

G.S. 150B-21.3A Report for 21 NCAC 30, NC BOARD OF MASSAGE AND BODYWORK THERAPY

Agency - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS/ NC BOARD OF MASSAGE AND BODYWORK THERAPY

Comment Period - April 22, 2014-June 21, 2014

Date Submitted to APO - Filled in by RRC staff

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS	21 NCAC 30 .0101	PURPOSE	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0102	DEFINITIONS	Amended Eff. September 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0200 - APPLICATION FOR LICENSE	21 NCAC 30 .0201	APPLICATION AND SCOPE	Amended Eff. October 1, 2008	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
	21 NCAC 30 .0202	INTERVIEWS	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0203	EXEMPTIONS FROM LICENSURE	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0204	FEES	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0205	TERM OF LICENSE	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0206	BACKGROUND INVESTIGATION REQUIRED FOR APPLICANT	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0300 - LICENSING	21 NCAC 30 .0301	PROFESSIONAL DESIGNATIONS	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0302	DISPLAY OF LICENSE	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0303	LICENSE RENEWAL	Amended Eff. April 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0306	GROUND FOR LICENSE DENIAL OR DISCIPLINE	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0400 - BUSINESS PRACTICES	21 NCAC 30 .0401	ADDRESS OF RECORD	Eff. April 1, 2001	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
	21 NCAC 30 .0402	TRADE NAMES	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0403	CHANGE OF ADDRESS OR TRADE NAME	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0404	ADVERTISING	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0500 - STANDARDS OF PROFESSIONAL CONDUCT	21 NCAC 30 .0501	PURPOSE	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	21 NCAC 30 .0502	GENERAL REQUIREMENTS	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0503	CLIENT ASSESSMENT AND INFORMED CONSENT	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0504	DOCUMENTATION; REFERRALS	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0505	CONFIDENTIALITY, ROLES AND BOUNDARIES	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0506	DRAPING REQUIREMENTS	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0507	HYGIENE	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0508	SEXUAL ACTIVITY DEFINED	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0509	SEXUAL ACTIVITY PROHIBITED	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0510	PROVIDING OR TERMINATING SERVICE	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0511	BUSINESS AND ETHICAL REQUIREMENTS	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0512	IMPAIRMENT	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0513	FACILITY REQUIREMENTS	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0514	INFORMING BOARD OF VIOLATIONS	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0515	CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS	Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0516	TREATMENT IN BODY CAVITIES	Eff. October 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0600 - MASSAGE AND BODYWORK THERAPY SCHOOLS				Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0601	BOARD APPROVAL	Amended Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0602	DEFINITIONS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	21 NCAC 30 .0603	DOCUMENTATION OF SUCCESSFUL COMPLETION	Amended Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0604	APPROVAL DESIGNATION	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0607	VERIFICATION OF COMPLIANCE	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0608	SCHOOL APPROVAL FEES	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0609	DISCIPLINARY SANCTIONS; REPORTING REQUIREMENTS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0610	AUTHORITY TO OPERATE	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0611	PROGRAM DIRECTOR QUALIFICATIONS AND ADMINISTRATIVE STAFF	Eff. November 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0612	INSTRUCTIONAL STAFF QUALIFICATIONS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0613	APPROVAL PROCESS FOR INSTRUCTIONAL STAFF	Eff. November 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0614	MANAGEMENT OF INSTRUCTORS	Eff. November 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0615	SCHOOL PLANT AND EQUIPMENT	Eff. November 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0616	FINANCIAL MANAGEMENT SYSTEMS AND ECONOMIC STABILITY	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0617	STUDENT RECRUITMENT	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0618	ADMISSIONS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0619	TUITION, REFUNDS AND FINANCIAL AID	Eff. November 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0620	PROGRAM REQUIREMENTS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0621	STUDENT RECORDS AND ACADEMIC PROGRESS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	21 NCAC 30 .0622	EDUCATIONAL CREDENTIAL ISSUED; GRADUATES' PASS RATE ON NATIONAL EXAMINATIONS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0623	LEARNING RESOURCES	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0624	STANDARDS OF PROFESSIONAL CONDUCT	Amended Eff. September 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0625	SCHOOL COMPLAINT POLICY	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0626	STUDENT COMPENSATION PROHIBITED	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0627	TRANSFER OF CREDIT; ADVANCED PLACEMENT	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0628	ETHICAL REQUIREMENTS IN ADVERTISING	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0629	STUDENT ENROLLMENT AGREEMENT	Amended Eff. November 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0630	SCHOOL CATALOG	Amended Eff. February 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0631	BOARD APPROVAL NOT TRANSFERABLE	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0632	INITIAL APPLICATION FOR BOARD APPROVAL	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0633	APPLICATION FOR BOARD APPROVAL OF ADDITIONAL PROGRAMS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0634	CLOSURE OF SCHOOL; TERMINATION OF A PROGRAM	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0635	SCHOOL STAFF MEMBERS AS STUDENTS	Eff. October 1, 2007	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0700 - CONTINUING EDUCATION	21 NCAC 30 .0701	CONTINUING EDUCATION REQUIREMENTS	Amended Eff. November 1, 2008	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest

