

AMTA Delaware

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Statement on HB 35

The following is a letter that has been drafted to send to Rep. Bryon Short, the primary sponsor of HB 35.

Please note: Neither AMTA National or AMTA Delaware had any role in the conception or writing of this bill.

Although we support the general intent of the bill (to reduce the number of illegal massage establishments and illegal activities performed in these establishments) we take issue with the many instances of vague and non-specific wording which could inhibit a legitimate practitioner's ability to run his or her own business.

Representative Bryon Short

411 Legislative Avenue

Dover, DE 19901

Re: House Bill 35

Dear Representative Short:

I am writing on behalf of the American Massage Therapy Association Delaware Chapter ("AMTA-DE"). The American Massage Therapy Association (AMTA) is the largest non-profit, professional association serving massage therapists and technicians, massage students, and massage schools. Since 1943, AMTA has been serving the profession by actively promoting massage to the public, the health care community, and other important groups. We actively engage with other health care associations such as the American Medical Association to foster integrative health care. Our association has more than 72,000 AMTA members nationally, including over 250 members in Delaware.

We have been supportive of the general intent behind the bill you are sponsoring, House Bill 35 "An Act to Amend Title 24 of the Delaware Code Relating to the Board of Massage and Bodywork", which would regulate massage therapy establishments as part of the state's efforts to go after illegal businesses that are using massage therapy as a front for human trafficking. However, we do not want our profession to be used as a cover for these types of business and can only support regulating our businesses in a way that is fair to our licensed, trained, educated and professional membership.

We ask that the following sections be amended to better protect those of us that are law-abiding, trained, licensed massage therapy professionals. Please see our comments and make the following recommended changes to House Bill 35:

Section 1

§ 5302. Definitions.

Find A Therapist

AMTA's National
Locator Service

(8) "Professional-in-charge" means a licensee who is responsible for the operation of a massage establishment, including ensuring that all employees are licensed, where required by law.

AMTA-DE Position: We request this definition be amended to clearly define the intent of the LMT's responsibility as it relates to business operations. The definition is too broad and could potentially lead to lawsuits that go beyond what the legislation has intended. Our recommendation would be:

(8) "Professional-in-charge" means a licensee who is responsible for the management of the practice of massage therapy in a massage establishment, including ensuring that all employees are licensed, where required by law.

Section 10

§ 5319 Qualifications of applicants for massage establishments.

(b) An application for massage establishment licensure shall identify the professional-in-charge and shall include notarized acknowledgement by the person identified as the professional-in-charge. At all times, the professional-in-charge shall be licensed pursuant to this chapter and shall hold a license in good standing as defined in this title. A licensee may serve as professional-in-charge for only 1 establishment at any given time. The Board shall be notified in writing of any change in the professional-in-charge within 10 business days of such change.

AMTA-DE Position: We believe that we are capable, educated, massage therapists and technicians who can manage, and be responsible for, multiple locations if that be the case. As currently worded, this is too restrictive and cost-prohibitive to proprietors. And, restricting a massage practitioner to only managing one establishment would restrict the ability of a legitimate small business person to advance their career and improve their incomes.

Inspections

(a) An agent of the Division may enter and inspect during business hours, without prior notice, any massage establishment.

AMTA-DE Position: We would like (a) amended. We believe that those who are abiding by the law by getting their massage establishment license should not be subject to unannounced inspections. It also does not consider that most of our time at our businesses is with clients during their massage and they are often in a state of undress. This is not a reasonable way to conduct these inspections and it certainly would not be acceptable in any other healthcare-related practice. We would like the language regarding inspections to be changed to give, at minimum, a 24-hour notice to LMTs and CMTs.

Our chapter requests that these changes be implemented to HB 35 and we are hopeful that we will have a positive outcome from this request to ensure that this bill does not infringe on the practices and businesses of legitimate, licensed massage therapists and certified massage technicians.

Thank you for your time and consideration and please feel free to contact the chapter with any follow-up or questions on this.

Wendy Forrest,

AMTA-DE Chapter President, LMT

CC:

Additional Sponsor(s):

Sen. McDowell, Lavelle
Reps. Heffernan, Smyk

Co-Sponsor(s):

Sen. Delcollo, Ennis, Poore, Richardson
Reps. Briggs King, Hudson, Keeley, Paradee, Ramone, Viola, K. Williams

Chapter Board Meetings

Our meetings are held the fourth Wednesday of each month at Panera Bread at Christiana Mall. The meeting begins at 7 pm. All members and prospective members are welcome!

Continuing Education in Delaware

We are in the midst of planning our spring Annual Meeting. Details on location and Continuing Education credits will be forthcoming. Check back soon!

Legislation

HB 35

A new bill has been proposed that would give the Board of Massage and Bodywork oversight into regulating massage establishments.

We encourage you to contact any of the **sponsors of the bill** with questions, concerns, or clarifications.

Jobs

Have a job opening? Email us to have a posting on our **Classifieds** page!

CPR/First Aid Certification

AMTA member Helen Berryman offers CPR and First Aid classes at her office at Heaven & Health LLC in Wilmington, and also travels to your location. Learn more and register on her [website here](#).

Your Delaware Chapter Board

Wendy Forrest, President

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