

To: Representative Tina Liebling,

Chair of House Health and Human Services Policy Committee

Re: The proposed legislation House file 1925 for Massage and Bodywork Therapy

Dear Madame Chair,

I realize the Chair understands the concept and rationale of MN Statute 214, the state's guiding document regarding occupational regulation. However, I am not sure that all members of this committee, nor most legislators, are aware of why the state actually regulates occupations.

As Chapter 214 states, "No regulation shall be imposed on any occupation unless required for the health, safety, or well-being of the citizens of the state of Minnesota... whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of citizens, and whether the potential for harm is recognizable and not remote..." (January 1999, page xiv) This means that only the high frequency and severity of harm simultaneously would require the state to intervene and regulate the occupation.

Quoting the report from the Office of the Legislative Auditor: "The basic thrust of the statute is that the burden of proof is on the proponents of regulation to make a case for regulation. A threat to public health or safety must be shown to be immediate, not remote." "While Minnesota has a policy governing the regulation of occupations, it does not have a process that might ensure that the policy is applied in a consistent fashion." "Another important factor that interferes with the process is the political influence by occupational groups and their representatives."

The review that was conducted for the prior iteration for massage regulation was incomplete as members of the public, myself specifically, were not notified that the review process was underway.

Specific items in this proposal that are troublesome to me are:

1) Article 1, Page 1 Massage and Bodywork Therapy is stated as if it was one therapy, when in fact it is a conglomeration of multiple therapies.

2) Article 1, Section 2, Subdivision 8 refers to a "competency exam for a massage and bodywork therapy", as if one exam could cover the multiplicity of therapies using the term 'bodywork'.

3) Article 1, Section 2, Subdivision 10. Regarding the definition of 'credential', the proponents are redefining this word to suit their needs. Certainly 'credential' could include the terms in this proposal, but 'credential' actually has a much broader definition. Schools or professional organizations confer credentials. As an example, in Subdividsion 11 the term "state credentialed" should actually be

referred to as “state regulated”. The state does not in fact give any credential. I have never found any use of the term ‘credentialed’ in Chapter 214. Licensure (or other types of occupational regulation) do not equal legitimacy, they actually equate to levels of harm.

4) Article 1, Section 4 implies that the massage therapist has the training to identify a client’s medical condition, furthermore, they are prohibited from diagnosing a medical condition in Section 3.

5) Article 1, Section 5 Subdivision 2 states that title protection does nothing for public protection. It does not imply nor create or confer on the client any further measure of safety.

6) Article 1, Section 6. Granting to boards “rule-making authority, setting of standards of practice, and a professional code of ethics” all sound like the parameters of licensure.

7) Article 2, Section 2 If an individual has “been imposed” an occupational regulation from another state, then how would that provide any legal standing to a Minnesota citizen for protection from harm in this state?

8) The Office of Legislative report states “ Minnesota has a relatively high number of occupations”. My question is, have our citizens been much more subject to frequent and severe harm?

Respectfully submitted,

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