

# HOUSE BILL REPORT

## HB 1189

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### As Reported by House Committee On: Health Care & Wellness

**Title:** An act relating to clarifying existing exemptions from the massage therapy law.

**Brief Description:** Concerning exemptions from the massage therapy law.

**Sponsors:** Representatives Short, Cody, Schmick and Kloba.

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 1/17/17, 1/25/17 [DPS].

#### **Brief Summary of Substitute Bill**

- Defines "somatic education" for purposes of the somatic education exemption from the massage therapy law.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Riccelli, Robinson, Rodne, Short, Slatter, Stonier and Tharinger.

**Staff:** Alexa Silver (786-7190).

#### **Background:**

A person may not practice or represent himself or herself as a massage therapist without being licensed by the Department of Health (Department). A massage therapist is an individual licensed to provide massage therapy, which is a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, Swedish gymnastics or movements, gliding, kneading, shaking, and facial or connective tissue stretching.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person who completes a somatic education training program approved by the Secretary of Health (Secretary) is exempt from licensure as a massage therapist. To be approved, the Secretary requires a somatic education program to be a professional organization with a permanent administrative location that oversees the practice of somatic education training. In addition, the program must have standards of practice, a training accreditation process, instructor and practitioner certification processes, and a code of ethics or code of professional conduct.

The Department completed a sunrise review of somatic education in 1996, recommending that somatic practitioners be subject to certification but exempt from licensure as massage therapists. The sunrise review used the following basic definition: "[S]omatic education addresses the person in relationship to movement, awareness, learning and the environment. Touch, verbal interaction, and movement are used to increase perception of existing and alternative postures and patterns of movement, and to improve functional abilities. This interactive approach may be used for education or therapeutic purposes."

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### **Summary of Substitute Bill:**

For purposes of the exemption from the massage therapy law, "somatic education" means:

- using minimal touch, words, and directed movement to deepen awareness of existing patterns of movement and suggest new possibilities of movement; and
- using minimal touch over specific points of the body to facilitate balance in the nervous system.

"Somatic education" includes the practice of Ortho-Bionomy, the Feldenkrais method of somatic education, and any somatic education training program approved by the Secretary of Health as of the bill's effective date.

### **Substitute Bill Compared to Original Bill:**

The substitute bill modifies the definition of "somatic education" by: requiring that the touch, words, and directed movement be minimal; removing the portion of the definition related to using touch to affect the energy systems or channels of the body; specifying that the term includes any currently approved program; and removing references to the Trager approach, the Bowen technique, and polarity therapy.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The somatic education exemption was added 20 years ago, but was not defined. It is a challenge for Ortho-Bionomy practitioners to practice in Washington. Ortho-Bionomy practitioners already receive significant training, and massage therapy does not fit their discipline. A definition for the exemption should provide clarification for both practitioners and the Department of Health. This bill follows the Oregon model.

(Opposed) None.

(Other) The term "somatic education" needs further definition, but the language should be narrowed.

**Persons Testifying:** (In support) Representative Short, prime sponsor; and Terri Lee and Paula Forehand, Society of Ortho-Bionomy International.

(Other) Gail McGaffick, American Massage Therapy Association.

**Persons Signed In To Testify But Not Testifying:** None.