

MEMORANDUM

TO: Health and Human Services Interim Committee

FROM: J. Craig Jackson, Director

DATE: October 3, 2003

RE: Response to Sunset Review Questions for Massage Therapy Practice Act
Title 58 Chapter 47b

Question 1: *To what extent does the statute or agency operate in the public interest and are there areas in which the statute or agency needs to improve its ability to operate in the public interest?*

Answer: This statute operates as a mechanism for licensed massage therapists to practice in the State of Utah. The statute establishes licensure requirements, which help insure the consistency in preparation of individuals providing massage therapy services. In protecting the public health, safety, and welfare the Division investigates any reports of violations of the Massage Therapy Practice Act.

Question 2: *To what extent do existing statutes interfere with or assist the legitimate functions of the statute or agency, and any other circumstances including budgetary, resource, and personnel matters that have a bearing on the capacity of the statute or agency to serve the public interest?*

Answer: The massage therapist is required to provide proof of passing a national exam and an approved education program in order to be licensed. The existing requirements are a balance between avoiding excessive costs for training and testing. The Division must maintain a licensing staff to review the applications for Licensure.

Question 3: *To what extent is the public encouraged to participate in the adoption of the rules established in connection with the statute or agency?*

Answer: All rulemaking efforts are widely published with notifications to interested associations and posting on the Division's Internet site, as well as publication in the state bulletin. The public is thus invited to participate either by attending the rulemaking hearing or by submitting written comments during the public comment period.

Question 4: *To what extent are the statute's provisions or agency's programs and*

services duplicative of those offered by other statutes or state agencies?

Answer: Some health care professions are exempted from licensure as massage therapists while performing massage therapy as part of their practice, however the statute does not allow those working under an exemption to represent themselves as massage therapists while performing massage therapy.

Question 5: To what extent are the objectives of the statute or agency accomplished and their public benefit?

Answer: Overall, the objectives of the statute are being met in that most massage therapy licensees continue to maintain their qualifications, do quality work, and disciplinary action is minimal.

Question 6: What would be the adverse effect, if any, on the public terminating the statute or agency?

Answer: Without this regulation, there would be a potential that unqualified persons would perform massage therapy services. In addition this occupation has had the problem of being associated with prostitution and part of the reason for licensure was to protect the public from this issue.

Question 7: Are there any other matters relevant to the review of the statute or agency?

Answer: We are recommending that the statute be re-authorized for 10 years.