



FSMTB
FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Regulatory Role & Fundamentals of Government Licensure

January 12, 2022

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Regulatory Role & Fundamentals of Licensure



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MASSAGE THERAPY BOARDS

Mission



- **The mission of the Federation is to support its Member Boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently.**

Today's Facilitator

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- FSMTB General Counsel



FYI...that is not really me!

Regulatory Role & Fundamentals of Licensure

- Why does government become involved in the regulation of the professions?



Why Government?



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PUBLIC HEALTH, SAFETY, & WELFARE



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Why Government?

- Other than “public protection”



Why Government?

- Other than “public protection”

- Deference to legislative process
- Uniformity
- Sets standards
- Creates and delegates authority to a board
- Populates boards with experts and public members
- Authorizes rule promulgation
- Provides an enforcement mechanism
- Transparency
- Due process
- Fairness
- Separates public from private
- Generates revenue
- Educates/information source
- Effectiveness
- Efficiencies

Regulatory Role & Fundamentals of Licensure

- **Government: The Ultimate Equalizer**



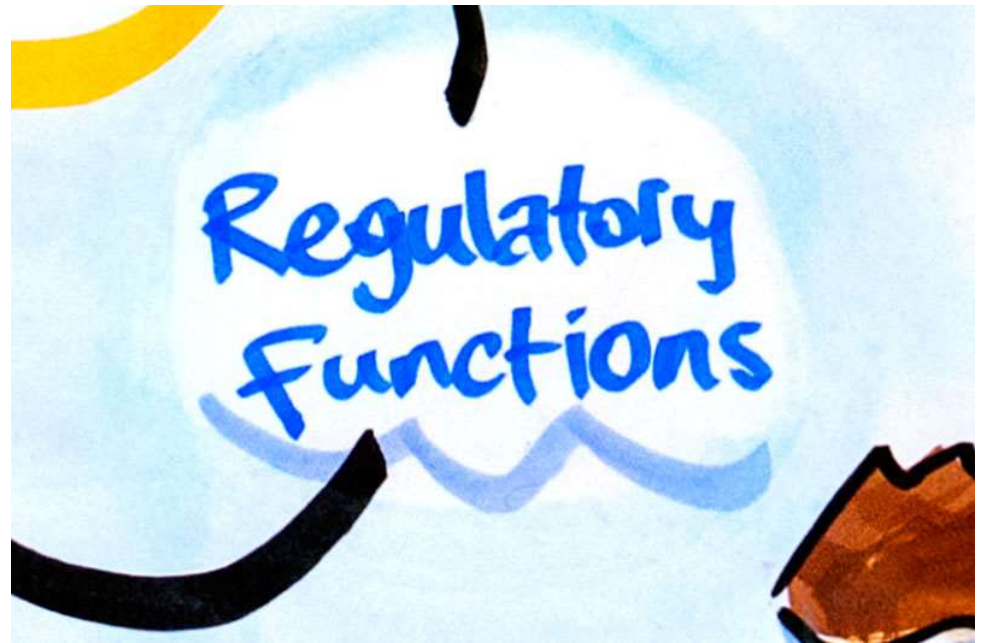
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Regulatory Role

- Government
- Board
- Board member
- Staff



Board Role

- Carry out the intent of the legislation



Board Member Role

- Serve
- Free of bias
- In the interest of the public
- Be prepared
- Meaningfully participate
- Be knowledgeable
- Understand difference between professional promotion and public protection



Board Staff Role

- Serve
- Free of bias
- In the interest of the public
- Be prepared
- Meaningfully participate
- Be knowledgeable
- Understand difference between professional promotion and public protection



Fundamentals of Licensure

Is the massage
therapy profession
self-regulated?

TRICK
QUESTION

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Fundamentals of Licensure

Is the massage
therapy profession
self-regulated?

No!

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Government is the only entity that can create a mandate.



Fundamentals of Licensure



Fundamentals of Licensure



SECTION 102. LEGISLATIVE DECLARATION:

The purpose of this Act is to protect the health, safety and welfare of the public. The Legislature declares that the practice of Massage Therapy is a healthcare profession in need of regulation and that only qualified persons be permitted to engage in the practice as defined herein.

It is declared that the practice of Massage Therapy merit and receive the confidence of the public through the enforcement of this Act, any applicable regulations, and other relevant laws. It is further declared that this Act is intended to fully occupy the entire field of Massage Therapy and that any city, county, or subdivision thereof is prohibited from adopting laws that infringe on the scope of this Act. This Act shall be liberally construed to effectuate the broad purpose of protecting the health, safety and welfare of the public.

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Licensure criteria

Application/Renewal

Fees

Education

Examination

GMC/criminal background

Continued competence

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Enforcement



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Remember: You ARE FSMTB!!

*PUBLIC PROTECTION
AND GENERAL
GOVERNMENT*



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