

A Conversation on Licensure

An Interview with Michael Murphy and Bill Harvey

4/28/96

BILL HARVEY: You are the Rolf Institute liaison to the world of legislation and licensure throughout the country. This is something you're very excited about. Why is that?

MICHAEL MURPHY: Because I think that the world of licensure is going to be increasingly interested in us. I want to make sure that they understand who we are, and how we function, and if they desire to regulate us, then they can regulate us in a way that is appropriate to our scope of practice.

BH: What are the benefits that you've come up with for this initiative?

MM: There're a couple. One is that when it happens that we end up being regulated, the chances are better that we'll be regulated appropriately. But in the interim, there is a whole range of interprofessional cooperation and interorganizational cooperation that happens. Long before you get to the state legislatures, there are conversations to have with regulatory boards and certifying groups, and leaders of

other professional associations that are all happening out of this process which I think are enormously valuable to the Rolf Institute. And in the process we are comparing how different associations do elections, how different associations do hiring and firing, and how different associations do budgeting and so forth. So there's lots of benefit from associations with other groups beyond just the merely regulatory. Those groups tend to be groups that will help contribute to policies that will shape the field in the future, and that's why I want to play.

BH: The second primary benefit that you mentioned had to do with meeting and finding out who the members of community actually are. So what has been your experience in our community?

MM: Oh, I've found I have a lot to learn from my colleagues in other fields. There are dialogues in classes with Barral and his students, learning the visceral approach. Other people in class are graduates of chiropractic,

osteopathic school, St. John Neuromuscular, or Feldenkrais training. In the context of learning the visceral work, we're talking about our views of the body. There are some very talented people out there who have a lot to offer. I find it exhilarating to make contact with them and have a conversation around our vision of what constitutes healing and our vision about what constitutes appropriate regulation and our vision about what constitutes wellness. It's a very enriching environment out there.

I heard Jeff Maitland say something at a recent meeting of the Federation. He said when he first served on the National Certification Board he thought that what made a Rolfer really good was the same thing that made a Rolfer unique. That those particular aspects of our training, our background, our scope of practice, and our vision of the body that made us uniquely Rolfers, were the things that made us excellent practitioners. But, after all this time on the National Certification Board, the various committees and the Federation, plus all his activities, he realized that what makes a Rolfer excellent is the same thing that makes a Feldenkrais practitioner excellent and the same thing that makes a massage therapist excellent, and the same thing that makes a Polarity therapist excellent. When I heard him say that, I got goosebumps because that's been very much my experience. That the people of these other associations, of these other scopes of practice that are really

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dedicated to advancing their work, have standards and visions that are very very close to Rolwing.

BH: In my own experience, there is a several stage process. One is to see that people who I have held in sort of a cautious regard for the most part are in fact members of Homo Sapiens at least if not good people. And in the next stage, all of us structural body workers kind of occupy a place where our similarities are far greater than our differences. The third stage is the stage of actually interacting with these people in a professional way that can change the way I work. My nemesis in Rolwing over my twelve-year career thus far has been people who grab at the back of the diaphragm when they speak, and when they breathe, and when they do anything. I've tried all kinds of things to try and help people interrupt this pattern. The closest I come to accomplishing anything has been through some Feldenkrais methodology. Peter Schwind's drum technique makes sense to me in an abstract sense but I still haven't found it after having tried it for three years now. So there's so much to learn out there.

I also have to say that one of the benefits from working on the licensing and legislation initiative is we're the people who cause the community to be formed. Several weeks ago I had a meeting, I chaired a meeting of the massage schools in Eastern Pennsylvania. They had never talked to each other ever before...ever.

MM: And in Eastern Pennsylvania, the politics between the various schools have been explosive, with national repercussions.

BH: Well it seems to me that by being active in these domains, we are creating an identity for a world that has been characterized by isolationist 'I'll just do this little thing in my third bedroom and here's another way to make money that the federal government can't control' tendencies that have been within the bodywork community.