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	21 NCAC 30 .0702	CONTINUING EDUCATION DEFINITIONS	Amended Eff. April 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0800 - RULES								
	21 NCAC 30 .0801	PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0802	RULE MAKING NOTICE AND PUBLIC HEARING	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0803	DECLARATORY RULINGS	Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .0900 - COMPLAINTS, DISCIPLINARY ACTION AND HEARINGS								
	21 NCAC 30 .0901	PURPOSE AND SCOPE	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0902	COMPLAINTS	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0903	ACTION ON A COMPLAINT	Amended Eff. September 2, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0904	FORMAL HEARING	Amended Eff. April 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	21 NCAC 30 .0905	DISCIPLINARY SANCTIONS	Amended Eff. April 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest

** Comments as redacted by the agency and responses as originally submitted to RRC.

Comments to NCBMBT Rules and Regulations

Comment received:

.0200 – Application and Scope

Each applicant for a license as a massage **or** bodywork therapist shall complete an application form provided by the board ...

(6) "Documentation that the applicant has achieved a passing score on a competency approved by the Board ***or by a proprietary professional bodywork therapy agency which has been approved by the Board.***"

Submitted by Marsha Presnell-Jennette

NC MBTL# 1381

June 19, 2014

Board response:

Pursuant to NC General Statute 90-629(5), the Board requires an applicant to pass a competency assessment examination that meets generally accepted psychometric principles and standards and is approved by the Board. The Board has no information the Certification Exam of Structural Integration meets generally accepted psychometric principles and standards as defined in Rule .0102(2).

Comment received:

.0200 – Application and Scope

Each applicant for a license as a massage **or** bodywork therapist shall complete an application form provided by the board ...

1. "Documentation that the applicant has achieved a passing score on a competency approved by the Board **or by a proprietary professional bodywork therapy agency which has been approved by the Board.**"

Submitted by:

Laura M. Lawton~ Certified Advanced Practitioner of Structural Integration

NC MBTL# 540

Durham, NC

Board response:

Pursuant to NC General Statute 90-629(5), the Board requires an applicant to pass a competency assessment examination that meets generally accepted psychometric principles and standards and is approved by the Board. The Board has no information the Certification Exam of Structural

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Integration meets generally accepted psychometric principles and standards as defined in Rule .0102(2).

Comment received:

Dear NC Board,

As both an NC licensed Massage Therapist and Bodyworker, and a KMI Structural Integrator, I respectfully request that the Practice Act Title be changed to Massage and Bodywork Therapies to include

Bodyworkers (Structural Integrators, Asian Bodyworkers, Reflexologists, Trager Workers, etc) that are currently regulated. We ask that our professions be regulated appropriately.

This includes approval of Continuing Education from schools or agencies that represent our profession(s).

Your sincerely,

Alexandra Hamer

Board response:

A portion of her comment requests a change to the Practice Act, not the rules.

Pursuant to NC General Statute 90-632, the Board requires a licensee complete continuing education as approved by the Board. The Board currently recognizes continuing education courses by "approved providers" as defined in Rule .0702(7). Any professional association or school of structural integration may apply to become an "approved provider" and therefore meet the requirement for the course to be accepted as continuing education by the Board.

Comment received:

I would also ask that Continuing Education Courses approved by the professional associations and schools of my profession (Structural Integration) be approved to meet my Continuing Education requirements by the Board.

Thank you.
Toby Matthews

—
Toby Matthews, LMBT
Certified Rolfer™
Certified GYROTONIC® Teacher
NC License # 3687
919.564.6960
www.matthewssomatics.com

Board response:

** Comments as redacted by the agency and responses as originally submitted to RRC.

Pursuant to NC General Statute 90-632, the Board requires a licensee complete continuing education as approved by the Board. The Board currently recognizes continuing education courses by "approved providers" as defined in Rule .0702(7). Any professional association or school of structural integration may apply to become an "approved provider" and therefore meet the requirement for the course to be accepted as continuing education by the Board.

