

SENATE BILL REPORT

SB 6103

As of January 26, 2012

Title: An act relating to registration of reflexologists.

Brief Description: Requiring registration of reflexologists.

Sponsors: Senators Keiser and Fraser.

Brief History:

Committee Activity: Health & Long-Term Care: 1/25/12.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Veronica Warnock (786-7490)

Background: Reflexology involves applying varying amounts of pressure at specified points on the body, most often on the hands, feet, and ears. These points correspond to distant areas throughout the body.

Legislation was enacted in 2002 exempting reflexologists from any health profession credentialing requirement. Prior to that, reflexology was included in the definition of massage under the Massage Practice Act. In order to practice reflexology practitioners had to be licensed as massage therapists under chapter 18.108 RCW.

Summary of Bill: No person may practice reflexology or represent oneself as a reflexologist without registering with the Department of Health. The definition of reflexology includes the use of pressure applied to reflexes located on the feet, hands, and outer ears. Reflexology excludes the diagnosis or treatment of diseases or joint manipulations. A person represents himself or herself as a reflexologist when that person use any term that implies a reflexology technique or method. A person registered as a reflexologist must print the registration number in any display advertisement and may not represent himself or herself as a massage therapist unless that person is also licensed as a massage practitioner.

The Secretary of Health is authorized to adopt necessary rules, set registration and renewal fees, establish forms and procedures, issue and deny applications for registration, hire clerical, administrative, and investigative staff, and maintain records. In order to ascertain violations of this this act or the Uniform Disciplinary Act for health professions, the Secretary may inspect the premises of any reflexology business establishment during

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business hours. If access is denied, the Secretary may apply to any court of competent jurisdiction for a warrant authorizing entry.

All persons registered under this act are subject to the provisions of the Uniform Disciplinary Act for health professions and the Regulation of Health Professions Act.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The sunrise review conducted in 1999 did not recommend any level of credentialing for reflexologists. In the 13 years since the review was conducted reflexology as a profession has become more developed and there are more businesses operating under the guise of reflexology which appear to be fronts for unlicensed massage or illicit activity. These activities are damaging to both licensed massage practitioners and legitimate reflexologists. Reflexology should continue to be associated with legitimate body work. Credentialing reflexology would give DOH regulatory authority over reflexologists and the ability to investigate complaints. Some form of certification with mandatory continuing education would help to protect the legitimacy of reflexology and protect public health and safety. For cost containment purposes massage practitioners would support legislation which would bring reflexologists back into the massage statute.

CON: Because the number of reflexologists is so small in this state, they would not be able to self-support the registration fees as is required by law. Registering with DOH does not require any training. This will allow illicit businesses to apply for a registration number and then use that to legitimize their business. The law needs to protect the public and provide access to trained reflexologists. Any credentialing requirement must require education, make clear that reflexologists are on equal footing with other practitioners, students in training are exempt, and long practicing reflexologists are grandfathered with regards to educational and exam requirements. The profession has worked long and hard to be distinguished from massage therapy. Currently it is difficult to identify adequately trained reflexologists because there is no health profession credential. This lack of credential also exempts practitioners from insurance coverage and limits access to this important modality. This bill would only act to help special interest groups get rid of their competition. There was not a problem with the lack of credentialing until recent years. The recession and the increase in minority populations in this state have created the issue of illicit establishments operating as reflexology businesses. This law is not an answer to that issue. There are other loopholes in the law that could be abused even if the reflexology loophole was closed. In order to address the issue you need to address the lack of jobs for minorities, communication barriers, and cultural differences within the Asian community. This community comes from a culture with different norms and laws.

Persons Testifying: PRO: Karen Jensen, Dept. of Health; Marybeth Berney, American Massage Therapy Assn. WA Chapter.

CON: Nydia Stephens, Liz Pyle, Kandi Burke, Susan Pereira, WA Reflexology Assn.; Glen Morgan, Freedom Foundation; James Schmidt, Bellevue Massage School.