The community itself is maturing. As a result of efforts towards licensure, we are coming together with an identity. It seems in Pennsylvania we're going to call it the somatic practitioner's community, as opposed to the bodyworkers. What our lobbyist-lawyer said at the meeting of the Pennsylvania Licensure Coalition the other day was, "What is the main word, what is the main category of everybody who works in this group? If you're not a massage therapist, what are you? You are a blank." His analogy was, "Well, I am a lawyer, now I could be doing divorce law, I could be doing tax law, I could be doing real estate law. There all entirely different, but the one thing that I am, and the one thing that puts all these people into one category is, that we are all lawyers. And so what is the category that if you're not a massage therapist, what category do you belong to?"

MM: Are you asking me that question? I want to hear what the answer the Pennsylvania Coalition came up with.

BH: Well at the meeting, everyone pretty much agreed that they could call themselves somatic practitioners.

MM: Somatic practitioners. Well the California Coalition has named itself, the California Coalition of Somatic Practices and...

BH: And not including the title, 'massage therapy' at all?

MM: Actually what happens is massage therapists come, the local chapter of AMTA, comes and says, "yes, we too are somatic practitioners."

BH: Oh my God.

MM: Now, what happens in that state is that the president of the state chapter is a Zero Balancer, and the chair of government relations, their analog to my position, is an Aston-Patterner. So they're active in the California Chapter of the American Massage Therapy Association, but their particular work is not just traditional Swedish massage,

although they probably have had some training in that. So in terms of professional identity, it's a wider group. The Federation has been unwilling to yield on some of those other professional identity categories, so the name that the Federation has come up with is the Federation of Therapeutic Massage, Bodywork and Somatic Practices Organizations. A little bit of a cumbersome title. It doesn't lend itself to the kind of simplicity that that lawyer was trying push you to. But at some point, I think we all going to have to figure out what box we check. There'll be some form you will have to fill out and you're going to have to check a box. What box is it going to be?

BH: Right. And it only recently occurred to me, that we could decide. We could actually initiate it in fact, what the box is going to be instead of letting it happen by happen-stance.

MM: When I've told people that are negotiating in other states is that I won't fight over the name of the box. So in the state of Washington, the Rolfers have said they want to be regulated as LMT's, licensed massage therapists, that's fine, I'm not bothered by that. Where I get real concerned is if the definition of the box, well for instance, we'll go back to the state of Washington, that you can't do intraoral work as the state board tried to say a couple of years ago. I've got a big problem with that; so does the Rolf Institute as a whole. So we ended up sending Jeff Maitland to the state of Washington to do a presentation for the massage board about intraoral work was essential to our work. Which the Hellerworkers liked, and the cranial people liked. Anybody that ever studied with John Upledger said "Yeah we actually do intraoral work ourselves." So the hot issues for me personally are the ones about what you can do rather than what you call it. And I understand that there are Rolfers who are more offended by the name and if you go for a law that says massage but doesn't say what they think they do, they'll be

bent out of shape.

BH: Right. Well the lobbyist lawyer that we were talking to was wondering if we really wanted to have, and this was a new idea to me, if we wanted to have two licenses. A license for massage therapy and a license for, actually what he has done is he has retitled our bill and called it "A Legislating Relating to Massage Therapy, Bodyworking and Reflexology" because reflexology has different education requirements, so he's going ahead and putting that right in the title of the bill. So if we would agree to call ourselves bodyworkers or somatic practitioners, he would be willing to say, 'Well, if you're going to be a somatic practitioner, you have to have these requirements, as opposed to the massage therapists.

MM: That particular political compromise was reached by a coalition in the state of North Carolina and they approached the legislature with a two-part bill with one set of requirements for a title massage therapists, and another set of requirements for the title somatic practitioners. The bill did not pass the state legislature due partly to opposition from the lobbyists for the physical therapy profession. But, I still believe that it's possible to find a scope of practice that can include all of the groups. A way of defining it in regulatory words, regulatory language in a bill, so that all the groups get represented by one big frame. The idea that was emerging at the Federation meeting yesterday was that we are all separate professions within a field, and the implication of that is that there would need to be some kind of separate regulation of each of the separate professions. You yourself told me earlier this week there was no way you'd get any kind of a regulatory board in your state that it would be subsumed under some other board.