Comment received:

S Beth Burgin
Certified advanced Rolfer®
NC LMBT #1532

June 21, 2014

admin@bmbt.org North Carolina Board of Massage and Bodywork Therapy

RE: Rules Review

As a certified advanced Rolfer® and licensed bodywork therapist in this state for over 14 years, I have had the opportunity to see some interesting changes to the rules, regs and Practice Act through the years. Having attended many Board meetings as a representative for The Rolf Institute and The International Association of Structural Integrators (IASI), I sincerely appreciate the work of the Board and the important tasks and challenges you continue to handle.

I have separated my concerns into 2 categories. The first deals specifically with Structural Integration and the second with another small proposed rules change highlighted in red.

My first request is very simple; since you already regulate Structural Integration, please do so appropriately—and in the interest of public safety. To achieve these goals, the proposed changes to the Rules and Regulations are highlighted in blue:

SECTION .0200 - APPLICATION FOR LICENSE

.0201 APPLICATION AND SCOPE

Each applicant for a license as a massage and bodywork therapist shall complete an application form provided by the Board. This form shall be submitted to the Board and shall be accompanied by:

- (1) One original color photograph of the applicant taken within six months preceding the date of the application of sufficient quality for identification. The photograph shall be of the head and shoulders, passport type, two inches by two inches in size;
- (2) The proper fees, as required by Rule .0204 of this Section and G.S. 90-629.1(b);
- (3) Documentation that the applicant has earned a high school diploma or equivalent;
- (4) Documentation that the applicant is 18 years of age or older;
- (5) Documentation that the applicant has successfully completed a course of study at a school

** Comments as redacted by the agency and responses as originally submitted to RRC.

approved by the Board according to these rules and consisting of a minimum of 500 classroom hours of supervised instruction, or **documentation that the applicant has successfully completed a course of study from an International Association of Structural Integrators (IASI)-approved school or meeting requirements for IASI professional membership.**¹ If the applicant attended a school which is not approved by the Board, the Board may elect to review that applicant's school and educational credentials for approval on a case-by-case basis. The documentation of such training must come from a school which is licensed by the educational licensing authority in the state, territory or country in which it operates, or is exempt by statute. In North Carolina the documentation must come from a proprietary school approved by the Board or a college-based massage program that is exempt from Board approval. The curriculum must meet or be substantially equivalent to the standards set forth in Rule .0620(2) of this Chapter;

(6) Documentation that the applicant has achieved a passing score on a competency assessment examination administered by the Board or approved by the Board *that meets generally accepted psychometric principles and standards (to include the Certification Exam of Structural Integration)*;²

(7) Forms provided by the Board containing signed statements from two persons attesting to the applicant's good moral character and adherence to ethical standards;

(8) Fingerprint card provided by the Board and executed by an official fingerprinting agency;

(9) A form provided by the Board consenting to a criminal history record check by the North Carolina Department of Justice.

(10) Documentation that the applicant has successfully completed a course of study from an International Association of Structural Integrators (IASI)-approved school or meeting requirements for IASI professional membership.

SECTION .0700 - CONTINUING EDUCATION

.0701 CONTINUING EDUCATION REQUIREMENTS

(a) Pursuant to G.S. 90-632, a licensee, when renewing a license, shall document that they have completed at least 24 contact hours of approved continuing education during the immediately preceding licensure period, provided the licensure period is two years or more. If the licensure period is less than two years, but more than one year, the licensee shall document that they have completed at least 12 contact hours of approved continuing education.

(b) For the purposes of this Section, "approved continuing education" means a course offered as follows:

(1) by an agency or institution contracted by the NC Board to approve

¹ Please reference The IASI list of acceptable schools for training as a Structural Integrator here; <http://www.theiasi.net/assets/mc-iasi%20recognized%20si%20training%20programs.pdf>

² This is a link to the Certification Board of Structural Integrators (CBSI) FAQ's page regarding the exam; <http://www.siexam.org/?q=articles>

continuing education providers,³

(2) by an agency approved or contracted by the Board to offer Continuing Education in a proprietary area of study appropriate for the massage or bodywork therapist;⁴ or

(3) a course or course of study appropriate for the massage or bodywork therapist taken at a post secondary institution of higher learning, including one approved by the educational regulation authority of a foreign country and deemed appropriate by the Board.

The above changes would ensure that structural integrators who want to practice in North Carolina will (1) receive the appropriate education to become competent SI practitioners to begin with, are (2) tested on their relevant competence as an SI practitioner not as a massage therapist, and (3) obtain continuing education that enhances their skills and abilities in their unique profession. These changes also ensure further protection of the public and will not adversely affect any massage or bodywork therapist.

