

SUBJECT: Licensing and education of massage therapists

COMMITTEE: Government Reform — committee substitute recommended

VOTE: 6 ayes — Uresti, Y. Davis, Frost, Gonzales, Hunter, Veasey

0 nays

1 absent — Otto

WITNESSES: For — Kathryn Armstrong; Randy Kuykendall, Western Technical College; Alex Matthews, Austin Community College Massage Therapy Programs; Vicki Matthews, Advanced Therapy Massage; Robert Obenhaus, Career Colleges and Schools of Texas and MTI College of Business and Technology; Janine Ray, Texas Association of Massage Therapists; (*Registered, but did not testify:* Maureen K. Clements; Eric Juhlin, B.A. Reed, Career Colleges and Schools of Texas; Gary Tyner, American Institute of Allied Health and CCST)

Against — Madeline Brock, John Durland, Raul Flores, Texas Coalition of Massage Schools and Instructors; Jennie Hewlett; Donald J. Maher; Lou Ellen McMillian, American Massage Therapy Association, Texas Chapter; Jordan M. Milne; Carolyn Scott Naile; Larry J. Overly; Les Sweeney, Associated Bodywork and Massage Professionals; (*Registered, but did not testify:* Dion Cook; Lynn Taylor)

On — Heather Muehr, Texas Department of State Health Services; Tommy Rust

BACKGROUND: Each state varies in its education and examination requirements to practice massage therapy, and each state also possesses different policies on reciprocity if a massage therapist from another state wishes to transfer a practice to that state. To practice as a massage therapist in Texas, a person must be registered. To acquire a certificate of registration, an applicant must engage in 300 hours of training in specified disciplines and pass the practical and written portions of the state examination.

DIGEST:

CSHB 1842 would change the current system for authorizing the practice of massage therapy in Texas from one of registration to one of licensure under the Department of State Health Services (DSHS) and the executive commissioner of the Health and Human Services Commission (HHSC). Technical and conforming changes would be made to change references to registration of a therapist to references to issuance of a license for a massage therapist.

CSHB 1842 would make technical and conforming changes such that all references to the former Texas Board of Health and its administration of law related to massage therapy would be removed and replaced with DSHS. All references to the Texas Board of Health with respect to rulemaking authority would be removed and replaced with the executive commissioner of HHSC.

CSHB 1842 would establish that the definition of massage therapy included the application of hydrotherapy or temperature for mechanical, thermal, or chemical effect.

To be licensed to practice massage therapy, an applicant would have to be at least 18 years old and pass the state-approved examination. An applicant for Texas licensure who had not practiced in the massage therapy profession for at least five years in another state or country would be required to submit proof of successful completion of a minimum of 500 hours of supervised course instruction from a massage therapy instructor. The 500 hours would have to include at least:

- 200 hours dedicated to the study of massage therapy techniques, theory, and practice, including the study of Eastern techniques and theory, and manipulation of soft tissue by hand or through the use of a mechanical or electrical apparatus, with at least 75 hours dedicated to Swedish massage techniques;
- 165 hours dedicated to the study of anatomy, pathology, and physiology including Eastern physiology;
- 15 hours dedicated to the study of hydrotherapy;
- 20 hours dedicated to the study of business practices;
- 10 hours dedicated to professional ethics;
- 20 hours dedicated to the study of health and hygiene;

- 40 hours spent on hands-on experience in an internship program, provided that the hours spent in an internship program did not exceed 15 percent of the total program hours of instructions; and
- 30 hours dedicated to topics related to the massage profession.

CSHB 1842 would require that at least 250 hours of training at a massage school or with a massage therapy instructor be taken before starting an internship program. A massage school or instructor could not award a diploma or a certificate of completion to a student who had not successfully completed at least the required course hours.

The bill would take effect September 1, 2005, and would apply only to applications for licensure filed on or after September 1, 2007. A certificate of registration would be treated the same as a license until its expiration date, and upon renewal, an individual who formerly held a certificate of registration would be issued a license.

The executive commissioner of HHSC would adopt rules and DSHS would prescribe forms and procedures necessary to implement the provisions of the bill as soon as practicable after the effective date.

**SUPPORTERS
SAY:**

CSHB 1842 would enhance Texas massage therapists' ability to benefit public health and would increase the credibility of licensed Texas therapists among other states. Other states require as many as 1,000 hours of approved training for licensure, and most require at least 500 hours. In addition, national certification standards require at least 500 hours of training.

The required hours also would improve the overall portability of a Texas license for practice in other states. Some states will not accept transfer hours from students who do not attend an accredited school, and schools in Texas cannot receive standard accreditation because they do not require at least 500 hours of training. All border states except Oklahoma require at least 500 hours of coursework before licensure, so Texas massage therapists must take more hours before being able to practice even in neighboring states. Even if other states still required more hours or a different mix of coursework than those proposed in CSHB 1842, a Texas license-holder with 500 hours still would be closer to meeting licensure requirements than one with only 300 hours.