BH: Well, that's the reading of the lobbyists in Pennsylvania. That the Pennsylvania State Assembly would not

go for any new licensing board, for another one. And this is a time of anti-growth in government, and the speech pathologists, audiologists have been trying to get a licensing board for twelve years. And all the kinds of counselors who are not psychiatrists have been trying to get a licensing board, so all the pastoral counselors, all the mental health counselors, people who are not licensed by the state. You could be licensed as an M.S.W. or psychologist, but everybody else who does counseling outside of that wants to have a board. They've been trying to get a board for ten or twelve years.

MM: Creating one of the last boards in the state of California (the Marriage, Family and Child Counselors - MFCC's), was an enormously arduous and political fight. All the people that got left out of that bill had to come up to the speed of the licensing requirements. So it's a tough fight.

BH: It is a tough fight to get a licensing board and in spite of all of our growth as a group, with a group identity, it really comes down to something that has nothing to do with us really. So talk a bit about the prospects of actually gaining licensure in various states, but not having control over what agency grants you the license in the first place. What is the experience around the country on these issues?

MM: I think what's happening is as the field in general gets more experience from these kinds of issues, and we get more organized around how to effectively lobby, we can begin to start seeing plans that work well in one state and how to make other states respond

to that and build on that. There are some states where the requirements were so onerous, I think the state of Texas bill was one of the hallmarks of one of the more complicated and kind of less attractive licensing laws. But more and more as the different factions of our field cooperate with one another, there's a possibility, and the experience that we can have our case heard by either the massage board or whatever the licensing agency is in a way that really does work for our field.

BH: Well, this is the scary part of working around licensure in the first place. My own participation in licensing had to do with the fact that once you open the door to regulation, all kinds of things can get unleashed. Who knows what. It's like a Pandora's box. And I figured I'd feel safest, or I'd feel the most comfortable with the process if I had my hand on some of the dials and levers, then I could trust what's going to happen insofar as one is able to trust what's going to happen. That it'll turn out into something that is beneficial for all concerned. But if you don't participate, then too bad. You just have live with whatever happens.

MM: Yeah, that's been my particular approach to this quandary. And I do notice that when you talk about it, you use the word, Pandora's box came up this time. Last time we talked it was the Faustian deal.

BH: Well the chiropractors, the chiropractic board is interested in the massage therapists getting licensed in Pennsylvania but they're interested largely because they no longer have the right to have a massage therapist in

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their office to bill insurance companies for massage therapy.

MM: That's a move that's happened in Pennsylvania, in New Jersey, it's happening on the East Coast, and it hasn't yet happened on the West Coast, but I think the third party payers are going to start pressing for that. Chiropractors don't have a massage therapist in their office. They don't have to pay.

BH: Exactly. So, it's completely self-interest for them.

MM: Sure, then the massage therapists are going to want to get licensed and the chiropractors are going to want to help them get licensed.

BH: Right.

MM: Another thing is that many of the states that have avoided licensure up until now have avoided it because there wasn't a test that they could support. And now that the National Certification Exam has been running, lots of states are going, "Well, you've handled the problem of the exam, we'll just use that exam." Even though the exam was initially conceived of as a voluntary standard of excellence. I think when political realities are affected, the states are going to go, Fine, we'll use that test, make that, if not the licensure standard, at least one of the licensure standards of how you start a practice in a state. And I think because of that over the next few years, lots of states are going to be licensing massage therapists.

BH: Yeah. Are you the Rolf Institute representative to the Federation?

MM: I am.

BH: You are. So what's the latest within the Federation?