Well aware the on-going and complex discussions surrounding continuing education/educators, my contribution in the rules review process is focused from my viewpoint as a Structural Integrator, leaving room for other voices at the table who are more knowledgeable and detail oriented than myself concerning the bigger picture of massage and the other smaller bodywork professions.

SECTION .0400 - BUSINESS PRACTICES

.0401 ADDRESS OF RECORD

Each licensee shall notify the Board in writing of the licensee's current residence street address and primary place of business. The licensee shall indicate to the Board his/her mailing address and telephone number for the purposes of receiving communication from the Board and for listing in the registry of licensees. If a licensee sends a request in writing to the Board to be removed from the mailing list made available to outside parties, the Board shall immediately honor said request.

(This to me is a privacy issue and has not to my knowledge been addressed but I do not recall giving my permission to be included in the mailing list that the Board makes available to anyone who wants to pay \$75. This would be a simple change in the interest of protecting the privacy of and respecting the wishes of some who prefer not to receive snail-mail or to be included in a public registry with a physical location provided.)

.....

³ This provides for contracting with an outside organization or agency that can approve providers of CE and the individual courses they offer according to the standards that the Board decides to set. Recently, New York State—renowned for stringent credentialing and CE requirements, decided to institute a CE requirement of 36 hours per 3-year renewal period. NCBTMB administers the program for them according to NYS guidelines. We could do the same and simplify our own process a great deal. NCBTMB already has a system in place and is a clearinghouse for most current CE Providers. One less hoop for a lot of folks!

⁴ This provides for situations in which the Board may wish to approve CE credit offered by organizations that are not administered by the main contracted agency. An example would be the NCCAOM, which we currently accept CEs from, and possibly the International Association of Structural Integrators (IASI). I propose that The IASI—which is primarily dedicated to advancing and promoting the highest professional standards for structural integration (SI) practitioners, be approved as one of the agencies for establishing continuing education guidelines for SI practitioners in NC. Here is a link to The IASI CE Guidelines; <http://www.theiasi.net/continuing-education>

** Comments as redacted by the agency and responses as originally submitted to RRC.

In closing, thank you for this opportunity to convey my thoughts. I'm eager to follow the Board's next steps. May you have smooth sailing ahead! As I stated at the beginning, my own wish as a bodyworker that doesn't do massage (speaking with authority from having trained back-to-back first in massage and then Rolwing® SI,) is to be regulated appropriately. This is not an ego-driven wish to somehow be elevated "above" massage; it is a desire, it is a plea to not dilute the diversity of our unique viewpoints and professions. This diluting does not serve the public at all—and I hope this Board stays true to its origins as representing both Massage AND the Bodywork therapies, inclusive of all under your regulatory hand but without squashing those small, unique and valuable voices that are making a tremendous difference in peoples lives each time they touch or perhaps even talk to someone. A more apt name to consider changing to if/when we do open the Practice Act up again would be "The NC Board of Massage and Bodywork Therapies."

Respectfully submitted,

S Beth Burgin,
rolferbeth@yahoo.com
704-301-5174

Board response:

Pursuant to NC General Statute 90-629(4), the Board requires that an applicant for licensure graduate from a course of study at a school approved by the Board and consisting of a minimum of 500 in-classroom hours of supervised instruction and with a curriculum consistent with Rule .0620(2). The Board is informed and believes a course of study from an International Association of Structural Integrators (IASI) approved school or meeting requirements for IASI membership does not meet the curriculum requirements of Rule .0620(2). The Board is not informed of the requirements for IASI membership or what meets those requirements.

Pursuant to NC General Statute 90-629(5), the Board requires an applicant to pass a competency assessment examination that meets generally accepted psychometric principles and standards and is approved by the Board. The Board has no information the Certification Exam of Structural Integration meets generally accepted psychometric principles and standards as defined in Rule .0102(2).

Pursuant to NC General Statute 90-632, the Board requires a licensee complete continuing education as approved by the Board. The Board currently recognizes continuing education courses by "approved providers" as defined in Rule .0702(7). Any professional association or school of structural integration may apply to become an "approved provider" and therefore meet the requirement for the course to be accepted as continuing education by the Board.

It is the current practice of the Board, upon request of a licensee, to remove the licensee from the mailing list made available by the Board to outside parties.

Comments Regarding Massage & Bodywork Therapy Licensing Board's Rules and Regulations

Changes are in bold type. Smaller type indicate my thinking regarding the suggested changes.

