

Testimony:

SB0370 / HB 0374 Section F

Myself and the large majority of my colleagues in the massage therapy, physical therapy, and chiropractic fields are strongly opposed to any part of this law that would require an Acupuncturist license to practice acupressure for the following reasons.

Acupressure is a no-needle manual therapy technique that comes from Traditional Chinese Medicine (TCM), and follows TCM principles. Many of us as licensed massage therapists and other manual therapy practicing fields study it, were taught it in school, and use it as a regular part of our practice. Many modern manual therapy techniques owe homage to TCM.

Currently, acupressure can be practiced by all licensed manual therapy professions (massage therapists, acupuncturists, chiropractors, and physical therapists), and to my knowledge, anyone certified in acupressure regardless of licensure. It has never been under single profession ownership, and is commonly taught across bodywork practices in Continuing Education or directly in school programs.

Section F would prohibit LICENSED providers as well as certificate holding individuals from practicing acupressure or East Asian manual therapy techniques like shiatsu, because the practice of such would now require an Acupuncture license. Acupuncture licensure requires significant time, money, and potentially travel to out of state schools, as Maryland has limited options. This is not a reasonably accessible program for most current practitioners. Therefore, this law as it is written would likely deal significant damage (or completely destroy) a number of businesses in the above fields, as well as harm schools and Continuing Education providers who include it on their curriculum.

Further potential damages may occur as described below, if the definition of manual therapy in section F passes:

-Harm the income, rapport, and operation of businesses, like my own, by limiting the types of techniques we can practice even though we have trained for them.

-Harm our clients, by limiting the ways in which we are able to help them. I encountered my own health issues which were helped more by TCM than other techniques. I would be devastated if my trusted providers could no longer render these services. I know many of my clients share this fear with the way this law is written.

-Harm the ethics of our practices by removing the ability to involve and credit the contributions acupressure and TCM have on massage therapy and manual therapies.

-Destroy our connection point to clients who culturally identify with, or prefer this framework. This would damage the level of culturally relevant care we can provide to many individuals.

-Destroy the ability of massage therapists and other licensed professionals to participate in the scientific studies of acupressure and its impacts on modern medicine. It is a commonly used

technique in clinical manual therapy studies across the world, that would greatly benefit Marylanders if all professions remain able to collaborate and contribute.

-Completely put out of business many licensed professional practices that primarily use TCM manual therapy techniques like acupressure and shiatsu.

-Completely put out of business a very large number of small, primarily Chinese immigrant owned, businesses who rely on certificate based acupressure to deliver their cultural healing methods on a wider scale.

-Limit public access to acupressure and TCM manual therapy frameworks as a whole by reducing it to a solely acupuncturist practice.

-Cause accredited school programs in massage therapy and other manual therapy based professions to eliminate entire curriculums on acupressure, potentially lose attendance or accreditation, and limit valuable professional knowledge on East Asian frameworks

-Loss of income and hours of approved coursework of Continuing Education providers, including acupuncturists, who teach acupressure to other professions.

I believe Section F will be felt more strongly as a restriction and damage across other professions than as a benefit or gain to acupuncturists, who already maintain the ability to use this practice if they choose to.

The large majority of professionals I've spoken to strongly oppose this bill for the above reasons. However, I'd like to address the concerns of a small number of professionals who have expressed favor of additional acupressure regulations.

Some share the perspective that this bill could prevent sex trafficking by requiring a license for acupressure. While I strongly stand behind the intent of keeping people safe, I believe this approach to doing so is rooted in discrimination, and will impact many innocent lives. Let me clarify.

There is a known, harmful, stereotype in our industry about Asian massage clinics being involved with sex trafficking. Sex trafficking is a danger regardless of profession, and has been found to occur in various places beyond just acupressure facilities. It should be a known ethical danger to society to place any stereotypes or blanket statements on a community or their cultural practices in this way. The East Asian modality of acupressure SHOULD NOT be directly, under any circumstances, associated with sex work. As a licensed professional, I believe that sex trafficking is our enemy, not acupressurists, and not other professionals. It is a harmful misattribution, with particularly damaging effects on East Asian individuals and businesses, to believe that targeting acupressure is targeting sex trafficking.

Some hold the perspective that acupressure regulations should be put in place so that the general public can be kept safe within the practices of acupressure. This law could intend that by board ownership, this would ensure someone is regulating an intake and use protocol by preventing individuals from practicing under a non-licensed certificate.

This concern should not be applied to licensed professionals in any of the above industries that include manual therapy, as we already have training in safe touch of the human body, intake, sanitation, ethics, kinesiology, Anatomy & Physiology, and more. I believe this law should be denied until the Acupuncture Board and the Boards of Massage Therapy, Physical Therapy, and Chiropractics can agree on a means of regulating acupressure that does not limit anyone's scope of practice.

