

Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit for this page)

Name: Rachel Romanelli, Government Relations

Organization: American Massage Therapy Association—Minnesota Chapter

Phone: 406-550-0104

Email Address: Rachel Romanelli: mnmassagebilldraft@gmail.com

Is this proposal regarding:

- *New or increased regulation of an existing profession/occupation? If so, complete this form, Questionnaire A.*
- *Increased scope of practice or decreased regulation of an existing profession? If so, complete Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal.

Massage Therapy; and,
Asian Bodywork Therapy

2) Briefly describe the proposed change.

The legislation would implement a statewide system for the licensure of practitioners of Massage Therapy and Asian Bodywork Therapy. This statewide licensure system would replace the various local regulations as it applies to Massage Therapists and Asian Bodywork Therapists but retains local control over the licensure and regulation of the establishment that provide these services.

3) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

SF 1074: Chief Author Sen. Housley; and co-authors: Sen. Koran, Sen. Klein

HF 1275: Chief Author Rep. Pinto; and co-author: Rep. Elkins

Questionnaire A: New or increased regulation (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

This questionnaire is intended to assist the House Health Finance and Policy Committee in deciding which legislative proposals for new or increased regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee's public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions which do not pertain to the profession/occupation (indicate "not applicable"). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

New or increased regulation of health professions is governed by Mn State 214. Please read and be familiar with those provisions before submitting this form.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1) Who does the proposal impact?

a. Define the occupations, practices, or practitioners who are the subject of this proposal.

Massage Therapists. Massage Therapy is defined as: the manual manipulation of the soft tissues of the body to promote, maintain, and restore health and well-being.

(b) Massage therapy may use any of the following techniques: (1) stroking; (2) gliding; (3) lifting; (4) kneading; (5) jostling; (6) vibration; (7) percussion; (8) compression; (9) friction; (10) holding; (11) passive stretching within the client's physiological range of motion; (12) movement or manipulation of the soft tissues; (13) active assistive and resistive movement; and (14) stretching.

Asian Bodywork Therapists. Asian Bodywork Therapy is defined as: therapy based upon Chinese medical principles with the intent of promoting, maintaining, and restoring health and well-being by affecting the body and emotions. (b) Asian bodywork therapy may use any of the following techniques: (1) pressing; (2) soothing; (3) kneading; (4) vibration; (5) friction; (6) passive stretching within the client's physiological range of motion; (7) active assistive and resistive movement; (8) stretching; and (9) tapping, movement, exercising, or manipulation of the soft tissues.

b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

American Massage Therapy Association: 1100 Minnesota members

American Bodyworker and Massage Professionals: over 2000 Minnesota members

American Organization for Bodywork Therapies of Asia: 100

CenterPoint Shiatsu and Massage school in St Louis Park, MN, has graduated almost 900 students fully trained in ABT/Shiatsu Therapy since 2001. Estimated 450+ graduates practicing Shiatsu or Shiatsu and Massage in MN.

c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

Massage therapists work in a variety of work environments. Sole practitioners account for the largest percentage of practicing therapists (74 percent). Of all therapists, 59 percent work at least part of their time at a client's home/business/corporate setting, 42 percent at their office, 29 percent at their home, 23 percent in a healthcare setting, and 24 percent in a spa setting.

2021 AMTA Massage Research: 34 percent in a Spa, 34 percent in a Massage Therapy office, 24 percent in a Massage Therapy Franchise, 21 percent in a Beauty Salon, 16 percent in a Physical Therapy office, 16 percent in a Chiropractic office, and 16 percent in a Home office.

These percentages are based on the American Massage Therapy Association's 2021 Massage Profession Research Report. The percentages are based on primary place of employment for a massage therapist. Many massage therapists work in multiple settings beyond their primary employment. An individual Massage Therapist can work in multiple settings, so the cumulative percentages will exceed 100 percent.

d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

"Massage Therapy" is a healthcare service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of thrusting force.

Other professions such as Physical Therapy or Chiropractic may provide massage services to a patient to prepare them for a specific application of care but not solely for therapeutic massage purposes. The proposed legislation does not impact these other professions from continuing to provide massage services.

