

Minnesota Natural Health Legal Reform Project
1043 Grand Ave, #317
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February 21, 2014

**MNHLRP Statement of Opposition to HF 1925,
Registration of Massage and Bodywork Therapy**

Minnesota Natural Health Legal Reform Project (MNHLRP) is a 501c(4) tax exempt non-profit organization, founded in 1998, that seeks to protect the consumer's access to the kind of health care that she/he deems most beneficial. As a 501©(4) non-profit, MNHLRP works extensively in the legislative arena, seeking legislative reforms and advocating public policy that is in the public interest.

In the year 2000, after several years of lobbying and close engagement with legislative leaders, the Complementary and Alternative Freedom of Access Act was passed by overwhelming majorities in both the senate and the house and was signed into law by Governor Jesse Ventura. This landmark law became Minnesota Statute 146A and it established a framework under which homeopathy, herbalism, massage therapy and a host of other inherently safe unlicensed health care practices can be accessed by the consumers of our state without fear that the practitioner would be vulnerable to being charged with the "practice of medicine without a license." Rather than seek the approach of licensure or registration for any of these numerous unlicensed health care practices, the Chapter 146A statute provided a framework under which these diverse unlicensed modalities could be practiced within the constraints of the statute (e.g. no practice of dentistry, chiropractic, no prescribing of drugs, etc. allowed) and within some ethical guidelines that were enumerated in the statute (e.g. no sex with clients, no false advertising). Further, as a consumer protection feature, unlicensed practitioners wanting to come under the provisions of this statute are required to provide a disclosure statement to their clients, describing the nature of the services being provided, the education and credentials of the practitioners, and the fact that the clients has recourse, if she/he wishes to file complaint, to contacting an office within the Department of Health (the so-called OCAP office) at which to lodge complaints.

Chapter 146A has worked out exceedingly well since it went into effect on July 1, 2001, both for the consumers seeking access to the kind of health care they want and for practitioners wishing to practice the healing arts that they have been trained to perform. In particular, it has worked well for message therapy, where there are a significant number of practitioners. From our health freedom point of view, Chapter 146A has been exactly the appropriate mixture of state oversight, consumer protection, and health freedom. The OCAP office generally has performed its oversight duties in a responsible way, reviewing complaints that have been filed, and it has investigated and responded in a generally appropriate manner.

However, there have been occasional efforts on behalf of special interests – and not really driven by consumer complaints - to regulate the field of massage therapy with registration or licensure statutes. MNHLRP has always opposed such legislative efforts because they tend to produce winners and losers within the field of massage therapy, squeezing some practitioners out of the field, reducing consumer access and causing price increases. Our view is that, when the state starts to define what massage therapy and bodywork is and requires the registration or licensure of it, there is an erosion of the practitioner's freedom to

practice and the health freedom for all of us is undermined. The proposal of a registration bill implies that these practices it covers provide a level of danger to the client that then justifies such regulation; there is a resulting loss of access to what should be enjoyed without regulation is a matter of serious concern.

The fact that prostitution and sex trafficking occurs in our society also does not justify a state declaration that massage therapy requires licensure or registration. Such issues of misconduct are already broadly covered by criminal code and general law enforcement channels. For the client, such misconduct can also be addressed by the client using the complaint process provided for under Chapter 146A; city and county law enforcement officials can also be contact by concerned clients when there is evidence of serious wrongdoing.

All of these issues have been addressed in greater detail by an Opposition Statement to HF 1925 written by Diane Miller, JD, Public Policy Director of the National Health Freedom Action, submitted to you on behalf of her organization. MNHLRP agrees with the NHFA opposition statements and stands with NHFA in support of the arguments it makes. Ms. Miller is one of the foremost health freedom attorneys in the United States and she is very familiar with the health freedom issues affecting massage therapists and other unlicensed practitioner. She has been a consultant to health freedom groups in many other parts of the country and, here in Minnesota, she was the lead attorney in crafting the health freedom approach and language that became our Minnesota Statute 146A. She and other leaders from MNHLRP and the Minnesota health freedom movement would be happy to meet with you to further discuss our commonly held concerns regarding HF 1925.

We thank you for your consideration,

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