



Massage Today

November, 2002, Vol. 02, Issue 11

Legislative Problems in Pennsylvania

By LaRose S. Daniels, MSRPP

A draft massage and bodywork bill is about to go to committee in the Pennsylvania legislature. In this bill, title exemptions were negotiated in coalition for all interested non-massage practices.

At the midnight hour, the American Massage Therapy Association (AMTA) state chapter president had these exemptions removed. No amount of working through the PA coalition has been successful in getting these exemptions reinstated.

The exemption language currently in the bill applies to:

"Persons engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to that which is essential for palpation and affectation of the human energy system, provided that their services are not designated or implied to be massage or massage therapy."

This wording has proven ineffective in other states in protecting the practice rights of polarity practitioners. As such, the American Polarity Therapy Association (APTA) has taken the position that unless "polarity" or "polarity therapy" has an exemption by name, we cannot support the legislation. Otherwise, the state can both limit our scope of practice and/or arbitrarily decide to require a massage license to practice polarity.

Recently, the Federation of Massage, Bodywork, and Somatic Practice Organizations created model exemption language for both energy practices and movement education. All organizations, with the exception of AMTA, have approved this language. The proposed language to be used by energy-based practices in PA, and all other states with active legislative efforts is as follows:

"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 or Polarity Therapy, Asian Bodywork Therapy, Acupressure, Jin Shin Do®, Qigong, Shiatsu, and Reiki. Practitioners must be recognized by 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."

Because of problems in states with massage boards trying to own the terms associated with "bodywork," the American Organization for Bodywork Therapies of Asia (AOBTA) and APTA have agreed to add the following sentence to this exemption language:

"These exempt practitioners are also allowed to use the terms 'Bodywork,' 'Bodyworker' and 'Bodywork Therapist' in their promotional materials."

Editor's note: Massage Today contacted Retta Flagg, AMTA-PA chapter president, for clarification on why the original exemptions were removed from the text of the proposed bill. Retta responded with the following:

"Thank you for the opportunity to clarify some of the points in the article. I did offer AMTA's recommended language to be used in the bill. After considerable debate, the coalition accepted some of the language, and amended the exemptions that were submitted. The Polarity Therapists entered the situation when the changes had already been made and submitted [their exemption language]. At the July meeting, the coalition decided that it was satisfied with the language and that they had finished their work on it. " Ron Precht, AMTA communications manager, also submitted an official statement from AMTA President Brenda L. Griffith to clarify the association's position concerning exemption language:

"When working on massage therapy legislation, AMTA's goal is to develop legislation that gives a broad scope of practice to massage therapists. AMTA feels that exemptions to legislation shouldn't be included for practices that don't have recognized legal definitions. Trademarked practices and therapies have a type of legal definition.

"Without a legal definition, it would not be practical to exempt a practice that virtually anyone could claim to use. Unfortunately, the exemption language crafted by some of the groups in the Federation includes many practices that haven't established legal definitions for themselves. The

AMTA Pennsylvania Chapter's work with the Pennsylvania coalition on massage therapy legislation reflects the types of exemptions AMTA feels are appropriate for massage therapy legislation at this time."



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