

Testimony of the Board of Massage Therapy

**Before the
Senate Committee on Commerce and Consumer Protection
Thursday, March 18, 2021
10:00 a.m.
Via Videoconference**

**On the following measure:
H.B. 223, H.D. 1, RELATING TO MASSAGE THERAPISTS**

WRITTEN TESTIMONY ONLY

Chair Baker and Members of the Committee:

My name is Risé Doi and I am the Executive Officer of the Board of Massage Therapy (Board). The Board supports this bill.

The purpose of this bill is, beginning July 1, 2022, to require massage therapy licensees to complete twelve hours of continuing education (CE) within the two-year period preceding the renewal date, two hours of which shall include first aid, cardiopulmonary resuscitation, or emergency related courses.

The Board notes that twelve CE hours is a reasonable requirement for renewal and raises the level of professionalism for massage therapists. The Board expressed that cardiopulmonary resuscitation requirements have changed over the years and should be required for renewal of licensure. The Board also discussed potentially defining the parameters of the CE courses in the Board's rules.

Lastly, the Board requests amending the implementation date to July 1, 2024, to provide ample notice to affected licensees of the CE requirement and for licensees to meet that requirement prior to license renewal.

Thank you for the opportunity to testify on this bill.



amta
american **massage therapy** association®

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March 18, 2021

Aloha Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Commerce and Consumer Protection:

My name is Olivia Nagashima, and I am testifying in my role as the President of the American Massage Therapy Association – Hawaii Chapter. More than 8,000 state licensed massage therapists currently practice in Hawaii.

Our chapter **supports House Bill 223 HD1**. We view this bill as an effort to elevate the massage therapy profession to the highest standards of quality and safety. By requiring 12 hours of continuing education courses every two years, including CPR training, first aid, or other emergency training, Hawaii residents can be assured they are being treated by a professional who has studied the most current trends and best practices of our industry. For context, continuing education is required in 40 states when relicensing massage therapists.

Noting the Board of Massage Therapy's request to change the implementation date to July 1, 2024, AMTA has no concerns with that proposed amendment.

Thank you for the opportunity to submit testimony and we urge you to pass HB223 HD1.

AMTA Board of Directors

President Angela Barker | President-Elect Steve Albertson | Immediate Past President Christopher Deery
Directors Christine Bailor-Goodlander, Michael Colizza, Pat Collins, Robert C. Jantsch, Jane Johnson, Kimberly Kane-Santos,
Scott Raymond, Ed Sansbury, LaDonna Ward | Executive Director Bill Brown

Rick Rosen, MA, LMT
Post Office Box 339
Honolulu, Hawaii 96728

March 16, 2021

Hawaii State Legislature
Senate Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair

Re: TESTIMONY ON House Bill 223, HD 1 | RELATING TO MASSAGE THERAPISTS

Aloha Senator Baker and Distinguished Committee Members,

I have been a licensed massage therapist for 42 years, first in Florida, then North Carolina, and now in Hawaii. I served as the founding chairman of the NC Board of Massage & Bodywork Therapy, and went on to serve as co-founder and executive director of the Federation of State Massage Therapy Boards. I also started the first school of massage therapy in the Carolinas (Body Therapy Institute), which operated from 1983-2017. I'm a member of the American Massage Therapy Association.

I have studied and advocated for massage regulation across the country, in terms of entry-level standards for licensure, continuing education requirements for license renewal, and regulations for massage therapy educational institutions.

I am writing today in qualified support of House Bill 223. I believe it is in the general public interest to amend Section 452-16, HRS by adding a continuing education (CE) requirement for licensed massage therapists. **However, there are several important issues I want to bring to your attention as you consider this bill:**

- 1) The number of required hours of CE per biennium set forth in this bill is low. I have done an analysis of CE requirements across the country; the range is from 4 – 12.5 hours per year, with an average of 9.6 hours. At 12 hours per biennium (or 6 hours per year), the Hawaii CE standard would be 50% lower than the national average established by state boards of massage therapy. This is not in the public interest.
- 2) As massage therapists are not front-line healthcare providers, it is unnecessary to require them to take ongoing training in First Aid, CPR or other emergency-related courses. LMTs rarely – if ever – deal with health emergencies with their clients. *Therefore, no demonstrable public benefit exists to justify this requirement.* Note that of the 26 states that require First Aid/CPR certification for initial massage licensure (which includes Hawaii), only five of those states require continued training in First Aid/CPR for license renewal.

