DIRECTOR'S REPORT ON THE PROPOSAL TO LICENSE REFLEXOLOGISTS

Date: **July 30, 2018**

To: **The Speaker of the Nebraska Legislature**
The Chairperson of the Executive Board of the Legislature
The Chairperson and Members of the Legislative Health and Human Services Committee

From: **Thomas L. Williams, MD**
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers the Act. As Director of this Division, I am presenting this report under the authority of this Act.

Description of the Issue under Review

The applicant group is seeking to license Reflexologists in Nebraska as an independent profession from Massage Therapy.

Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended against the applicants' proposal.

The Board of Health recommended against the applicants' proposal.

I concur with the Board of Health's recommendation against licensing Reflexologists for reasons that I have clarified, below.

The Director's Recommendations on the Proposal

Action taken on the four criteria:

Criterion one: Absence of a separate regulated profession creates a situation of harm or danger the health, safety, or welfare of the public.

Action taken: I recommend against the proposal on this criterion.

Comments:

There is no evidence to indicate that licensure of Reflexology services is necessary to protect the public.

Criterion two: Creation of a separate regulated profession would not create a significant new danger to the health, safety, or welfare of the public.

Action taken: I recommend against the proposal on this criterion.

Criterion three: Creation of a separate regulated profession would benefit the health, safety, or welfare of the public.

Action taken: I recommend against the proposal on this criterion.

Comments:

The applicant representatives provided no information or argumentation that the public would benefit from licensing Reflexologists.

Criterion four: The public cannot be protected by a more effective alternative.

Action taken: I recommend against the proposal on this criterion.

Comments:

Very little was provided or discussed during this review that touched upon the public interest, and it is the public interest that is the principal concern of the credentialing review program.

The concerns raised by applicant representatives in their proposal do not relate to such things as public safety or access to care or the cost of services, for example.

Action taken on the entire proposal: I recommend against approving the proposal to license Reflexologists in Nebraska.

Comments:

The creation of a licensed Reflexology profession in Nebraska is not necessary. However, I see no reason why Reflexology should not become an independent profession separate from Massage Therapy. Most states recognize Reflexology as a separate and distinct profession in its own right. I see no reason why Nebraska needs to be different in this regard.

Notably, the Reflexology Association of America maintains that Reflexology is and should "remain separate from other hands on practices" (www.reflexology-usa.org), which would support the interpretation that reflexology is not promoted by its practitioners as a type of massage therapy. Certified Reflexologists would not qualify for membership in the major massage professional organizations; the American Massage Therapy Association (www.amtamassage.org) or the American Body Work and Massage Professionals (www.abmp.com).

Given that Reflexology is arguably safely unregulated in most states--no physical harm or insurance claims ever reported, for example--it is difficult to justify Nebraska holding possibly the most arduous Reflexology licensure requirements in the United States in requiring training and licensure for massage therapy in addition to training befitting reflexology. It is difficult to conceive of any treatment or approach more medically risk free than Reflexology.

Perhaps the Washington model, previously endorsed by commenters, could provide an initial approach for future deliberations. Attempts to achieve "resolution of grievances," as suggested by reviewers, may prove helpful also.