2) Specialized training, education, or experience (“preparation”) required to engage in the occupation

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?**

Currently, many massage therapists gain education and training from one of the dozen massage therapy schools in Minnesota, from other states in which they have been licensed or through being “self-taught”. In many cities where an establishment ordinance is tied to a credential it is required that a massage therapist has obtained at least 500 hours of education and passed a nationally accredited examination. In other circumstances in Minnesota, there may be no education or training requirements.

- b. Would the proposed regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear these costs?**

This proposed legislation would not require those already practicing to obtain any additional education or training. They could be licensed through their prior experience.

New practitioners entering the profession would be required to attend an institution that provides post-secondary education in massage therapy training. The program requires 625 educational hours in anatomy, physiology, pathology, massage therapy, massage therapy history, theory, research, professional ethics, interpersonal communications, business and legal practices and supervision of practice including demonstrating safe use of equipment and supplies.

- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?**

In 47 states massage therapy is a regulated profession. Minnesota, Kansas, Wyoming are the only states that does not regulate massage therapy on a statewide basis.

Alabama	enacted 1996
Alaska	enacted 2014
Arizona	enacted 2003
Arkansas	enacted 1951
California	enacted 2008
Colorado	enacted 2008
Connecticut	enacted 1993
Delaware	enacted 1993
District of Columbia	enacted 1994
Florida	enacted 1943
Georgia	enacted 2005
Hawaii	enacted 1947
Idaho	enacted 2012
Illinois	enacted 2002
Indiana	enacted 2007
Iowa	enacted 1992
Kentucky	enacted 2003
Louisiana	enacted 1992
Maine	enacted 1991
Maryland	enacted 1996

Massachusetts	enacted 2006
Michigan	enacted 2009
Mississippi	enacted 2001
Missouri	enacted 1998
Montana	enacted 2009
Nebraska	enacted 1958
New Hampshire	enacted 1980
New Jersey	enacted 1998
New Mexico	enacted 1991
New York	enacted 1967
Nevada	enacted 2005
North Carolina	enacted 1998
North Dakota	enacted 1959
Ohio	enacted 1915
Oklahoma	enacted 2016
Oregon	enacted 1951
Pennsylvania	enacted 2008
Rhode Island	enacted 1979
South Carolina	enacted 1996
South Dakota	enacted 2005
Tennessee	enacted 1995
Texas	enacted 1985
Utah	enacted 1981
Virginia	enacted 1996
Washington	enacted 1976
West Virginia	enacted 1997
Wisconsin	enacted 1998

- d. If current practitioners in Minnesota lack any training, education, experience, or credential that would be required under the new regulation, how does the proposal address that lack?**

If a practitioner has practiced for at least two of the previous five years immediately preceding the licensure application date, they would not need to obtain any additional education and training to practice. “Licensure by prior experience” is available within the statute as long as the practitioner has the required experience and meets the other requirements for licensure (i.e. completed application, background check, insurance).

- e. Would new entrants into the occupation be required to provide evidence of preparation or be required to pass an examination? If not, please explain why not. Would current practitioners be required to provide such evidence? If not, why not?**

New entrants would be required to provide transcripts from the educational institution to apply for a nationally accredited exam selected by the board to apply for a Minnesota license.

3) Supervision of practitioners

- a. **How are practitioners of the occupation currently supervised, including any supervision within regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?**

There is not a regulatory body that supervises massage therapists and Asian bodywork therapists on a statewide basis. There are local laws that regulate individual practitioners. These regulations vary by locality and there is no comprehensive coordination of these local regulations. Under the proposed legislation, the regulation would be held under the Board of Nursing. An advisory council of five members to oversee the massage therapy profession would be formed to advise the Board of Nursing on issues impacting massage therapists.

- b. **Does a regulatory entity currently exist or does the proposal create a regulatory entity? What is the proposed scope of authority of the entity? (For example, will it have authority to develop rules, determine standards for education and training, assess practitioners' competence levels?) Has the proposed change been discussed with the current regulatory authority? If so, please list participants and date.**

There is not a regulatory body that currently supervises massage and Asian bodywork. This legislation would create a five-member advisory council under the Board of Nursing. The Board of Nursing would serve as the regulatory body. The proposed change has been discussed with the Board of Nursing and they have expressed a willingness and ability to serve in this regulatory role. Although the framework for regulation is addressed in the legislation, the Board of Nursing in consultation with the advisory council would: issue licenses; adopt rules; assign duties to the advisory council; establish educational requirements and approve schools and programs; investigate violations of the law; impose discipline; maintain records of licensees; and distribute information concerning massage therapy standards.