- 3) The vast majority of complaints and disciplinary actions handled by state massage therapy licensing agencies have to do with **violations of ethical standards**. Incidents of inappropriate sexual contact by therapists are by far the most common, followed by failure to provide treatment that ensures the safety and privacy of clients, and aiding and abetting the illegal practice of massage therapy.

If there is going to be any specified subject matter requirement in the new continuing education standards for Hawaii Licensed Massage Therapists, it needs to be in the area of **professional ethics**.

Given these considerations, I humbly recommend that Sections 1 and 2 of this bill be amended as follows:

- a) Increase the biennial continuing education requirement to twenty-four (24) hours;
- b) Delete the requirement that two (2) of these hours be in First Aid/CPR or emergency-related courses; and
- c) Add a requirement that three (3) hours of CE each biennium be in the area of professional ethics.

Collectively, these changes will strengthen the bill and will improve the ability of the Board of Massage Therapy to meet its mandate of public protection. I have taken the liberty to include a copy of HB 223 below, with these recommended amendments shown in red.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric G. Rosen", with a long horizontal flourish extending to the right.

Eric G. (Rick) Rosen
License # MAT-14321

A BILL FOR AN ACT

RELATING TO MASSAGE THERAPISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the practice of
2 massage therapy in the State affects public health and safety.
3 As a matter of public interest and concern, massage therapist
4 licensees should regularly maintain their knowledge and
5 education ~~and receive basic first aid and emergency-related~~
6 ~~training~~ through mandatory continuing education requirements.

7 Accordingly, the purpose of this Act is to require massage
8 therapist licensees, beginning with the renewal for the
9 licensing biennium commencing on July 1, 2022, and every
10 biennial renewal thereafter, to complete ~~twelve~~ twenty-four hours
of
11 continuing education within the two-year period preceding the
12 renewal date, of which ~~two~~ three hours shall include ~~first aid,~~
13 ~~cardiopulmonary resuscitation, or emergency-related~~ courses in the
area of professional ethics.

14 SECTION 2. Section 452-16, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§452-16 Renewal of license; fees[-]; continuing**
17 **education.** (a) Massage therapist and massage therapy
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1 establishment licenses shall expire on June 30 of each
2 even-numbered year following the date of issuance unless renewed
3 for the next biennium. These licenses may be renewed by filing
4 an application therefor, accompanied by a renewal fee[-] and
5 submitting proof of compliance with the continuing education
6 requirements established by subsection (b). The application
7 shall be made between May 1 and June 30 of each even-numbered
8 year. Failure to apply for renewal as provided in this section
9 shall constitute a forfeiture of the license as of the date of
10 expiration. Any license so forfeited may be restored within one
11 year after expiration upon the filing of an application in the
12 same manner, submitting proof of compliance with the continuing
13 education requirements established by subsection (b), and
14 payment of a penalty fee in addition to all delinquent fees.
15 Thereafter, the person shall apply as a new applicant and the
16 board may require the person to take and pass the examination
17 and satisfy all requirements for the examination, including
18 training, if the board is not satisfied that the person
19 possesses current knowledge and skills for the practice of
20 massage therapy.

1 (b) Beginning with the renewal for the licensing biennium
2 commencing on July 1, 2022, and every biennial renewal
3 thereafter, each massage therapist licensee shall submit proof
4 of completing ~~twelve twenty-four~~ hours of continuing education
5 within the
6 two-year period preceding the renewal date, of which ~~two~~ three hours
7 shall include ~~first aid, cardiopulmonary resuscitation, or~~
8 ~~emergency-related~~ courses in the area of professional ethics. The
9 board shall adopt rules relating
10 to the requirements and standards that continuing education
11 programs shall meet to obtain recognition and approval from the
12 board.

11 (c) The board may conduct random audits of licensees to
12 determine compliance with the continuing education requirements
13 of subsection (b). The board shall provide written notice of an
14 audit to a licensee randomly selected for audit. Within sixty
15 days of notification, the licensee shall provide the board with
16 documentation verifying compliance with the continuing education
17 requirement established by subsection (b)."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on January 1, 2050.

Report Title:

Massage Therapists; Licensing; Requirements; Continuing Education

Description:

Beginning July 1, 2022, requires massage therapy licensees to complete ~~twelve~~ twenty-four hours of continuing education within the two-year period preceding the license renewal date, of which ~~two~~ three hours shall include ~~first aid, cardiopulmonary resuscitation, or emergency related~~ courses in the area of professional ethics. Effective 1/1/2050. (HDI)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.