

CCMT Update on HB16 1320 – May 5, 2016

The Colorado Coalition of Massage Therapists (CCMT), made up of representatives (mostly volunteers) from AMTA, ABMP, and massage schools, has been a presence in the Colorado legislature since 2002. CCMT fought changes to the auto insurance law in 2003 which removed, and later added back a small amount of massage therapy rehab coverage. CCMT wrote and supported the passage of the Massage Therapy Practice Act in 2008, and has for a number of year's monitored bills that might affect our profession. Since 2008, CCMT has also worked with DORA as they regulate our Practice Act. CCMT has also sponsored Massage Therapy Awareness Day at the capitol each year since 2003. This event brings licensed massage therapists to the State Capitol to give chair massages to legislators and their staff, for the purpose of creating a positive image of our profession with law makers, and to make favorable contacts in the legislature. AMTA Colorado Chapter and ABMP have also used lobbyists for many years to advocate and work on behalf of our profession with the state legislature.

Without this history HB16 1320 would look very different than it does today. CCMT has worked closely with both DORA and the legislature throughout the whole process on HB16 1320.

DORA initiated HB16 1320 this past legislative session in order to address the growing problem of human trafficking businesses using exempt modalities in the Massage Practice Act to evade prosecution from local authorities. The biggest problem was that they were only able to persecute the victims of human trafficking, not the pimps who were causing problems.

There has been much misinformation out about HB16 1320. As it wound its way through the legislature, amendments were added, wording changed, and amendments taken off that caused confusion as to what was really happening. The bill has completed its journey through the legislature and is on its way to the Governor for his signature. He is expected to sign it.

Here is a short version of what the bill does.

- It closes loopholes in existing massage law, both local and state, that are being manipulated by traffickers to escape detection and cast aspersion on law-abiding massage professionals.
- It removes the restriction that massage therapy does not include therapeutic exercise, intentional joint mobilization or manipulation.
- Requires that a massage therapist will be at least 18 years of age at the time of licensure.
- Allows DORA to deny a license if there has been a charge of unlawful sexual behavior or a human trafficking charge.

- States that the Director of DORA may deny a license if the Director determines that the applicant is not competent, trustworthy, or of good moral character. (This wording is also in the Colorado practice acts of naturopathic doctors, lawyers, insurance producers, teachers, and in the massage therapy practice acts of other states. The current director expects to use this authority infrequently, such as on the rare but concerning instance when an applicant has been arrested for a pattern of trafficking or pimping offenses.)
- It removes the wording that exempts practices in which only the soft tissue of a person's hands, feet, or ears are manipulated and adds an exemption for those using reflexology, auricular therapy, and meridian therapies that affect the reflexes of the body.
- Moves Asian or polarity bodywork therapy from law to rule. (This is where most of the human trafficking problems have been.)
- States that if there is a continued pattern of criminal behavior with arrests, complaints regarding sexual misconduct, or criminal intent that is related to human trafficking disguised as a legitimate exemption, the Director may determine that a practice is no longer exempt from licensing.
- In the section of the Practice Act - Grounds for Discipline, it adds that a therapist may not expose an intimate part of his or her body to the view of a client or any person present with the client, or perform an act of masturbation in the presence of a client. Intimate part and masturbation are defined. (The Florida Massage Therapy Practice Act includes very similar language and massage therapy is considered healthcare in that state. Similar wording is also found in four other state's massage therapy statutes-Nevada, North Carolina, Oregon, and Tennessee. Some on social media have misinterpreted this to say that a therapist can not massage gluteals. This is not true.)
- If a person commits an act that violates this law, the Director may impose a fine not to exceed \$5,000 per violation. (Again, this is referring to human trafficking.)
- A person who knowingly aids or abets the unlicensed practice of massage therapy commits a Class 2 misdemeanor for the first offense and a Class 1 misdemeanor for any subsequent offense.
- Local government may inspect massage businesses, except for a sole proprietorship within a person's residence, upon complaint of illegal activity and ensure that the people performing massage therapy are licensees. There can be no charge for the inspection

To read the actual document, go to Colorado General Assembly, click on House bills and select the correct bill number.

DORA has scheduled a stakeholder meeting May 16, 2016 from 9:00 – 11:00 am, at 1560 Broadway, Room 110D, Denver, CO 80202 to start the rulemaking process for the changes in the Massage Therapy Practice Act. All are invited.

CCMT has spent much time and effort to make this bill as favorable to the massage therapy profession as possible and we hope this information will dispel some of the fears that have been generated around HB16 1320.