



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

**TESTIMONY PRESENTED BEFORE THE  
COMMITTEE ON PLANNING AND DEVELOPMENT  
March 16, 2012**

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**House Bill 5455 – AN ACT CONCERNING PENALTIES FOR AND THE INVESTIGATION OF THE  
OPERATION OF ILLEGAL MASSAGE ESTABLISHMENTS**

The Department of Public Health opposes House Bill 5455.

House Bill 5455 would prohibit employers from employing persons to engage in the practice of massage therapy unless the person has obtained a license from the department. Any person who employs a person to perform massage therapy in violation of this provision would be guilty of a misdemeanor. Although the Department of Public Health licenses and investigates complaints regarding massage therapists and may issue a cease and desist order to an individual who is practicing massage therapy without a license, the Department does not have oversight of employers and has no ability to enforce the proposed provisions related to employers.

This bill would also require the Department to initiate a formal investigation, or cause a local health department to initiate a formal investigation, within thirty days of receiving a complaint that someone is: practicing massage therapy without a license; advertising for services included within the definition of massage therapy or using the term or title "massage", "shiatsu", "acupressure" or "Thai massage" without a license; failing to list a license number in an advertisement for massage therapy services; or employing persons to engage in the practice of massage therapy without the required license. In practice these responsibilities would be the responsibility of the Department because local health departments have no authority to take action against individuals who are found to be in violation of these provisions. If a local health department identifies that an individual is practicing without a license, the Department is still required to conduct an investigation and proceed with any disciplinary action in accordance with the Uniform Administrative Procedures Act. Implementation and enforcement of these provisions would have significant fiscal impact on the Department, as they cannot be accomplished within existing resources.

Finally, this bill would require the Department, or local health Department, to determine in the course of each investigation that involves a licensed massage therapist, whether the person obtained a license legally by comparing the photograph submitted on the individual's licensure application with the photograph taken by the National Certification Board for Therapeutic Massage and Bodywork at the time the individual sat for the licensing examination. This will add an unnecessary additional step to the disciplinary investigation process which will further stretch our limited resources because the National Certification Board for Therapeutic Massage and Bodywork has indicated that it will require the Department to issue a subpoena in order to obtain copies of photographs of individuals who have taken the licensing examination. This will also result in additional workload on prosecutors and hearing officers in the Department. This is an unnecessary mandate because regardless of whether this section provides that photographs that do not match shall constitute prima facie evidence that such person is engaging in the practice of massage therapy without a license, the Department must proceed with any disciplinary action in accordance with the Uniform Administrative Procedures Act and provide the licensee with due process.

Thank you for your consideration of the Department's views on this bill.

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