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October 28, 2008

Attention R. Ann Constable, Executive Director
Board of Registration of Massage Therapy
239 Causeway Street, Fifth Floor
Boston, MA 02114

Dear Members,

ABMP would like to address concerns regarding massage establishment rules and regulations. The proposed rules seem to be directed at a specific population of massage therapists: those who own a massage business and rent or own a designated office space not located within another business. The majority of massage therapists do not fall into this category.

Establishment is defined as "any location, or portion thereof, which advertises and/or provides Massage Therapy services on the premises on a predictable or **Regular** basis, which has been licensed by the Board pursuant to M.G.L. c. 112, secs. 227 through 236."

"6.03 Establishment Licensure Required

(1) Delivery of Massage Therapy. Massage Therapy shall only be delivered or offered at any location or portion thereof holding a valid Massage Therapy Establishment license issued by the Board or otherwise exempted from licensure under 269 CMR 6.02 (4)."

My concern is that this requirement make it necessary for massage therapists, who are already regulated as practitioners, to secure two licenses (practitioner and establishment) in addition to their business license. If a massage therapist works in a spa or in a physical therapy center, must the owner of the spa or physical therapy center secure a massage therapy establishment license? If so, why would this be necessary for the protection of the public?

"6.06 Record Retention

(a) A Massage Therapy Establishment shall maintain required records on the premises for each active patient."

The majority of massage therapists rent a room in another office; they don't own the building or space and in many cases they are not even the primary renter. It would be helpful to provide an alternative to records being kept on the premises. The massage therapist may not have the dedicated safe on-site place to keep such records.

The board seems to want to insert itself in the business by issuing not only Establishment Standards (6.07) but by mandating a Compliance Officer and Compliance Plan. These regulations are more intrusive than the local health department restrictions were before the change in jurisdiction to the state and this board already has a database of licensed professionals. I recommend that it is more efficient to let the business plan for its own compliance. Turnover could make a mandated compliance plan too complicated.

Application concerns

- “Has the owner obtained all necessary local permits?” What permits? Our understanding is that this regulation took the place of local regulations.
- Why would the board need to know a list of inventory, such as all-purpose chairs, to ensure public protection?
- The application requires an Affidavit of Worker’s Compensation Coverage. As stated before, the majority of massage therapists are independent contractors. The regulation should be modified with provisions for this common scenario.

These regulations seem unnecessarily complex, are not consistent with the way the majority of massage therapists conduct business, and seem to create an unnecessary administrative burden on the state of Massachusetts. I would recommend that the board only require establishment licenses for businesses that employ multiple therapists; it makes sense to exempt businesses that are already licensed and sole practitioners. Sole practitioners do not fit into this mold are already licensed by the board. Requiring another license is redundant and is an undue burden on this group of trained licensed professionals.

Thank you for your consideration of our views. If you have any questions please do not hesitate to contact me at jean@abmp.com or 800-458-2267 extension 645.

Sincerely,



Jean Robinson
Government Relations Director