

Rebalancing Massage Social Policy

By Keith Eric Grant, PhD, NCTMB

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others, to leave the world a bit better, whether by a healthy child, a garden, or a redeemed social condition; to know even one life has breathed easier because you have lived.

This is to have succeeded.

- Ralph Waldo Emerson

Our Approach to Regulation Matters

It is often argued that, because of onerous local regulation, we should just license and be done with it. I believe this attitude is socially shortsighted. Mindsets about regulation feel adhered to a single path that offers little flexibility. Vigorous application of some cross-fiber thought seems indicated to free up creativity and innovation.

If there were a likelihood of significant physical harm to clients, we would modify training and practice to alleviate the specific, identifiable mechanisms of harm. The specificity of the hazard and its mitigation would both define and limit the additional training required. In comparison, simply increasing hours of topical training would be inefficient and ineffective. In the context of entry-level massage, there is little evidence of harm from improper technique. A single, well-produced training video would likely mitigate any hazards that do exist.

Given the lack of direct harm, there remain valid concerns of escaping oppressive local regulations and controlling ethical abuses of the therapeutic relationship. Local agencies have little interest in technical

competence, and considerable interest in establishing hurdles that limit the use of massage as a facade for prostitution. Massage therapists bear the burden of local agencies attempting to avoid having to investigate and act on vice-oriented complaints and violations. While licensing has addressed this issue in many states, states with sunrise review acts preclude occupational regulation of massage by requiring proof of recognizable harm. The remaining possibility for relief from local regulations may be by changing state laws affecting local agencies. If you can't regulate the profession, regulate the local regulators by requiring them to regulate massage therapy as an unlicensed healthcare profession.

Instances of unethical use of clients are unfortunately too common in both licensed and unlicensed healthcare professions. While state regulation is not a panacea, having a board tracking complaints and initiating disciplinary actions can be beneficial to consumers. While many such boards are licensing boards, Minnesota instituted a consumer protection board in recent legislation establishing and regulating unlicensed complementary healthcare practices.

Our understanding of the issues discussed above determines how we approach local or state regulation.

If we believe in the myth of direct harm from massage, we will set standards that we believe will mitigate that harm. We will also likely pursue regulation in the form of a practice act, restricting the unlicensed practice of techniques within our scope of practice. In contrast, if we believe there is little intrinsic danger of harm, we will work at negotiating the minimum hurdle that will free certified therapists from oppressive local regulations - taking our inspiration from the tenacity and resourcefulness of Turkish rug merchants. We will be more comfortable with a title act that simply restricts the use of our professional titles. We will also be more likely to allow multiple paths to certification that are inclusive of the needs of diverse students; perhaps an apprenticeship/portfolio approach in addition to a standardized testing approach.

When we are forced to accept requirements for training beyond what is necessary for minimum competency, we can be honest about characterizing the excess requirements as a form of guild fee, rather than claiming they dramatically improve professional quality or consumer satisfaction. We can complement ourselves on getting the local agencies off of our backs at the minimum cost. In pursuing a title act, we can prevent the contentious scope of practice conflicts that have occurred with practice acts. Moreover, we can avoid many of the social costs of excess regulation.

Excess Regulation Has Social Costs

A part-time student of massage - perhaps a parent with a full-time job -- might be able to spend two nights a week in class for about 42 weeks per year. This makes each increment of 252 classroom hours an investment of a year in school and a year's postponement of further goals. Beyond tuition costs and postponement of income, our student may remain longer in a stressful prior job and have less time for involvement as a parent and as a member of their community. The individual costs of requiring unnecessary qualifying training can be substantial, as can the larger social cost.

Studies of occupational regulation show that requiring unnecessary training and not accounting for diversity in learning styles act to limit the availability of and to raise the costs of professional services. The effects are that services will be underutilized or altogether avoided by many who would have benefited from them.¹

Massage practitioners with minimal training can have major impacts in helping clients manage stress. The social costs of stress are enormous, roughly \$300 billion annually in the U.S. alone and much greater worldwide. They accrue in terms of lost health and job productivity and in increased litigation.^{2,3,4} Still, the negative impacts of ignoring the use of massage as a proactive stress intervention are often not considered in formulating regulation of massage.

In summary, massage matters. Our orientation to freeing the practice of massage from unnecessary regulation also matters - greatly. We benefit as a society by opting for minimal constraints and for entry practices inclusive of learning diversity. Thanks for your ear.

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