MM: Well, we're...I've been reading a history of the founding of the Constitution, and looking at how the big-states, small-states controversy that was so troublesome to the founders of the Constitution. I really see that as one of

the issues at the Federation. That there are some very small groups on the Federation, eight hundred members, nine hundred members, a thousand members. And there are some very large groups on the Federation, twenty-three thousand members, twenty-five thousand members. So can we communicate in such a way that we hear each other? And we are working to deepen our ability to understand one another. So this image that I came up with during this conversation a few minutes ago about profession within a field, is not only one that I feel that the Feldenkrais Guild would be happy with, but it was one that the representatives that the AMTA were very articulately speaking on behalf of yesterday afternoon. So it seems clear to me that they're getting it at the national level. Then within that context, we're all looking at what are the regulatory standards, what are the various kinds of standards of excellence that we can all agree on that will help promote quality education, quality practitioners across the field. And I think there's widespread agreement that for instance, there was a bill introduced in the Alabama state legislature recently, it was a licensing bill that said you would have to pass an AMTA approved school. Well, first of all, the AMTA hasn't been approving schools since 1989. They've separated a commission that does school approval that is autonomous and the head of that commission came and talked to the Federation about the school approval process, and the depth at which leadership of COMTAA agency, is looking at education, is one that I think would benefit the Rolf Institute. So we're looking at, maybe, if they define their scope such that they're not just approving massage schools, but approving bodyworks school, or schools of structural integration, or schools of Oriental medicine. What they have to say about how you run a school I think is very deep, and I think we can learn from them. So the conversation of the Federation is about larger issues than

just what the licensing standards should be. It's more like how can we support each other in terms of our educational standards. How can we support each other in terms of all the things I was saying earlier. How you run an election. How you hire a new person. How you set up the interviews for an executive director. A lot of that happened over dinner the other night but I thought it was really useful.

BH: Yeah, absolutely. There's no question about it. I have a client who knows the gossip at the Trager Institute and all of us new organizations in the world run into the exact same administrative problems, every one. And our brothers down the street, the Guild, they've done an end-run around those administrative problems but they're going to have them. They're just avoiding something that there's no avoiding. In the long run, you have to come up with some way to deal with democracy within the institute. You have to come up with a way to deal with administration by consensus or administration by executive fiat. There is no avoiding these things.

MM: And I think the benefit that we get is that we get to look at things like how it is we teach, what are the things that help the Rolf Institute to teach effectively what we do. And what are the things that other schools do, so if we've looked at poor educational curriculum in a way that's congruent in the way educators generally do, then maybe we can be more effective at teaching what we do. That's an out-growth from all this.

BH: Are you in a circumstance or are you affected by people who are in circumstances where they have difficulty in practicing?

MM: Yes - commonly. I was first alerted to this issue when I was teaching at a massage school. This is particularly appropriate to massage school graduates, especially here in California. One can be a massage school graduate from a state approved course

with a hundred hours of training, taught by excellent teachers who inspire them to look deeply and thoroughly in their work but they go to their local jurisdiction and they're treated like prostitutes by City Council and the Police Department...so that gets them riled up really quickly. Once I started looking at the regulatory restrictions, I realized that the same types of issues come up for Rolfers. You know, Rolfers move to a town and the business licensing part of the community says, "I'm sorry, you can't practice that kind of work in that part of town because in our town, we license Rolfers as a form of adult entertainment, which is where we put the massage category, and so you guys have to be over in some other part of town." And the Rolfer says, "Here's a perfect office, I'm right next door to a chiropractor, I can't be in a professional zone? What?" And the city staff person says, "Yeah, you can't be there." Potential restrictions to rights to practice affect Rolfers as well as massage therapists.

BH: Do you have a secondary agenda of wanting to get our work covered by insurance companies?

MM: No. I'm very wary of that. I know lots of angry doctors right now, a significant fraction of my Rolfig practice is MD's and most of them are really upset... They are so frustrated by the whole way of looking at health care in terms of how to make a profit. The insurance industry really has them hamstrung. They're very, very frustrated because the choices in health care about what treatments they will and won't be paid for are made out of the

book. They're not made by people who even understand the diagnosis that's being applied. Here's the diagnosis and here's what we think this patient needs and someone says, "I'm sorry that's not on our list, and how do you spell that procedure, sir?" It's extremely frustrating to them.

