

SENATE BILL REPORT

SHB 1189

As Passed Senate, March 30, 2017

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

Brief Description: Concerning exemptions from the massage therapy law.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Short, Cody, Schmick and Kloba).

Brief History: Passed House: 2/09/17, 98-0.

Committee Activity: Health Care: 3/09/17, 3/09/17 [DP].

Floor Activity:

Passed Senate: 3/30/17, 49-0.

Brief Summary of Bill

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

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Rivers, Chair; Becker, Vice Chair; Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Bailey, Conway, Keiser, Miloscia, Mullet and O'Ban.

Staff: Evan Klein (786-7483)

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.

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."

Summary of 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 as of the bill's effective date.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: These practitioners had been erroneously left out of the process. These practices include very minimal touch on the body, and the massage therapy laws do not govern these people well. There is agreement from the Department of Health and massage therapists on the language before the committee. It is difficult to practice ortho-bionomy in Washington because you currently need to be a graduate of massage therapy school. This language was a compromise with the Massage Therapy Association. Ortho-bionomy had fallen within the interpretation of somatic education previously but that determination changed, prohibiting ortho-bionomy practitioners without a massage therapy license to practice in Washington.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Terri Lee, citizen; Hannah Kogan, citizen; Gail McGaffick, American Massage Therapy Association, Washington Chapter.

Persons Signed In To Testify But Not Testifying: No one.