- c. **Do provisions exist to ensure that practitioners maintain competency? Describe any proposed change.**

There is not a regulatory body that supervises massage therapy and Asian bodywork therapy. This proposed legislation would require educational competency to enter the profession and a requirement that practitioners carry liability insurance to maintain their license.

4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and well being of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)

- a. **Describe the harm to the public posed by the unregulated practice of the occupation or by the continued practice at its current degree of regulation.**
- a. The proposed legislation would reduce the risk to the public as the practice of therapeutic massage includes the potential risk of client injury or harm given the procedures used by massage therapists during the course of treatment. The knowledge of contraindications (i.e., how a procedure can impact a patient with a preexisting health condition) is critical and a central component of proper education and training.
 - b. As a nonpharmacologic treatment, massage therapy is becoming rapidly integrated into the healthcare system for treatment of varied conditions including

cancer, asthma, osteoarthritis, chronic low back and neck pain, headache, soft tissue injury, depression, anxiety, effects of premature birth, temporomandibular joint pain, digestive disorders, fibromyalgia, nerve pain and insomnia related to stress among other conditions. (<https://nccih.nih.gov/health/massage>).

- c. Competency and Regulation. The degree of entry-level competency required to remove potential harm to the public can only be assured through statewide regulation. Licensure of massage therapists will offer the optimal public protection and with appropriate academic, clinical, ethics and business training, will be able to offer safe and effective massage therapy to Minnesotans.

Barring state regulation, there are no entry-level education and training requirements for those seeking to practice therapeutic massage. A competent massage therapist must be able to integrate the knowledge of anatomy, physiology, and kinesiology with the hands-on skill of a wide variety of massage therapy techniques. The massage therapist must have high ethical standards, be able to establish boundaries, and provide an environment of physical and emotional safety for the client. A skilled massage therapist must be able to determine what the client's needs and goals are through professional communication, assessment and documentation, and develop and deliver an appropriate massage session to meet those goals. The massage therapist should be able to recognize various clinical pathologies, understand what conditions are contraindicated for massage, and be confident in refusing service or making referrals to other healthcare providers as needed. All massage therapists, when properly educated and trained, will have acquired this basic knowledge.

- d. The proposed legislation requires background checks and imposes a statewide disciplinary scheme that will provide a level of confidence with the public that licensed Massage Therapists and Asian Bodywork Therapists have been vetted for prior criminal and disciplinary activities.

b. Explain why existing civil or criminal laws or procedures are inadequate to prevent or remedy any harm to the public.

Because there is not any uniform statewide regulation. Currently, it is the responsibility of each city to regulate establishment laws for massage therapy and Asian bodywork therapy. Many, but not all cities in Minnesota require this, but those regulations are not consistent. If a practitioner is violating professional ethics there is not a regulatory board to report the practitioner to. This leaves responsibility to the local law enforcement. This also means that a practitioner could have a violation in one city and then practice in another city, or continue to practice.

Over the last ten years massage therapy ethical violations have been sighted by law enforcement and made public in franchise massage establishments with multiple locations. In 2020 the Minnesota Office of Higher Education investigated a massage and Asian bodywork school that was cited for human trafficking.

c. Explain why the proposed level of regulation has been selected and why a lower level of regulation was not selected.

In past years voluntary registration has been proposed. It is not the highest level of regulation needed to ensure public safety. Nationally there are only two states that regulate by voluntary registration. State licensure ensures one regulatory board for enforcement.

5) Implications for Health Care Access, Cost, Quality, and Transformation

- a. **Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?**

Regulation and licensure of massage therapy will increase the equity and availability of care for clients.

Barriers for massage therapists across Minnesota will decrease, in part given an end to the current various requirements, or lack thereof, mandated by local ordinances and rising fees to establish and conduct a business. Because massage therapists practice in multiple settings as noted earlier, massage therapists currently need to register and pay associated fees to numerous municipalities who maintain their own independent, jurisdictional procedures and processes that collectively interfere with the ability to provide uniformity in practice and are an administrative burden to both the practitioner and the municipality.