So I don't know if we want to go down that path but I do think that it's important for us to be visible so that we can at least have a conversation about whether or not we want to be down that path. For many of us who started years and years ago, we would rather be kind of invisible. We're hermits or we're in the closet in a certain sense. And a few people that find their way to us they get positive benefit out of their contact with us but I would like us to make a larger impact on the culture than we have made so far. So I'm willing to entertain the question about whether or not we want third party payment. It's a very bad argument to approach a state senator or a state legislator with. "Well we want this so we can get third party payment." The conversation ends as soon as you say that. So I don't recommend it as a lobbying strategy.

BH: How long have you been doing this legislation stuff?

MM: Well, my first foray was back in the seventies when I worked at a Center that was in the process of being examined by the local vice squad. We were the only Center that was not closed down in a red light abatement proceeding, back in the mid-seventies. The D.A.'s office did an undercover

investigation. They closed down a lot of places but they didn't close down our place. We talked a lot with City Council about the regulatory direction they wanted to move the city in.

I got out of the regulation business for a long time until about '89... Another local city was planning some massage regulation. A student of mine who had graduated recently came to me saying, "I had some problems with the city of Sunnyvale, and I'd like some help with how to think about it, and understand the ordinances." The attorney for the city of Sunnyvale had been the assistant city attorney twelve, thirteen years earlier with whom I had worked in Palo Alto, so he and I started talking. I helped the city look at ways to create an ordinance. They created an ordinance that was so favorable to therapeutic massage that the local chapter of the American Massage Therapy Association gave me an award for service to the contribution of the profession of massage therapy.

I began to look at the whole regulatory environment. The National Certification Exam was just starting to come on line. There were meetings of people that were very concerned about the National Certification Exam. You've heard of a process called Head, Heart and Hands—it was organized by the Robert Calvert, publisher of Massage Magazine. He had deep concerns about what he thought was going to happen to the National Certification Exam. He was trying to engender community-wide concern about it. The AMTA looked at those issues and said, "You guys are raising some good points. Maybe we ought to broaden our scope about what we're trying to propose for this National Certification Exam. They did that so completely that they set up the National Certification Board as completely autonomous unit.

I've gone on two different occasions to a meeting of the National Conference of State Legislators, where I'm talking to state legislators about the process of regulating in this field. In doing that,

Another thing is that many of the states that have avoided licensure up until now have avoided it because there wasn't a test that they could support. And now that the National Certification Exam has been running, lots of states are going, "Well, you've handled the problem of the exam, we'll just use that exam."

I'm going with a group of representatives of the Federation. In the future, we'll have Feldenkrais people, Polarity people, and lots of other modalities talking to regulators on a one-to-one basis.

BH: There has to be some way to regularly discuss these issues without pushing people's 'I'm not interested in this' button. I had a client who got a CD player for his car and he said that the second he got a CD player for his car, he stopped listening to anything about Bosnia. This was two years ago when Bosnia was in the news every day. He'd hear the word Bosnia, and he'd press the button and the CD player would come on, just like that. And I'm afraid that for many Rolfers, you see the word legislation, or licensure and you press the button right away. And having played with the issues a little bit, it's a fascinating world.

MM: It is a fascinating world. Well my dream is that there would be in every one of the fifty states, a Rolfer who was inclined to look at these issues as a fascinating world and that we could know that when ever one of these questions came up that, "Oh, there's something happening in Pennsylvania, does Bill Harvey know about it?" Or there's something happening in, you pick the state, but in every state there is, there's someone there who is fascinated and interested by these things and who knows people with whom he can communicate, or she can communicate to avoid the potential problems and to help negotiate the problematic stuff. And sometimes it happens around the activities in the state house, but sometimes it's other issues, other cooperative ventures. But it's part of what you talked about earlier, when you talked about the maturing of this whole field. I think that's happened. I think the field in general is maturing and I think we have a role to play in that maturation. And I'm like you, I want to be there, I want to be a part of the process.