. This is the top advocacy priority for AMTA and it will require a long-term commitment.

The first step in the effort to achieve consistent licensure standards is to guarantee the inclusion of **"must have"** and **"should have"** elements in any and all baseline massage therapy practice acts. The association feels these necessary elements will provide consistency and clarity to state licensure regulations. And, they form the basis of the AMTA Government Relations policy we began working with on May 1, 2006.

Must Have Elements of a Baseline Massage Therapy Practice Act

In order for the association (national or chapter) to support massage therapy legislation, the following content and practice conditions are **must have** elements of a baseline practice act:

- At least the minimum scope of practice for massage based on a definition of those massage procedures which are observable by the common person (i.e. the physical action of the therapist touching the client is observable.)
- A licensure qualification requiring successful completion of a professional course of study consisting of at least five hundred hours of in-class, supervised education authenticated by a single education provider, with content well distributed in the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice.
- A licensure qualification that requires passing an examination that has met national accreditation standards and which is administered by a recognized body independent of the education provider, with content that covers the subjects in a professional course of study, as described above.
- Authority, which may be tacit, of licensees to practice within the scope of massage therapy practice, free from any requirement to obtain any other occupational license.
- Powers and duties of the massage therapy regulatory agency which are customary for the regulation of other healthcare professions in the state.
- Disciplinary and penalty provisions which are customary for the regulation of other healthcare professions in the state.
- An authoritative or advisory board of massage therapy, with a majority comprised of massage therapists, and special provisions for the initial appointment of qualified massage therapists as board members whose terms will begin before any licenses have been issued.

Should Have Elements of a Baseline Massage Therapy Practice Act

The association advises chapters that the following content and practice conditions are **should have** elements of a baseline practice act:

- A means of recognizing, for the purpose of licensure, a valid license held by a practitioner that has been granted by another state government.
- Exemption from licensure for any person whose practice is not conducted in a way to imply that it is the practice of massage therapy and who does not hold out to the public that their practice is massage therapy.
- Free from any requirement to obtain an establishment license not required of other state licensed healthcare practitioners.
- Permission for visiting massage therapists from other states, who may not be licensed by the subject state, to practice massage therapy in the context of time-limited events on a pro bono basis or in the course of instruction.
- Waiver of education and examination provisions for any practitioner seeking licensure who can establish that their occupational practice began by the date the legislation is passed.
- An effective date for the licensure requirement which is at least one year from the time the legislation is passed.
- Pre-emption of local regulation that would in any way treat massage therapy differently from local regulation of other healthcare professions.

- Inclusion of the following Suggested Movement Practices Exemption Language:

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to the Feldenkrais Method® of somatic education, the Rolf Institute's Rolf Movement Integration, the Trager Approach® to movement education, and Body-Mind Centering®. Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards.

- Inclusion of the following Suggested Energy Practices Exemption Language:

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch to affect the energy systems, acupoints or Qi meridians (channels of energy) of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not

designated or implied to be massage or massage therapy. Such practices include, but are not limited to Polarity, Polarity Therapy, Polarity Bodywork Therapy, Asian Bodywork Therapy, Acupressure, Jin Shin Do®, Qi Gong, Reiki and Shiatsu. Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards.

Why We Need Massage Therapy Regulation

Massage therapy has a significant impact on a person's health and well-being. The public has a right to expect that a massage therapist has the qualifications needed to practice effectively and safely. So, legal recognition of the practice of massage therapy and clearly-stated requirements to practice are essential to promote the profession and protect the health, safety and welfare of the general public.

- Legal recognition of massage therapy in the form of state licensure creates standards of minimum competency. Competency is measured and enforced through formal education, training and examination requirements.
- Legal recognition of massage therapy ensures that individuals have met the eligibility requirements needed to practice massage therapy and that they are qualified to represent themselves to the public as state licensed massage therapists.
- By providing a legal definition of the scope of massage therapy practice, professional licensure helps consumers identify the responsibilities and services unique to a massage therapist. It allows consumers to select the most appropriate massage therapy professional for their needs and brings the benefit of open access to the selection process.
- Legal recognition of massage therapy through licensure enables a state or jurisdiction to discipline a massage therapist. States do not have the ability to regulate a profession that is not formally recognized in statute. Professional licensure laws enhance public safety by enforcing disciplinary actions against non-compliant practitioners.
- Legal recognition of massage therapy through licensure protects the public in other ways as well. It establishes a consistent standard of practice which is enforceable by a professional code of ethics. In addition, it establishes a formal grievance process for consumers that helps prevent unethical and/or non-compliant massage therapists from continuing to practice.

Massage Therapy Regulation and You

AMTA is committed to proactively advancing the massage therapy profession through fair and consistent licensure that recognizes the profession and protects your right to practice. As a massage therapy professional, you are an integral part of these efforts.

Why should you get involved?

