



CALIFORNIA CHIROPRACTIC ASSOCIATION

July 5, 2006

The Honorable Judy Chu
Assembly Appropriations Chair
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0049

RE: OPPOSE UNLESS AMENDED – SB 412 (Figueroa) as amended June 5, 2006

Dear Assembly Member Chu:

The California Chiropractic Association (CCA) opposes SB 412, unless amended. This bill would require those that call themselves “massage therapists” and “massage practitioners” to meet certain educational requirements. It would also define “massage” in statute for the first time.

The problem is the language used to describe “massage” in the bill allows much more than just rubbing sore muscles. The definition of “massage” is written broadly to allow a massage therapist or practitioner to perform joint mobilization into the passive range of motion independently without first being seen by a medical doctor, osteopath or doctor of chiropractic to rule out any contraindications. Our concern lies in the fact that many life threatening disorders can be worsened by joint mobilization if left undiagnosed.

CCA has been working with organizations representing the massage therapists over the past year to come up with a definition that accurately described the term “massage.” Negotiations immediately focused on direct access. Traditionally, the Legislature has determined that any direct access provider should be able to differentially diagnose conditions that are contraindicated to any treatment he or she administers or any procedure he or she performs.

The quandary created by this bill lies in the fact that although massage therapists don’t have the training to diagnose conditions, they currently provide massage services to asymptomatic and symptomatic clients. Massage clients who see a massage therapist because of sore muscles may have a serious undiagnosed condition. To prevent the public from being harmed, CCA sought amendments that would only allow direct access for what is considered traditional massage services that it didn’t include any procedures that could harm a client with undiagnosed conditions.

Representatives from all organizations were able to agree on all massage procedures that the massage therapists sought except for joint movement. CCA originally argued that joint movement was not traditionally included in the term “massage” and should not be allowed at all. The massage therapists satisfactorily explained how some joint movement is necessary to their practice so CCA offered amendments to allow people in pain to see massage therapists directly, if joint movement is limited to the active range of motion for that joint (active range of motion is joint movement that a person can move on his or her own accord). CCA wanted to prevent joint mobilization into the passive range of motion (passive range of motion is joint movement beyond what someone can move on his or her own). The reason CCA insists on limiting massage therapists who see the public directly to the active range of motion is that massage therapists do not study the anatomy and physiologic functioning of the entire

human body adequately to be able to rule out potentially life-threatening conditions that might be made worse by joint mobilization into the passive range of motion. Joint mobilization of a pathological joint may not cause pain that would make it obvious to the client that the massage therapist is making a potentially life threatening condition worse. It is CCA's position that if a massage therapist wants to go into the passive range of motion, he or she should only do so under the prescription of a medical doctor, osteopath or doctor of chiropractic. Representatives from the massage therapists told us that only a few, more highly educated massage therapists would want to move a joint into the passive range of motion. They claimed that those more educated massage therapists would know if the client had a condition that needed to be referred to a doctor. CCA strongly disagrees with this and believes that for the law to adequately protect consumers, it must be written to describe the training necessary for competence in all procedures allowed. CCA does not believe that the small number of massage therapists who want this should be trusted to get the necessary additional education before they perform joint mobilization into the passive range of motion.

In addition to being a threat to patient health, the bill is also inconsistent with established Legislative standards because it allows massage therapists and massage practitioners to have a broader scope of practice than licensed physical therapists are allowed. Physical therapists in California have over 2000 hours of education, yet the state Legislature has consistently prohibited physical therapists from performing massage or other forms of physical therapy on patients without first being diagnosed by a doctor because of the potential damage that can be done by soft tissue work on an area of the body with undiagnosed pathology. It is absolutely ridiculous to argue that a massage therapist or practitioner with 250 or 500 hours of training will know when a pain in the shoulder is a simple issue that can be resolved with massage or is a more serious condition such as cancer that would be worsened by massage. In its current form, this bill sets a precedent that will undermine the health of California citizens. For this reason, we ask for your "no" vote.

If you have any questions, please contact CCA's government affairs director, Kristine Shultz at (916) 648-2727 x 130.

Sincerely,

A handwritten signature in black ink, appearing to read "Kassie Donoghue". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kassie Donoghue, DC
Government Affairs Chair

cc: Assembly Appropriations Committee