

OPPOSE HB2169 – A Bill to Merge the Barber/Cosmetology and Massage Boards

1. The professions are fundamentally different.

- Massage therapy is a healthcare profession. Barbering/Cosmetology is not.
- Barbering/Cosmetology concern beautification. Massage therapy promotes health and wellness, relieving pain, and aiding rehabilitation.

2. HB2169 gives control of a healthcare profession to a non-healthcare profession.

- Non-healthcare regulators will dominate the board.
 - Barbering/Cosmetology are closely related (one encompasses the scope of the other).
 - Barbering/cosmetology will have 4 seats. Massage therapy will have 2 (includes schools).
 - To start, the two boards fully merge. The majority of public members will be oriented toward barbering/cosmetology by 4 to 1.
- Public health, safety, and welfare could likely be compromised due to a majority of members lacking the training or expertise in providing or regulating healthcare services.

3. HB2169 could lead to job loss and loss of insurance reimbursement.

- Approximately 10,000 massage therapists are effectively removed from the healthcare realm. ***This could have a significant impact on Arizona's economy.***
 - Insurance companies can choose not to pay even if deemed medically necessary. Massage therapists in healthcare settings could lose their jobs as a result. Those in private practice that accept insurance would lose significant income.
- **Impact to the consumer:** Loss of access and for some, massage therapy is their only viable alternative to opioids.

4. The merger won't fix massage therapy application/renewal processing times.

- Fingerprint requirements add significant time to process massage therapy applications/ renewals. Barbering/Cosmetology does not have this requirement so can process them faster.

5. HB2169 does not address human trafficking.

- Massage therapy and cosmetology/barbers involve distinct kinds of trafficking (sex and labor trafficking, respectively), which require different approaches.
- Combining the boards will not solve the problem:
 - **“Regulating out” the problem does not work.** Our own national experts on the issue of brothels disguised as massage say that this approach is frustrated by the overall structure of boards (using civil procedure to address a criminal problem).
 - **Boards generally don't have the proper tools.** Rather than merge the boards we suggest making legislative changes to give all boards the following tools:
 - Revamp unlicensed practice laws to be more responsive.
 - Make business owners responsible for unlicensed practice in their business.
 - Implement a Landlord Engagement Program that encourages landlords to stop renting to criminals.

These legislative changes are minimal and don't require setting up more bureaucracy to implement them. Our experts are happy to work with you.

The merged board will have the same problem, only now it's much bigger and the board will have fewer resources.

Note: The current massage therapy board has done its best to correct the deficiencies listed in the audit, including human trafficking. However, ***the board has yet to receive the necessary personnel crucial to address those issues.*** The problem is not the money because licensing fees

have generated the necessary funding; personnel requests have been denied – even though the money is there to pay for it.

6. HB2169 can lead to limitations in scope of practice.

- Regulation via a non-healthcare majority *and* the territorial push-pull between the professions could lead to rules that limit the scope of massage therapy.
 - Example: Massage therapists use body wraps for therapeutic reasons, cosmetologists use them for beautification. Similar application, but for different outcomes. With a minority role on the merged board, the massage therapy scope could be restricted, *leading to more complaints to the legislature to fix the problem.*
- To start, public members from the Barbering/Cosmetology boards may be biased in how these conflicts are settled.

7. HB2169 can increase the risk of regulatory gaps that puts the public at risk.

- Lack of expertise in healthcare issues and potential limitations in scope of practice due to turf disputes, can increase regulatory gaps which puts the public at risk.
- The merged board will face the same audit problems as the massage therapy board, but now the majority of members on the merged board will lack the proper expertise *and* the massage therapy board will bring their lack of funding to the new board (see Note in #5). This can also compromise public health and safety.

8. Massage therapists do work in spas and cosmetology businesses, but the similarities end there.

Massage therapists *also work* in a variety of other settings: Health clinics, hospitals, hospice care, in private practice, and more. All massage therapists, no matter where they work, provide health enhancing services that cosmetologists and barbers do not.

MESSAGE IS HEALTHCARE, NO MATTER WHERE IT'S PRACTICED.

Please vote NO on HB2169.

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