Requiring 500 hours of massage therapy education also would enhance a therapist's ability to address the needs of all the therapist's clients. Even if a therapist only intends to engage in the practice of relaxation therapy, this person will encounter patients with special health care needs, and it will benefit both their practice and the clients for the therapist to know how to address specific health care issues. Some massage treatments can be dangerous to clients if the therapist does not attend to medical conditions or understand the impact medications will have on how a client should be treated. Specialized massage therapy in health care settings, such as oncology clinics, can be highly beneficial, and individuals in these settings need more than 300 hours of training to provide adequate care.

Because massage therapy education does not now require 500 hours, students cannot receive Title IV financial assistance even if the personal course of study they choose exceeds 500 hours. Without such assistance, many people are unable to obtain an education in massage therapy and must turn to practicing other occupations in which they are less interested.

Allowing students to choose among several disciplines for 165 of the required education hours would balance the overall need for enhanced education standards with the flexibility for students to choose what courses would most benefit them. Including Eastern theory in these options is necessary because these practices, just as others taught in massage schools, have been scientifically proven to convey health benefits. Eastern theory and practice is not just a matter of employing a different philosophy but embodies different techniques. By including Eastern techniques and theory in the educational requirements, this growing field would be recognized for continuing education purposes.

The more well educated massage therapists are, the more this practice will gain legitimacy and a respectable reputation for its health benefits. Many people have a poor impression of the massage profession because of the practices of illegitimate businesses claiming to perform massage therapy. With added credibility for the profession, more people would take advantage of its therapeutic benefits.

Finally, the bill would provide protections, through the grandfather clause, to those who already are registered massage therapists. Therapists already practicing in this state have sufficient knowledge to continue operations without requiring further education, so no registered therapist would be forced to undertake additional course hours.

**OPPONENTS
SAY:**

While the intentions of CSHB 1842 are good, the bill would not resolve the issues it was intended to address. The bill would not enhance credibility because it would do nothing to improve enforcement against businesses making false claims about providing massage therapy services.

The bill also would not enhance portability. Even when a therapist relocated to another state with 500 hours that met Texas licensure requirements, that state could have requirements above 500 hours or not accept the same mix of coursework required in Texas. A Texas therapist likely would have to take more course hours to practice in the other state regardless of increased standards in Texas. Also, hours from a student's transcript already can count toward the required hours in all but two other states. All therapists practicing in Texas should not be required to take more hours simply so the small percentage of Texas therapists moving out of state have less coursework to take upon transferring.

If the bill was intended, in part, to enhance public health, then adding more training hours but not governing what those hours must be would not enhance a therapist's ability to contribute to public health. Texas has a solid 300-hour core curriculum, and the bill only would dictate courses to be taken for an additional 45 hours. The other hours would be flexible but would not provide the intended benefit if a student overemphasized any one discipline to the exclusion of others, including Eastern theory.

Eastern theory incorporates a philosophy that should not be mandatory for someone who wishes to take a more traditional course of study. While some Eastern theory would include effective techniques, there are over 150 recognized types of Eastern therapies. Not all of these would enhance public health in the manner that these elective hours intended, and bill does not distinguish among these practices as far as which would apply to the curriculum requirements. Practitioners of Eastern therapies also have their own national board, which requires 500 hours for licensure and passage of a standard exam. This is because these specialized techniques require different training, educational standards, and scope of practice to obtain expertise. Effective practice of these therapies cannot be learned through limited elective course hours. While these techniques can convey health benefits if practiced by someone with the proper expertise, like any other profession, the practice could be unhealthy to a client if not performed properly. Because of the differences between traditional and Eastern therapies, they should not be regulated under the same laws, and

this could cause Eastern therapies such as Shiatsu to fall under this regulation.

The greatest problem with the current requirements is not that they do not provide a solid foundation for massage therapy education, but that the statute places a 300-hour cap on education requirements. If the 300-hour standard were a minimum requirement rather than a cap, then different schools could develop curricula from which students could choose what would enhance their understanding of a specialty. Some students may find that 300 hours of training is adequate to meet their needs while others engaging in specialty practice could take significantly more hours.

The bill would reduce the required hours of Swedish massage and eliminate specific kinesiology requirements. These are two areas integral to any core curriculum and current standards allow for the minimum that should be required in a massage therapy education.

NOTES:

HB 1842 as originally filed would not have limited massage therapy to only licensed practice. It would have included a two-tiered system in which a massage therapist could choose to either be registered with the current minimum of 300 hours of education, or the therapist could have been licensed with a 500 hour curriculum. The original bill would not have altered the definition of massage therapy to include Eastern theory and hydrotherapy. It did not include the grandfather clause for licensing of those already registered to practice in Texas or the minimum age for licensure of 18 years old. Also, the bill as originally filed, would have restricted a sexually oriented business from using the terms "massage therapy" or "message therapist" on advertising, and this offense would have been considered a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).