



# Do Unlicensed Energy Healing Practitioners Need a License to Touch?

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The purpose of this article is to provide unlicensed energy healing practitioners with some basic information about whether or not they need a license to touch if they use hands-on energy healing methods with clients. Often in my consultations with clients or during one of my presentations, I get asked the question “do I need a license to touch?” The answer is not necessarily and it depends. The real question is, is the “touch” you are using with a client considered the practice of a licensed profession? There are a number of energy healing methods where practitioners touch clients if they are having in-person sessions such as Healing Touch, Reiki, Therapeutic Touch and the Havening Techniques. Some energy healing methods such as Emotional Freedom Techniques (EFT) or other meridian tapping techniques are generally self-administered by the client. However, there are circumstances when during a tapping session the practitioner may tap directly on a client. Also, some energy healing practitioners incorporate applied kinesiology or “muscle testing” as part of their practice.

I think it is reasonable to argue that using the touch of a human hand as a tool for moving and harmonizing the body’s energies and fields, “tapping” on a client or using applied kinesiology would not be considered the practice of a licensed profession such as medicine, nursing or psychotherapy — provided the practitioner was not diagnosing or treating medi-

cal conditions or mental health disorders. However, in some states using human touch in this way is considered the practice of massage. Consequently, in those states the practitioner would need to be a licensed massage therapist in order to perform energy healing methods with clients.

How do you know if your state requires you to be a licensed massage therapist in order to offer energy healing methods to the public? The first step is to research or seek professional advice to determine if your state regulates the practice of massage. Most states do require licensure to practice massage but a few states do not. If your state does regulate the practice of massage, the second step is to understand the law and how it defines the “practice of massage” and to determine if there is an exemption to the law for hands-on energy healing methods.

Most states have a broad legal definition of the practice of massage that does not specifically address the use of energy healing methods. This type of definition generally means that the licensing board has broad discretionary powers. Just because a massage practice act does not include hands-on energy healing methods in the definition of the practice of massage does not necessarily mean that you do not need to be a licensed massage to practice hands-on energy healing methods. As an example, below is Nebraska’s law that defines the practice of massage:



### Message Therapy Practice Act Nebraska

38-1706. *Massage therapy, defined. Massage therapy means the physical, mechanical, or electrical manipulation of soft tissue for the therapeutic purposes of enhancing muscle relaxation, reducing stress, improving circulation, or instilling a greater sense of wellbeing and may include the use of oil, salt glows, heat lamps, and hydrotherapy. Massage therapy does not include diagnosis or treatment or use of procedures for which a license to practice medicine or surgery, chiropractic, or podiatry is required nor the use of microwave diathermy, shortwave diathermy, ultrasound, transcutaneous electrical nerve stimulation, electrical stimulation of*

Tennessee like Nebraska does not include hands-on energy methods in the definition of the practice of massage but it does have a policy statement regarding hands-on energy healing methods. Below is Nebraska's policy statement which basically states that if you touch a client doing "energy work" you must be a licensed massage therapist.

### Policy Tennessee Massage Licensure Board Reiki and Energy Work

*Massage is defined by statute as "manipulation of the soft tissues of the client with the intention of positively affecting the health and well-being of the client." T.C.A.*

*The real question is, is the "touch" you are using with a client considered the practice of a licensed profession?*

*over thirty-five volts, neurological hyperstimulation, or spinal and joint adjustments.*

In reading the law, you might reasonably conclude that hands-on energy healing methods do not meet the criteria to be considered the practice of massage and therefore, you do not need to be a licensed massage therapist. However, in a blog article published in 2016 by Eric Boehm, the Nebraska Massage Therapy Board took a different position with a Reiki practitioner. I would argue that even though Reiki involves touching, it does not resemble massage therapy in any other way. For example, clients remain fully clothed throughout the session and there is no physical manipulation of soft tissue. Nevertheless, the Board sent a cease and desist letter to the Reiki practitioner for practicing massage without a license and she was forced to close her practice. The Reiki practitioner could have hired an attorney to argue that Reiki is not the practice of massage and therefore, she does not need to be licensed to have a Reiki practice. She may have prevailed but due to the high costs of defending her case, she did not have the financial resources to hire an attorney and argue her case before the Board.

*§ 63-18-102(3). Any person practicing massage for compensation must be licensed by the Tennessee Massage Licensure Board unless otherwise exempt. T.C.A. § 63-18-104. The Board has been asked whether Reiki or other "energy work" (including but not limited to "healing touch therapy," "quantum touch therapy," etc.) constitutes the practice of massage in Tennessee. It is the Board's opinion that any technique that does not include any touching of the body does not meet the definition of massage in Tennessee. However, the Board is aware that Reiki and other "energy work" often involves the practitioner touching the client's body and manipulating the client's soft tissues through various techniques. It is the Board's opinion that any technique that does include such soft tissue manipulation constitutes the practice of massage in Tennessee, and the practitioner should therefore be licensed by the Board unless otherwise exempt pursuant to T.C.A. § 63-18-110.*

Although the above states have chosen to require hands-on energy healing practitioners to be licensed massage therapists, other states have chosen to exempt them from needing licensure. Several national organizations such as the Healing Touch Professional Association and the International Association of Reiki Professionals have been able to get laws passed that



exempt hands-on energy healing methods from the practice of massage. As an example, below is North Dakota's law that exempts hands-on energy healing practitioners from being licensed massage therapists.

## **North Dakota - Chapter 43-25 Massage Therapists**

*43-25-04. Exemptions. The following persons are exempt from this chapter...6. Any individual practicing healing by manipulating the energy field or the flow of energy of the human body by means other than the manipulation of the soft tissues of the human body, provided that the individual's services are not designated or implied to be massage or massage therapy. For purposes of this subsection, a light touch or tap is not a manipulation of the soft tissues of the human body.*

## **Conclusion**

Based on the foregoing discussion, it is important to determine if you need be a licensed massage therapist in your state in order to offer hands-on energy healing methods to the public. In addition, you also need to make sure that the way you advertise your energy healing services are is not perceived by the authori-

ties to be the practice of medicine or psychotherapy without a license. Licensing boards routinely review websites and other marketing materials to make sure alternative healers are not practicing illegally. The best risk management strategy is to seek professional advice. I hope you have found this article informative and of value. €



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