I understand then that this concern may be more targeted towards individuals practicing acupressure with a certificate, and no licensure. I will refer to these individuals as certified acupressurists. I'd like to reiterate that acupressure is a generally safe technique, with the most common side effects being mild bruising and soreness (common of all manual therapy side effects, and similar to the side effects of rigorous exercise or sports). Severe side effects are extremely rare, with no reported cases of death that I have been able to find in my research. This is because unlike acupuncture, which uses the insertion of needles, acupressure is entirely noninvasive. Routines are able to be performed over clothing, and may include, but do not require, deeper levels of pressure to be performed.

Conversely, acupuncture, which requires needle insertion, does come with a recorded risk of death in cases of malpractice or accident, though also extremely rare. This explains the significant difference in training and regulation needed between acupuncture and acupressure. If anyone is aware of cases of severe damage caused by manually applied acupressure practice, that have occurred with any level of frequency or concern to the general public, this may warrant further safeties. However, after 6 years and much research in the massage therapy industry, I have not come across these risks. The scope of practice for East Asian manual therapy techniques, while they teach an understanding of East Asian medicine and energy theories, do not in any way require a diagnostic or prescriptive practice.

While it is appreciated that our massage therapy advocacy organization is making sure that the law is amended to be distinct from Western massage therapy practices, it entirely misses the impact this law could have on businesses, communities, individuals, and schools or practices that use East Asian techniques. I argue that it may not even be ethical to force providers to separate these techniques, as East Asian medicine influences many bodywork practices and are already under-recognized for their contributions.

If the concern of public safety remains, possible alternative avenues of regulation are as follows that do not limit the scope of practice for licensed professionals, and provide certified acupressurists fair opportunity:

1) Maintain the system as is, but encourage boards or existing professionals to vet and recommend certificate based programs to ensure the quality of education is appropriate. A website or online platform can be updated with programs approved by the trusted professionals. Create initiatives to educate consumers on the differences between certified and licensed professionals, as well as which certificates have been vetted, to promote informed consent without eliminating options.

2)OR By updating the definition of manual therapy practices in ALL AFFECTED boards, WITHOUT using terminology that prohibits the entirety of acupressure as a practice. Certificate holders would need to abide by parameters of non-licensed practice, but do not lose the opportunity to practice their techniques all together. For example, if skin contact is a specific concern for non-license holders, modify the legal definitions of manual therapies such that bodywork with removal of clothing is only available to licensed professionals. Certified acupressurists do not lose the ability to practice acupressure, but to avoid infringing on the scope of licensed professionals, they would only be able to practice over clothing.

3) OR Similarly to how the massage board previously had RMP and LMT designations, more easily attained licensure with a reasonable number of hours could be proposed to regulate acupressure, by either board, with easily reachable programs in local trade schools or community colleges. Ideally these programs would be made with language accessibility considerations for the significant number of immigrant owned businesses affected. Furthermore, acupressure should remain within or be written into the scope of all practicing professional boards, to ensure no professionals lose their existing scopes.

I urge the boards to remove Section F of the bill until further consideration of ways to preserve as many ethical small businesses as possible. And as we try to find a solution that works for all, I ask you...

- To consider that many other unlicensed physical practices, such as personal training or sports, are generally considered safe for the public.

- To recognize and preserve the importance of culture and belief in these practices, and before passing judgement on certificate holders, consider that the level of adequate education on East Asian theories may look different for those raised with knowledge of these practices.

- To exercise caution and consideration when assigning any board ownership of cultural medicine regulations.

- To consider expanding consumer education and informed consent through community outreach as an alternative to professional overregulation.

- And finally, to consider unique solutions like the above mentioned licensure alternatives, if all boards agree that licensure is necessary for the safety of the public.

For the concern of prevention of sex trafficking, I reiterate that we should not associate East Asian medicine practices with sex work. Bodyworkers and massage therapists often carry the burden of proving our professionalism due to the unethical actions of others. We should instead target sex trafficking itself as the problem, rather than hyperregulating ethical professionals and businesses. We could begin this process by...

- Collaborating with survivors of trafficking to learn how to make it safer for victims to come forward

- Creating risk prevention programs, safe exit strategies, and rescue resources available in multiple languages

- Raising public awareness of red flags, so consumers know when to report a genuinely suspicious facility for audit

- Doing, as certain upcoming legislation proposes, and creating courses on professional awareness for trafficking so that we know when to report an incident or facility

I hope this is an opportunity to discuss exactly what safety concerns are present for this practice if not those listed above. That being said, within my professional experience, I do not feel as though Section F provides appropriate safeties to any of the above concerns, but instead inflicts greater damages. Until we can attain a method forward that does not harm the lives of many individuals, cultures, schools, and businesses, I ask that you share opposition to this section of the bill.

I believe that Marylanders and Maryland legislators want our state to be a home for culturally competent practices, small businesses, and fair opportunity. I believe that by changing Section F of this law such that it does not require an Acupuncture license to practice acupressure, we can hold true to these values, and find other avenues that work for all.