1. Political involvement is crucial to advancing and protecting the massage therapy profession and ensuring that massage therapists are permitted to practice within the full scope of their training, education and abilities.
2. Massage therapy is a quickly evolving profession. To advance the profession, you are a valuable part of efforts to inform legislators and the general public about the scope of massage therapy practice.
3. Legislators make decisions every day that affect your practice. Almost none of them are massage therapists and they don't know what's involved in running a massage practice. They need your input to make informed decisions about your profession and the clients you serve.
4. Allied health professional groups have attempted to severely limit and control the practice of massage therapy. They have been successful in many instances. These groups will continue to challenge the massage therapy profession and its scope of practice. To combat this opposition, you must become a pro-active advocate and champion fair and consistent licensing.
5. Massage therapists are the only individuals who can determine what is best for the profession and the clients they serve. So, if you have ideas or concerns about the massage therapy profession, please share them with your AMTA Chapter officers and/or your state legislators. They need to hear your thoughts and concerns to serve you better. Keep in mind, they have been elected to serve you.
6. Promote your profession. Volunteer for your state's massage therapy legislative coalition. Visit the AMTA Website at www.amtamassage.org for legislative updates from across the country. For information on how to get involved, contact the AMTA Government Relations Department at 877-905-2700 or e-mail ayoung@amtamassage.org.

Getting Involved in the Legislative Process: An Introduction for Massage Therapists

Your participation in the political process is essential to ensure the highest standards for the massage therapy profession and the highest quality of care for the massage consumer. Political participation can also be enjoyable. Take advantage of existing legislative resources to promote the profession and its benefits to the public. Here's how to get involved:

Learn about the issues.

The issues affecting the massage therapy profession can vary depending on where you live and practice. Find out what issues are of particular importance to your state or city.

- Talk to your AMTA Chapter Officers about issues in your state.
- Talk to your colleagues and to massage therapy instructors to learn about what is affecting their practices and schools.
- Attend a meeting of your local massage therapy legislative coalition.
- Contact the AMTA Government Relations Department at 877-905-2700 or ayoung@amtamassage.org to learn more.

Contact your state legislators.

Inform your state elected officials about the importance of fair and consistent licensing laws that protect the general public and encourage reciprocity between states. Explain what massage therapists do and how their unique education and training benefits the public.

- Write a personal letter to your state legislator. Send it by U.S. mail, fax or e-mail.
- Call your state legislator. Often you will be able to speak directly with your state legislator or his/her staff member with expertise in professional licensing laws.
- Schedule a meeting with your state legislator. Visit the state capital to meet with your legislators during the legislative session. You can also schedule a meeting at your legislator's district office.

Increase your efforts.

The more people involved in a legislative effort, the louder the collective voice will be to state legislators.

- Contact your AMTA Chapter to get involved with your state's massage therapy coalition.
- Take an active role in your AMTA Chapter by educating your colleagues about what you've learned and asking them to get involved.
- Recruit your family, friends and clients in your efforts.

Support your AMTA Chapter.

Your AMTA Chapter is an excellent resource for legislative updates and information. The National AMTA Government Relations Department is also available to assist members with ongoing legislative efforts.

- Contact your AMTA Chapter Government Relations Chair for sample letters and talking points about massage therapy licensure.
- Take advantage of the National AMTA Government Relations Department. Visit the Members Only section of the AMTA Website at www.amtamassage.org for the latest information on legislative efforts across the country.
- Contact the National AMTA Government Relations Department at 877-905-2700 or ayoung@amtamassage.org.

Ten Things Massage Therapists Can Do to Make a Difference for the Profession

1. **Know the Message You Need to Deliver.** AMTA believes that fair and consistent licensing by all states of the practice of massage therapy is the best way to meet the needs of the public and the profession. AMTA seeks licensure with a minimum entry-level massage therapy education of at least 500 supervised classroom hours.
2. **Write to Your State Legislators.** Educate them about your practice. Share with them your specialized education and discuss the many benefits massage therapy offers to the public.
3. **Schedule a Meeting With Your State Legislators.** Visit the state capital and talk to your legislators about the importance of fair and consistent massage therapy licensing laws.
4. **Attend a Meeting of Your Chapter's Legislative Coalition.** Learn about the issues affecting massage therapists in your state and find out how you can help. This is also a great networking opportunity for you and your colleagues.
5. **Understand your State Legislative and Regulatory Environment.** Contact your Chapter Government Relations Chair and Legislative Coalition for information on the political climate in your state. Be sure you understand your state lobbying laws as well.
6. **Talk to a Massage Therapy Instructor.** Find out what issues and challenges are facing the massage therapy profession. Request that instructors address these issues with their students.

7. **Meet with City Officials.** City officials are as important as state legislators to the massage therapy profession. Restrictive municipal ordinances are in place across the country that create significant obstacles for massage therapists. Educate your local city officials on how massage therapists are educated and trained. Discuss the problems associated with prohibitive business permit and zoning regulations with your city officials. Let them know that state licensing is the best way to regulate the profession.
8. **Make Connections with the Local Media.** Use the media to educate your community about massage therapy. Invite the media to public AMTA government relations events and draft editorials when issues relevant to the practice of massage arise in your community.
9. **Recruit a Colleague.** Set a good example for a friend or colleague by personally asking him or her to work with you on legislative activities. A unified and mutually-supportive effort is the most effective.
10. **Keep the AMTA National Office Connected.** For information or assistance, please contact the AMTA Government Relations Department at **877-905-2700** or **ayoung@amtamassage.org**.

AMTA Government Relations Reference Materials *(see attached CD-ROM)*

1. Recruiting Advocates for the Massage Therapy Profession
2. Sample Recruitment Letter
3. Creating a Legislative Coalition Action Plan
4. AMTA Legislative Contact Form
5. Sample Legislative Consultant Contract
6. Writing Effective Letters to Your Legislators
7. Sample Letter to Your Legislator
8. Legislative Glossary