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Testimony for S.B. 338
Presented by Terry Martin, DC, LMT
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Mr. Chairman, Committee Members, Senator Tiffany, my name is Terry Martin. I am the Director of the Nevada School of Massage Therapy located in Las Vegas. I have been asked to give you an overview of S.B. 338, a bill that provides for the licensing and regulation of massage therapists. First, I would like to thank you for giving myself and my colleagues, the opportunity to testify in support of S. B. 338. We especially want to thank Senator Tiffany who has been a tireless champion for this legislation, for her leadership and support.

Two of my colleagues will also provide testimony on S.B. 338 today. They are Bill Paul, President of the Academy of Healing Arts in Las Vegas who will testify on behalf of a coalition of massage therapy schools that have participated in the development of S.B. 338. Next is Shawn Reel. Shawn is the Second Vice President of the American Massage Therapy Association – Nevada Chapter and also participated in the development of S.B. 338. He will testify on behalf of the Nevada Chapter.

I will give a short review of the legislation and then present an estimated budget for the implementation year of a new Nevada Board of Massage Therapy. In addition, I will review a list of amendments that we will ask the Committee to make to S.B. 338. These are primarily technical corrections that will restore language from the draft bill that was omitted from the bill as introduced and amendments that have been presented from other interest groups.

Section Review of S.B. 338

Massage therapy is one of the most rapidly growing health professions in the United States. There are over 2000 massage therapists in the State of Nevada with at least 9 city and county governments regulating the education and licensure standards of these therapists. With such diverse and numerous standards, it is difficult for a patron to know what the therapist's level of education and training is or if they've had any at all. In Clark County alone, a therapist who has their own independent license may need to hold as many as five licenses to practice in more than one location in the county.

S.B. 338 will create a board to regulate the practice of massage therapy on a statewide basis and help to end the confusion for consumers and therapists alike by setting one standard for both level of education and licensure. I would like to provide you with a short review of some the important elements of this bill:

[Sections 9 – 27]

Board Authority: The board will have the authority to review and evaluate the applications of individuals seeking licensure to practice massage in three categories: New licensees, current licensees and therapists seeking licensure from other states.

The board will be responsible for determining the qualifications of potential licensees based on the requirements for education and practice proposed in the legislation. The requirements are as follows:

- a. New licensees: S.B. 338 requires that new licensees must have successfully completed 500 hours of instruction in a an approved program of massage therapy and pass a written certification examination administered by the National Certification Board for Therapeutic Massage and Bodywork.
- b. Current Licensees: Language was inadvertently omitted from S.B. 388 as introduced, that would have "grandfathered" therapists currently licensed by municipalities and counties. This was corrected by the technical amendments Senator Tiffany has reviewed.
- c. Therapists currently licensed in other states: S. 338 gives the Board the authority to grant a license to therapists who are currently licensed in other states and have practiced for 5 consecutive years and have met the same educational and examination requirements for new licensees.

Fees: The board will also have the authority to set fees for all licensure categories set in the statute and for other business or services it provides.

Language Regarding Responsibilities for Moral Conduct of Massage Therapists:

Several Nevada municipalities and county governments have codes that revoke the license of a massage therapist for felony convictions or sexual offenses. These standards will continue to be upheld by the inclusion of similar language in S.B. 338. Under this new Act, the Board will have the responsibility to initiate disciplinary actions under the following circumstances:

- when a licensee violates licensure standards,
- if a licensee provides false or misleading information, or
- if a licensee is convicted of a felony, or a sexual offense,
- or a crime relating to a controlled substance.

This concludes the review of the provisions of S.B. 338. Now I would like to review the proposed budget for the first fiscal year of the Nevada Board of Massage Therapy. You should have a copy of this proposed budget in front of you.

Budget Review

The first step in development of a proposed budget was to obtain data that would allow us to predict the expenditures and revenues that a new board could expect.

1. Expenditures Data:

The Nursing, Chiropractic, Physical Therapy and Cosmetology Boards of Nevada were contacted to obtain data with regard to their expenditures for the past fiscal year. Expenditures categories were then developed based on this information for the proposed massage therapy board. Expenditures were also based on the average cost to serve the number of potential licensees.

2. Revenue Data:

Revenue was calculated for two categories, licenses and fees.

Licensees:

New licensees: To forecast the revenue from new licensees, the NV Commission on Postsecondary Education was contacted to obtain the number of licensed massage schools and graduates in Nevada during 2002. The schools verified the information and also provided a percentage of graduates that actually stay in Nevada. The average percent of students staying in Nevada times the total number of 2002 graduates from all schools became the number of new licensees.

Renewals: To forecast renewals, 9 municipal and county governments were contacted to obtain the number of currently licensed therapists.

Fees:

The fee structure for the proposed massage therapy board, was developed by reviewing fees for the 5 western states that currently have statewide massage therapy licensure.

The revenues estimated in this proposed budget, clearly provide for the expenditures needed by the Board. To provide for start-up costs, S. 338 allows the Board to accept grants and or gifts from federal, local or state government, or private entities for the purposes of carrying out the business of the agency. This gives the Board the authority to seek support for its expenditures including acceptance of a start-up grant or loan from an existing professional licensing board.

Finally, over 30 states have massage therapy licensure boards. 22 of those states require that licensees have over 500 hours of education and that licensees take the National Certification Exam regulated by the National Certification Board for Therapeutic Massage and Bodywork. Since national certification is required by so many states, massage therapy schools are now preparing their students to take these examinations. The National Certification Exam is becoming the standard by which the knowledge and skills of the massage therapists are being tested. A statewide licensure law will help to assure that competent and trained therapists are serving the public and their support for this legislation shows they have the willingness to police their own ranks and assure that the public is protected.

This concludes my testimony. I'd like to thank Senator Tiffany and her staff for the work and commitment they have shown to bringing S.B. 338 to this point and thank the Committee for the opportunity to present this testimony.