



Massaging State Regulations

by David Hogberg

As Iowa continues to wrangle with a budget crisis, you might think that this would be a good time for State Legislators and the Governor to focus on the essential functions that state government must perform. Of course, it depends on what the definition of “essential” is. Apparently, it includes “massage therapy.”

Earlier this year the Committee on State Government introduced, the State Legislature passed, and Governor Tom Vilsack signed, House File (HF) 204 which instructs the Iowa Department of Public Health to:

conduct a study regarding the modalities associated with massage therapy. The study shall be conducted with the input of licensed massage therapists, reflexologists, and unlicensed persons practicing modalities related to massage therapy. The objective of the study shall be to determine which modalities shall be included under the definition of massage therapy and require licensure, and shall include, but not be limited to, a recommendation regarding the licensure of reflexologists.¹

It would be easy to conclude that this amounts to government micromanagement and regulation gone wild. However, this bill actually deregulates massage therapy. A massage therapist is not subject to state licensure requirements for one year if his or her “professional practice does not incorporate aspects that constitute massage therapy as defined by section 152C.1” of the state code. That section of the state code defines massage therapy as:

performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation.²

Does your massage therapist fall under that definition? And, more importantly, do you care?

Of course massage therapy is not the only profession in which the state meddles. It also has licensure requirements for accountants, athletic trainers, behavioral scientists, barbers, cosmetologists, dieticians, hearing aid dealers, landscape architects, and real estate appraisers. Although the cost to taxpayers for most of this is negligible since the licensure fees fund the various examining boards, this sort of regulation costs Iowans in another way. The licensure requirements reduce competition in these professions by making it more difficult for people to enter them. Reduced competition results in higher prices for

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consumers. Unfortunately, Iowa consumers will likely see more of this in the not too distant future. The following is a list of bills that did not make it out of the State Legislature this year, but will surely return in a future Legislative session:

House File 217: Introduced by State Representative James Hahn, this bill increases, from ten to twelve, the number of months of instruction for barbers' apprentices. It also requires apprentices to take courses in "law," "ethics," and "the history of barbering."

House File 286: You thought that the existing regulations for barbers and cosmetologists were enough? Then you must be unaware that the law contains a loophole for "press and curl technicians." HF 286, introduced by State Representative Don Shultz, remedies this problem by requiring press and curl technicians to be licensed by the State Board of Cosmetologists.

House File 605: Proposed by the House Committee on State Government, this bill creates a state examining board for interior decorators. The board will proctor an examination for all interior decorators wishing to be registered with the state, and impose a fee on decorators who take the examination. Any interior decorator who falsely uses the title of "registered" will be guilty of a simple misdemeanor. We can all sleep easier at night knowing that the state government is protecting us from fraudulent interior decorators.

House Study Bill 129: Proposed by State Representative Jeff Elgin, this bill cracks down on unlicensed athletic trainers by increasing the penalty from "simple misdemeanor" to "serious misdemeanor."

Senate File 122: SF 122 requires the Department of Cultural Affairs to "develop an application and review process for the annual designation of a community theater as a 'state of Iowa theater.'" Proposed by State Senators Joe Bolkcom and Mike Connolly, it requires the Governor to designate a state theater of Iowa for a period of one year. But why stop with a state theater? In the spirit of the above Legislation, we should also designate a state styling salon, a state barber shop, perhaps even a state massage parlor.

It appears Iowa's Legislators have gotten the itch to regulate. And if the recent Legislative session is any indication, they are all too willing to scratch it, no matter how silly or meddlesome.

ENDNOTES:

¹All Legislation in this Institute Brief can be found at
<<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=Matt&Service=Billbook>>.

²Code of Iowa, Chapter 152C, "Massage Therapy," p.1496, 2001.

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