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California: Time to Unify

By Dixie Wall, Contributing Editor

Nearly 40 states in the nation offer a state massage therapy license permitting an applicant to do business anywhere in the state. The state with the largest economy in the nation, however, does not.

With a history of progressive legislation and the seventh largest economy in the world, California leads the pack in establishing written law to benefit commerce. In the field of massage therapy, the passing of a state-standardized regulation or license has yet to catch up with the national trend.

Currently, massage can be regulated by means of local ordinances impacting the business and practitioner, as well as through restricted zoning which limits the areas where businesses can be located. Not all cities and counties regulate massage. However, the ones that do regulate have written ordinances in response to perceived problems with adult entertainment in the guise of massage. Thus, all local ordinances are vice ordinances, not intended to regulate the legitimate profession appropriately or respectfully. The current system is extremely problematic and very costly.

If business is conducted in more than one city, a separate permit and fulfillment of unique requirements must be obtained through each city. Some requirements for a city permit include a costly exam, an application fee, a background check, fingerprinting and a yearly physical exam. Required education ranges from 70 hours to 1,000 hours. Zoning might be even more onerous, restricting business location and requiring expensive conditional use permits. To the many massage therapists who work in more than one location; applying, paying and waiting for permits in each city can be a tremendous burden, especially when they are just starting out.

To illustrate the excessive bureaucracy involved in massage licensing, a comparison to similar industries is useful. For example, in California, a yearly renewal of an esthetician license costs about \$20 per year; a chiropractic license is \$150 a year. Both are less than the cost to get permitted to practice massage in many

cities in California.

The two largest massage groups pursuing licensing in California began with different views on education requirements. One, with strong ties to an informal but active group of schools offering either minimum training or tiered levels, proposed 250 hours, up from the 100 hours these schools initially proposed. The other association preferred a minimum of 500 hours, which is the national standard. (Of all regulated states, only Texas requires less.) Another association of private vocational schools opposed anything less than 500 hours as being inadequate to prepare a student to have a successful career and therefore be able to pay back any student loans.

A compromise was brought to the table in the form of a two-tiered system in the title act of SB412. Senate Bill 412 was introduced in February of last year and requires 500 hours of education from an approved school, as well as a passing score on a pre-selected exam to obtain the title of "Massage Therapist." The bill also contains another option with the requirement to obtain only 250 hours of education to receive a license with title of "Massage Practitioner." The bill creates a private professional association with legislative oversight that issues massage certification. Those certified would be exempt from local regulations, with land use and business fees similar to those imposed on other professions. Those without certification would still be subject to whatever local regulations exist in their city.

There are several other exceptions to the education requirements included in the bill. For therapists already established in the field with little formal schooling, SB 412 offers a few different avenues to be grandfathered in - if applied for before Jan. 1, 2008. All work must be documented by W2s or self-employment history in the massage field. The person might need 30 hours more of schooling a year until they reach the lower tier. The individual would then be placed into the lower tier titled "Massage Practitioner."

This bill has become a "two-year bill" because it did not pass the Legislature last year and is up again to be heard in March or April. "The details are still being worked out, but we have come a long way," said Beverly May, co-chair of government relations for the AMTA-CA. Bob Benson, president of the AMBP said, "Without the two tiers we had support from only half of our members, with the two separate tiers we have 75%." Organizations representing California cities and counties have made matters more complex by not getting involved until the bill made it through the Senate and the first committee in the Assembly. The bill has one more committee to pass before it goes to the full Assembly. Other professional groups who also

have their own financial interests in mind, such as chiropractors and physical therapists, also have expressed reservations about provisions in the bill.

Some proponents say the higher education standard in SB 412 will bring more professionalism and recognition as health care providers to the massage field. More education will provide an easier transfer of credentials to another state when California meets the minimum national standard. Opponents say the bill is overzealous in its requirements, and is unfair to people who either never had a formal education, but have had success in practice for years or just want to sample the profession with little training. Others believe the bill just needs to be passed and will be easier to work on once it is made law. The different viewpoints divide support, preventing momentum for the bill.

With cooperation from the affected groups, a solution is obtainable. Why not negotiate the complexities of the bill so that it will be passed faster? Why not meet in the middle and require 375 hours? It could still allow a grandfathering in of already established therapists with a steady increase to a 500-hour education requirement over the next few years.

Although some of us would rather not get involved, these laws directly affect our destiny as professionals. We must take a position together to complete the process. I am extremely interested in your thoughts, opinions and solutions on this issue. I urge you to please take a moment to respond with your ideas. Together we can stand and unify for a common solution to insure a better future for all of us.

Editor's Note: As a contributing editor for *Massage Today*, **Dixie** will report on issues affecting the massage therapy profession in California. She can be reached at dwall@massagetoday.com.



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