

Testimony in opposition to HB1039

Tom Swiss, LMT, Dipl. ABT (NCCAOM), CP (AOBTA)

2119 Arlonne Drive

Catonsville, MD, 21228

for himself, and on behalf of the American Organization for Bodywork Therapies of Asia

Thank you, members of the Health and Government Operations Committee, for the opportunity to speak on HB1039, revising the law around massage therapy regulation.

As a Maryland Licensed Massage Therapist and a nationally certified (NCCAOM and AOBTA) Asian Bodywork Therapist, I have grave concerns about this bill's change to the statutory definition of massage therapy, removing the existing exemption of Asian Bodywork Therapy (ABT) and other forms of "energy work".

It is unfortunate that the authors of this bill did not choose to reach out to those affected by this proposed change. I learned about this proposal only by accident at the end of February, which has not given the Asian Bodywork Therapy profession much time to respond. I spoke with officials from the American Organization for Bodywork Therapies of Asia, the professional organization for ABT, on Friday, March 5, and they have provided a brief official statement, which is appended here.

In crafting this bill without consulting Asian Bodywork Therapists, the authors have neglected an important rule of just legislation: "Nothing about us, without us."

ABT is a profession and a practice which borders on massage therapy on one side, and with acupuncture on the other. We see massage therapists and acupuncturists at colleagues – indeed I will be teaching an introduction to shiatsu and acupressure at the Potomac Massage Therapy Institute later this month.

But just as a first aid class doesn't make a student an Emergency Medicine Technician, so a few hours of acupressure training doesn't make a massage therapist an ABT.

Our arts, professions, and training are distinct. Like acupuncture, ABT is based in the Chinese Medical theory of *qi* and the meridian system, rooted in East Asian culture and philosophy.

Conflating it with massage therapy ignores the distinct cultural, philosophical, and theoretical roots of these arts. ABT is as distinct from massage as karate is from boxing, and regulating Asian Bodywork Therapists as massage therapists would be as incorrect as making me get a boxing license to teach a karate class.

According to the AOBTA,

Asian Bodywork Therapy (ABT) is the treatment of the human body/mind/spirit, including the electromagnetic or energetic field which surrounds, infuses and brings that body to life, by using pressure and/or manipulation. Asian Bodywork is based upon Chinese Medical principles for assessing and evaluating the body's energetic system. It uses traditional Asian

techniques and treatment strategies to primarily affect and balance the energetic system for the purpose of treating the human body, emotions, mind, energy field and spirit for the promotion, maintenance and restoration of health.

...

ABT is one of the three branches of Chinese Medicine in which the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certifies people for entry level into the profession. Treatment may include, but is not limited to, the following: touching, pressing or holding of the body along meridians and/or on acupoints primarily with the hands, stretching, external application of medicinal plants or foods, heat or cold, and dietary or exercise suggestions. Cupping, guasha, moxibustion, and other methods/modalities may also be used by properly trained practitioners.

The current law, HEALTH OCCUPATIONS § 6-101, states that:

(3) “Massage therapy” does not include:...(iii) Except as provided in paragraph (2) of this subsection, the laying on of hands, consisting of pressure or movement on an individual who is fully clothed, except for footwear, to specifically affect the electromagnetic energy or energetic field of the human body.

This existing statutory language explicitly exempts Asian Bodywork Therapy from the legal definition of “massage therapy”.

It also exempts practices like *reiki*, *qi gong*, and other forms of “energy work” rooted in the East Asian tradition, which might be described as forms of folk medicine, spiritual healing, and/or health cultivation and practiced in a less professional context. Many Marylanders – including Asian Americans with family traditions of these arts – have been practicing them for decades without incident.

These practices present no threat to the health, safety, or well-being of the people of Maryland. But the proposed bill would strike this exemption from the law, inviting the Board Of Massage Therapy Examiners to put onerous and costly requirements on practitioners – and the Board doesn’t even have the necessary knowledge of these arts to regulate them.

If Asian Bodywork Therapy were to be regulated by the State (though given its inherent safety I see no need for that!), it must be done by a body with the appropriate knowledge, training, and expertise.

I urge you to oppose this bill unless it is altered to preserve the current statutory definition of massage therapy.

Thank you for your consideration.

Tom Swiss, LMT, Dipl. ABT (NCCAOM), CP (AOBTA)
2119 Arlonne Drive
Catonsville, MD, 21228
tms@EarthTouchShiatsu
443-803-9621