

**FINAL REPORT TO THE LEGISLATURE
FROM THE SECRETARY ON THE APPLICATION
FROM THE AMERICAN MASSAGE THERAPY ASSOCIATION OF KANSAS
May 5, 2011**

The American Massage Therapy Association of Kansas submitted an application requesting credentialing at the level of licensure. The application has been reviewed in accordance with the Kansas Act on Credentialing by a technical review committee and the Secretary of Health and Environment. The technical committee conducted four fact-finding meetings, including a public hearing, to investigate the issues. According to K.S.A. 65-5005, within 120 days of receiving the technical committee's report the Secretary is to issue a final report to the Legislature. The technical committee's report was submitted to the Secretary on May 5, 2011. (Attached is the technical committee's report.) This is the final report of the Secretary to the Legislature.

The statutes state that the Secretary is not bound by the recommendations of the technical committee, nor is the Legislature bound by the Secretary's recommendations.

K.S.A. 65-5005 requires that all of the criteria are to be found met and a need for credentialing established prior to the technical committee or Secretary making a recommendation that the application be approved. The technical committee concluded that all criteria were met. The technical committee determined that there was sufficient need shown for licensing of massage therapists in order to protect the public from the documented harm, therefore, the technical committee recommends that the application be approved.

In summary, the technical committee findings and conclusions are:

- The unlicensed practice of the occupation can harm the public and the potential for harm is recognizable and not remote. Criterion I is met.
- The practice of the occupation requires an identifiable body of knowledge acquired through a formal period of advanced study; and the public needs, and does benefit, from assurances of initial and continued education. Criterion II is met.
- Information provided indicates that services provided by massage therapists are, for the most part, not under the direction of other health care personnel but are performed independently. Evidence was provided which indicates that this arrangement is not adequate to protect the public from harm. Therefore, Criterion III is met.
- Criterion IV is recognized as asking for documentation on why registration and certification or other, less regulatory means, are not effective in protecting the public from harm. Evidence

was provided which indicates that the level of credentialing of registration or certification is not adequate to protect the public from harm. Thus, Criterion IV is found to be met.

- Licensing the occupation appears to have minimal impact on the cost of health care. Criterion V is met.
- Licensing the occupation appears to have minimal impact on the availability of health care personnel providing services. Thus, Criterion VI is met.
- The scope of practice of the occupation is identifiable. Criterion VII is met.
- From the information provided, it appears that the licensure of massage therapists would have minimal effect on the scope of practice of other health care personnel. Therefore, Criterion VIII is met.
- Nationally recognized standards of education for massage therapists exist and are identifiable. Criterion IX is met.
- With the first nine criteria having been found to be met, credentialing of the profession to protect the public from the documented harm is appropriate. Licensure was determined to be the least regulatory means of ensuring that the public is protected from the documented harm.

The Secretary of Health and Environment's Findings, Conclusions and Recommendations Are:

- After consideration of the technical committee's report and the evidence and testimony presented to the committee, I concur with the technical committee's findings and conclusions. I find that the first nine criteria have been met.
- I concur that sufficient evidence was presented to warrant credentialing of massage therapists in order to protect the public, and that licensure is the appropriate level of credentialing to ensure protection from the documented harm.
- I recommend that legislative action be taken on the credentialing application.



Robert Moser, MD, Secretary

5/11/2011

Date