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Joint Oversight Hearing: Sunset Review of California Massage Therapy Council

Testimony of Bob Benson, ABMP Chairman

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On October 19, 1966 – five years into the Vietnam War, with 7,400 U.S. soldiers already killed, more than in Iraq and Afghanistan combined in this century – George Aiken, Republican Senator from Vermont, in effect threw President Johnson a life-preserver by suggesting in essence that the United States **declare victory in Vietnam and bring the troops home**. We all know that offer went unheeded: 50,800 more Americans and hundreds of thousands of Vietnamese died in the ensuing 7 years.

Today we are discussing very much alive regulation of massage therapy services rather than war casualties, but I suggest an analogy fits: **it is time to declare victory and move on from a successful transitional private regulatory model to a state board within DCA**, in essence a public model employed by other states regulating massage therapy services.

I am pleased to provide comments on behalf of Associated Bodywork & Massage Professionals (ABMP). ABMP is the largest professional membership association serving massage therapists both nationally (82,000 members) and in California (13,200 members).

I personally had the privilege of serving as a member of the board of directors of CAMTC for four years and as its initial Vice-Chair. As the CAMTC Sunset Report details, I participated in 51 of the 52 board meetings held during my 2009- early 2013 tenure.

By any fair, broad measure the legislative creation of a new private, non-profit organization to provide and administer voluntary certification to qualifying massage therapists must be labeled a success. Consumers are served by being able to distinguish therapists who have been vetted against meaningful education and behavioral standards. Educated, law abiding massage therapists gain appropriate recognition. Profession standards are clearly being raised as required under the founding law.

We agree with the Committee staff finding that **a mission “to protect the public through the administration of a successful certification process” is “worthy of continuation.”** The Committee background paper for this hearing also gets it right when it notes that, **“A strong argument can be made for the continuation of some form of professional regulation: statewide regulation is more efficient, consistent, and the norm across the majority of states.”**

The model of voluntary certification by a non-profit private organization was a good one for a five-year transition – from a confusing hodge-podge of local massage regulation, often administered by individuals with little understanding of the health benefits of massage therapy and limited capability to assess whether someone seeking to provide massage was in fact well-prepared to do so – to a central organization informing consumers about consistent statewide standards.

Unfortunately, CAMTC approaches to managing its affairs have not matured. With no state funds provided, CAMTC initially had to make several expedient choices about cobbling together resources. As financial stability was secured, though, senior management turned a deaf ear to suggestions for building a stronger, lasting management structure.

Weaknesses in CAMTC's underpinnings keep emerging. The staff background report cites numerous areas of CAMTC administrative weakness:

- a CEO wearing too many hats
- no central office, leading to big communication and control challenges
- inadequate public information and delayed posting on its website
- 5 years of operation and not yet any customer satisfaction surveys
- lack of salary standards
- absence of visible data on legal fees and payments to AMG
- an unwieldy 20 person Board size
- unsatisfactory "performance metrics for the collection and dissemination of information about applicants and certificate holders"

Five weeks ago I submitted a 12 page letter to this Committee that included additional concerns about CAMTC's control and administrative capacities. Despite CAMTC spending over \$500,000 a year for outside lawyers, a continuing backlog of hundreds of applications still awaits CAMTC attorney action to issue proposed denial or revocation letters and final letters of determination.

The organization lacks a seasoned Controller/COO. Information systems are inadequate for needed controls. If you want a detailed example, go look at the CAMTC originally submitted Sunset Report: it was riddled with errors on matters as fundamental as the number of certified individuals by category and the status of those who had been referred to PSD ... and it took CAMTC staff five weeks to produce corrected data.

That's a portrait of an organization lacking sufficient administrative control. **And now, on top of these deficiencies, CAMTC is seeking to shoulder additional responsibility for approving massage establishments and inspecting massage schools. It's delusional.**

I urge the Committee instead to

- **move massage therapy regulation to a new Board or Bureau within DCA;**
- **substitute mandatory licensure for voluntary certification;**
- **use 2015 as a transitional year; and**
- **honor outstanding CAMTC certificates and allow holders to convert that certificate to a state license without further hoops or hurdles when their certificate expiration date is reached.**

The state Board model works well in scores of other states. It is time for that model in California. **Declare victory and move on.**