



STATE OF DELAWARE  
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GOVERNOR

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August 2, 2010

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES  
OF THE 145TH GENERAL ASSEMBLY:

House Bill No. 463, as amended by House Amendment No. 1, unnecessarily eliminates an entire class of massage practitioners who provide massage services to Delawareans seeking non-therapeutic massage. As a result, pursuant to Article III, Section 18 of the Delaware Constitution and for the reasons articulated below, I am vetoing House Bill No. 463 by returning it with my objections to the House of Representatives without my signature.

Delaware law currently provides for a two-tiered structure for the licensing and certification of massage professionals. Each tier is regulated by the State Board of Massage and Bodywork. There are currently over 600 individuals certified by the Board as Certified Massage Technicians ("Massage Technicians") to practice massage for non-medically diagnosed conditions. To be a certified Massage Technician, these individuals must complete 300 hours of supervised in-class study of massage, with coursework in anatomy, physiology, theory and technique. They must also be certified in CPR and they are subject to rigorous professional standards.

The second tier of regulated massage professionals are Certified Massage Therapists ("Massage Therapists"), who must demonstrate the same qualifications as Massage Technicians, but are required to have 200 additional hours of supervised in-class study, and must pass a written, standardized examination. There are over 400 licensed Massage Therapists in Delaware. Because the scope of Massage Therapists' work involves medically diagnosed conditions, they are typically permitted to bill their services directly to insurance companies, while Massage Technicians may not.

House Bill 463 would create a single tier of massage professionals by eliminating the ability to become a Massage Technician as of the effective date of the act. Current Massage Technicians would be required to pass the written examination to become Massage Therapists, or they will lose their ability to practice massage in Delaware.

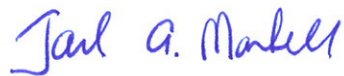
The rationale for this legislation was that there was confusion by consumers and practitioners between the scope of practice for massage therapy services offered by Massage Technicians and Massage Therapists. However, in the past three years there has been only one complaint to the Board related to this apparent confusion, and that complaint did not involve the quality of care, but instead related to why the services were not being compensated by the consumer's insurance company.

Given the number of regulated Massage Technicians in Delaware (nearly 60% of all regulated massage professionals), there is obviously a market in the State for massage not on medically diagnosed conditions. Individuals who wish to provide this service without becoming full-fledged Massage Therapists, and the attendant costs and time associated with such designation, should be able to do so. Furthermore, it is possible that a majority of consumers who seek out a massage professional are doing so for reasons other than a medical diagnosis. Because Massage Technicians may charge less for their services, consumers should have the ability to choose to receive a massage from a Massage Technician.

To ensure that individuals are receiving safe and appropriate massage services, the State Board of Massage and Bodywork should conduct outreach to the public regarding the distinction between these two classes of massage professionals. This may include promulgating regulations that require some form of disclosure by Massage Technicians that they cannot accept insurance and cannot treat medically diagnosed conditions.

While I appreciate the considerable time the Joint Sunset Committee and the sponsors undertook in reviewing the Board and in preparing this legislation, I respectfully disagree with eliminating an entire class of qualified massage professionals. For these reasons, I must veto House Bill No. 463 and return it to the House of Representatives without my signature.

Sincerely,



Jack A. Markell  
Governor

I, Richard Puffer, Chief Clerk of the Delaware House of Representatives, do hereby certify that I have received House Bill No. 463 as Amended by House Amendment No. 1, returned from the Office of the Governor, together with a letter from Jack A. Markell, Governor, to members of the Delaware House of Representatives dated August 2, 2010, this 2nd day of August, 2010.

Signature: \_\_\_\_\_

Time: \_\_\_\_\_