Massage therapy has a growing presence within healthcare. Massage therapy has been singled-out as an effective non-pharmacologic approach to pain management, as shown by a significant body of clinical research, and supported by the National Institutes of Health (NIH), the American College of Physicians, the American Academy of Family Physicians (AAFP) and The Joint Commission. Minnesota's own Mayo Clinic has joined MD Anderson Cancer Center, Duke Integrative Medicine, the Cleveland Clinic and Memorial Sloan Kettering Cancer Center, among other institutions, in integrating massage therapy into patient care for multiple conditions. These agencies and organizations require or recommend that massage therapists be state licensed.

- b. **Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.**

Licensure should not directly impact the supply of properly trained and educated practitioners. It may impact price in the long-term as the occupation becomes more professionalized and practitioners see it as a long-term career.

- c. **Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?**

No. The legislation does not change how and by whom services are compensated.

- d. **Describe any impact of the proposal on an evolving health care delivery and payment system (e.g., collaborative practice, innovations in technology, ensuring cultural competency, value-based payments)?**

As a low cost, effective, nonpharmacologic treatment, massage therapy is becoming rapidly integrated into the healthcare system for treatment of varied conditions including cancer, asthma, osteoarthritis, chronic low back and neck pain, headache, soft tissue injury, depression, anxiety, effects of premature birth, temporomandibular joint pain, digestive disorders, fibromyalgia, nerve pain and insomnia related to stress among other conditions.

(<https://nccih.nih.gov/health/massage>). As such, it is expected that massage therapy will play an increasing role in providing valued services in collaboration with other health care professionals.

- e. What is the expected regulatory cost to state government? Is there an up-to-date fiscal note for the proposal? How are the costs covered under the proposal?**

A fiscal note was completed in March 2020 on a similar version of the legislation. The fiscal note showed that revenues generated through statewide fees would offset the projected costs. (Fiscal note HF3575, March 11, 2020).

6) Evaluation/Reports

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

Not Applicable.

7) Support for and opposition to the proposal

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?**

American Massage Therapy Association, 1100 members

- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.**

American Massage Therapy Association (AMTA)
American Bodywork and Massage Professionals
American Organization for Bodywork Therapies of Asia (AOBTA®)

CenterPoint Massage & Shiatsu Therapy School
Northwestern Health Sciences University
The Massage School
Lake Superior College
St Paul College
Anoka Ramsey Community College
Minnesota State Community College and Technical College
Broadview University
College Massage Therapy Program
Riverland Community College
Professional Massage Academy
MN BDG- Subcommittee:
International Association of Structural Integrators (IASI)
Rolfing/Rolf Institute
United States Trager Association (USTA)
Feldenkrais Guild® of North America (FNGA)
International Somatic Movement Education & Therapy Association (ISMETA)
National Qigong Association
BCTA/NA
Society for Ortho-Bionomy International (SOBI)
American Polarity Therapy Association (APTA)

ROSEN METHOD
Bowenwork
Reflexology
Reiki Unified
Minnesota League of Cities
City of Rochester
Minnesota Department of Higher Education

- c. **List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.**

No concerns at this time, see d.

- d. **What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?**

Beginning in the early 2000's the American Massage Therapy Association (AMTA) Minnesota chapter formed an alliance that had a steering committee to develop massage therapy and Asian bodywork therapy regulation language. In 2016 this group reorganized to form a bill development group (BDG) that included all Minnesota massage schools and national organizations. The BDG reviewed and wrote bill draft language consulting with other professional organizations and government organizations. The BDG met every 4-6 weeks in person until the shut down in March 2020, then continued to meet virtually. Bill updates and communication weekly have been maintained, currently at update #220. At this time all parties are in favor of licensing massage therapy and Asian bodywork therapy.

Additionally, other groups that had been identified as possibly having an interest in the bill were contacted for their feedback. Any feedback was addressed with modifications to the language or through further explanation. The groups contacted:

Minnesota Department of Public Safety
Minnesota Department of Health
Minnesota Council of Health Plans
Insurance Federation of Minnesota
Minnesota Physical Therapists Association
Minnesota Chiropractic Association
Minnesota Medical Association
Minnesota Occupational Therapists
Minnesota Athletic Trainers Association
Minnesota Acupuncture Association

The organizations above either expressed no concerns with the legislation, or for those that did express concerns, their concerns have been addressed.