

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Subj: RE: SB 338
Date: 4/5/2003 12:02:48 PM Pacific Standard Time
From: Ann@abmp.com
To: Tressagemassage@aol.com
Sent from the Internet (Details)

Hello John,

If you have an opportunity at the hearing on Monday- please read into the record the following from ABMP-

Associated Bodywork and Massage Professionals has reviewed the amended bill and would like to advise the committee that they do not support the bill due to the absence of grandfathering for currently practicing therapists. They also strongly oppose the language appearing in sections 28 and 30 requiring licensees to MAINTAIN certification with a private organization. Nevada is a right to work state and requiring therapists to MAINTAIN affiliation with an organization may well be in violation of that law.

Thanks and good luck- I look forward to hearing from you on how the hearing goes-

Ann

-----Original Message-----

From: Tressagemassage@aol.com [mailto:Tressagemassage@aol.com]
Sent: Friday, April 04, 2003 2:16 PM
To: Ann@abmp.com
Subject: SB 338

Ann:

Below is the text of the e-mail I sent to the Commerce & Labor Committee Members. I'm also attaching a word file with a transcript of the testimony I planned to give on Monday. Feedback would be appreciated.

Dear Senator Townsend:

Tomorrow you will be considering Senate Bill #338. As a licensed massage therapist in Reno & Sparks, I would like to share with you my concerns about the bill as it is currently drafted.

Allow me to say first that I am not necessarily opposed to the concept of state licensure for massage therapists. Procedures for local licensure are often confusing, complicated, time consuming and therefore discouraging to new therapists as they enter into the profession. In parts of the state where reciprocity between local municipalities is not in effect, duplication in the testing and license fees may be very costly and cause additional delay in moving from massage student to practicing massage therapist. Legislation whose intent is to streamline, simplify and remove costly duplications in the process would be greatly welcomed. However, **SB 338** as currently written is based on false premises and may be exclusionary in nature.

1. The provision in the original draft relating to established massage therapists has been completely left out of S.B. 338. There is no "grandfather clause" in the bill. As I read it, individuals currently working as massage therapists in Nevada would have to pass the National Certification Test and/or any other testing requirements sometime in the future in order to continue their **established** profession. **See S.B. 338, Sections 19, 20, 21, 22 and 23.**

EXHIBITJ Committee on Commerce/Labor

Sunday, April 06, 2003 America Onli

Date: 4/7/03 Page 1 of 2

2. **S.B. 338, Section 19.** State licensure requires National Certification. If this is not the intent of the current bill, it is hidden in the verbiage. I believe it is unreasonable to expect that a practitioner be required to achieve national certification in order to perform massage. This presupposes that massage cannot be performed without endangering the health, welfare or safety of a client in the absence of national certification. I believe that reasonable requirements are necessary and are an important part of protecting the public safety; however, national certification is unnecessary and exclusionary in nature.

3. The cost to take the National Certification Test alone is \$250. This in addition to other fees that would be assessed for testing and licensure could be prohibitive and exclusionary. **S.B. 338, Section 25.**

4. **S.B. 338, Section 17.** Nevada requires that all regulatory boards be self-supporting. With Nevada's current fiscal crisis, this provision becomes even more poignant. Given the number of massage therapists in Nevada, and given the cost to support the activities of a State Board of Massage Examiners, of the cost to the individual massage therapist to maintain a license could be prohibitive. As my accountant is often heard to say, "I don't know a massage therapist that is in it for the money" and the additional testing and licensing fees may discourage those from entering into or continuing the practice of massage therapy. The bill does make provisions allowing the Board to accept "grants, gifts, donations and contributions" but I question where these would come from. They certainly could not be counted on to defray the operational costs of a state massage board.

5. I may have missed it, but the bill doesn't differentiate between those who provide massage services for **pay/compensation** and those who perform massage on a volunteer basis. It is feasible that a massage therapist who wishes to volunteer his/her services upon retirement from the profession would have to maintain licensure, and all the applicable fees, in order to give away his expertise. By the letter of the law, **S.B. 338**, he/she would be guilty of a misdemeanor if licensure were to lapse.

6. **S.B. 338, Section 10.** I cannot find where the bill defines the "initial term" of Board members, only that after these "initial terms" the term of each member of the Board is for two years. Conceivably, the "initial term" could be long enough to nullify the intent this provision.

7. **SB 338, Section 28, and Subsection 11**, dealing with criteria under which the board may refuse to issue a license to an applicant or initiate disciplinary action it states: *"Has solicited or received compensation for services relating to the practice of massage therapy that he did not provide."* I'm not sure of the reason for this provision, but the verbiage here essentially prohibits massage therapists from selling gift certificates or pre-paid massage packages.

If these concerns were addressed through an amendment to the bill, I might be in support of its passage. In its present form, however, I would urge you to table it or refer it to sub-committee for careful review and rework. I thank you in advance for your time and consideration of my concerns.

John C. Tresise
Massage Therapist