



STATE OF NEBRASKA

DEPARTMENT OF HEALTH

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GOVERNOR

GREGG F. WRIGHT, M.D., M.ED.
DIRECTOR

MEMORANDUM

TO: Senator Don Wesely
Chairman
Legislature's Health & Human Services Committee

FROM: Gregg F. Wright, M.D., M.Ed. *Gregg F. Wright*
Director of Health

SUBJECT: Recommendations Regarding Credentialing of Massage Therapy

DATE: January 29, 1988

To complete the final report on the proposed change in scope of practice for massage, the Department has reviewed the application material, the information presented at the public hearing, the reports from both the technical committee and the Board of Health, and the Department's current regulatory authority and capability.

RECOMMENDATIONS

In their proposal, the Nebraska Chapter of the American Massage Therapy Association sought a change in scope of practice that would change the title of their profession from Massage to Massage Therapy. The technical committee recommended approval of the change in scope of practice. The Board of Health recommended against approval of this proposal. Both review bodies recommended changes to strengthen the disciplinary provisions of the massage statutes, and the Board of Health recommended that massage be incorporated into the Uniform Licensing Law.

The Department recommends against approval of the proposal, and instead recommends that the current massage statute be revised so as to improve those sections of the act pertinent to disciplinary matters. The Department endorses the actions of the Board in recommending the addition of massage to the Uniform Licensing Law.

DISCUSSION

I believe that the applicant group successfully demonstrated that there is harm to the public stemming from the activities of illegitimate massage practitioners. The current massage statute does not adequately address the problems associated with illegitimate massage practitioners. In my judgment it is important to update the massage statute so as to directly address these problems.

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The statute should be updated so as to specifically define those actions which constitute unprofessional conduct. The disciplinary provision of the Uniform Licensure Act should be the vehicle for these revisions of the disciplinary provisions of the Massage statute. This will provide the additional control to ensure effective protection of the public.

This brings us to the question of whether the term "Massage Therapy" is appropriate. The applicant group feels this term is important for several reasons; including the fact that their degree carries the term "massage therapy" and as a means of separating their profession from massage parlors. The group does not claim to treat illness or disease and is using the term "therapy" only in a more general sense.

I share the concerns of the Board of Health, which has recommended Massage Practitioners as a more correct term. The goal of massage is to impart a greater sense of well-being, but not to correct any specific illness, injury, or abnormal condition. While this may be to increase the sense of well-being of a person who is also being treated by a health care practitioner for a specific condition, it is important that the person not look to the massage practitioner for specific treatment of this condition. If the term "therapy" were to be allowed in its general sense, the statute should make it clear that the purpose is not to allow the treatment of any abnormal condition, illness, or injury and should specifically prohibit the "Massage Therapist" from claiming such treatment. If this course is chosen by the Legislature, it should be aware that this would be the only such general use of the term "therapy" in current Nebraska statutes. In all other places, the term "therapy" is used to imply the specific treatment of an abnormal condition, illness, or injury.

There is cause for caution on this point. While the applicants state that they do not wish to treat abnormal conditions, a review of a recent issue of the Massage Therapy Journal (Fall, 1987) would indicate that many in the profession do seek this role.

A recent massage therapy conference included a seminar on the evaluation and treatment of elbow injuries. A letter to the editor claims that massage was the key that kept a young athlete in sports in spite of a football injury. One article describes the massage therapist as "a physical therapist, sports physiologist and nutritionist all rolled into one." Another article describes the diagnosis and treatment of a type of tendinitis. This four-page article indicates that the professional journal considers it fully appropriate for a massage practitioner to diagnose and treat this type of tendinitis without physician involvement.

Only a handful of states have made the title "Massage Therapist" statutory including only Hawaii, North Dakota, Rhode Island, and Texas. Other states use Massage Practitioner (New Hampshire), Massagist (Delaware), or Massage Technician (Oregon and Utah), and 36 states do not regulate this occupation at all at the state level.

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Therefore, I strongly recommend that any statutory changes that are made in this area should maintain the prohibition against the use of any variant on the term "therapy" by massage practitioners in their professional title, as well as the specific prohibition against the diagnosis and treatment of disease by massage practitioners. The current language of LB 1026 contains such a prohibition "unless the person is referred by or the treatment or remediation is under the direction of a person licensed to practice medicine or surgery." This language erroneously assumes that treatment would be appropriate under supervision. I recommend that this qualifying language be deleted, and that the prohibition be made absolute.

This recommendation is designed to help the Legislature make those statutory changes that are consistent with the traditional mission of Massage which is to make people feel better, and therefore add to their sense of well-being, rather than to treat people's ailments or diseases.

I endorse those aspects of the reports by the Board of Health and the technical committee pertinent to discipline and the policing of the profession of Massage, and in particular the Board's recommendation that massage be added to the Uniform Licensing Law. This will allow great progress to be made in upgrading the professional standards of this occupation.

GFW:das