- 1- 90-620 - Short Title - Change board title to Massage & Bodywork **Therapies** Practice Act.

The NC Massage and Bodywork Therapy Licensing Board was given this title to indicate that the 'world' of hands-on manual therapies is diverse. The rules that were created do not adequately represent the diversity within the manual therapies professions, which each have different scopes of practice, goals and therefore training. A title change would represent to the public that there are multiple manual therapies requiring a license to practice in North Carolina. It would also assure the public and therapists that individual practitioners are adequately trained in their professions and that practitioners who misrepresent their field of practice will be in violation of the law.

With the issues of human trafficking this becomes an urgent issue. Also the growth in the field of massage therapy and bodywork therapy new manual arts are emerging. North Carolina's licensing act is broad enough to be inclusive of future bodywork professions as they appear. My suggestions encourage the Board to set a tone of respect and awareness of the complexity and diversity within the manual therapy fields. Hands-on healers are manual therapists, those that are trained as massage therapists need to be acknowledged as such. Practitioners of other manual healing arts also deserve to be acknowledged by their appropriate designation. Bodywork therapists fits the non-massage practitioners clearly enough to inform the public and legislators that the Board represents diverse professions.

- 2- Declaration of Purpose –90-621: Change the 2nd sentence to: “This purpose is achieved by establishing education and testing standards that ensure competency in the **practice and professions of massage therapy and bodywork therapies**. Mandatory licensure of those engaged in the practice of massage **therapy and bodywork therapies** assures the public that each individual has satisfactorily met the standards of **their profession** and continues to meet both the ethical and competency goals of **the professions covered in the North Carolina Massage and Bodywork Therapies Practice Act.**”

3 – 90-622 Definitions – Change term bodywork therapy to bodywork **therapies** in this section.

- 4 - 90-625 – North Carolina Board of Massage and Bodywork **Therapies**

(1) – Board make-up section. Beginning with 2nd sentence: “Consideration shall be given to geographical distribution, practice setting, clinical specialty, involvement in massage and bodywork **therapies** education and other factors that will promote diversity of the **professions** on the Board. **The distribution of representation on the board shall include one massage and/or bodywork therapy school owner/administrator, one massage and bodywork therapy educator, three massage therapists and/or bodywork practitioners. The three massage therapy and bodywork therapy members will represent diverse professions. The intention is to insure the Board has the professional diversity and expertise to address the issues that come before the Board.**”

The physician and public members and who appoints them remain as stated.

5 - 90-626 – Powers and Duties

(1) “Represent the diversity within the **manual therapy professions** at all times when making decisions. **Board members shall** stay current and informed regarding the various **professions within massage therapy and bodywork therapies practices.**”

6 – 90-629- Requirements for Licensure.

(4) – “Has successfully completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board approved school **or from a school with oversight from a proprietary organization approved by the Board.**”

(5) – “Has passed a competency assessment examination that meets generally accepted psychometric principles and standards, **appropriate to the applicant’s professional massage therapy or bodywork therapy training.**”

Testing an applicant in a profession, modality or specialty that is not congruent with the applicant’s training or profession does not adequately protect the public. The public is protected when therapists and practitioners are trained and tested according to their field of study. A therapist or practitioner holding themselves out as something other than their actual training is against the dictates of this Practice Act. Likewise, testing an applicant for massage therapy when the applicant is trained in a bodywork profession and desires to practice in a bodywork profession is inappropriate.

90-630.1 – Licensure by Endorsement

- (a) (2) – “The applicant currently holds a valid license, certificate or registration as a massage therapist **or bodywork therapist** in another jurisdiction.....”
- (b) (2) “The applicant has passed a competency assessment examination **appropriate to the applicant’s massage therapy or bodywork therapy training which also meets the accepted psychometric principles and standards and is approved by the Board.**”
- (3) **The applicant has graduated from a massage therapy and/or bodywork therapy school this licensed or approved by a regulatory authority for schools of massage and/or bodywork therapy or a trade school in the state in which it operates or is exempt by law.**

90-632 – License Renewal and Continuing Education

This section is undergoing extensive review. I suggest extending the length of time for license renewal process. This will allow more time for a therapist who is undergoing a hardship to accrue the continuing ed hours.

To fulfill the Board’s primary mandate: To protect the public, continuing education should match the licensee’s profession. The skills necessary to stay well informed and offer excellent service vary within the professions covered under this licensing act. Continuing education should match the therapist’s chosen profession. There is no

advantage to the public for one profession or professional organization to dictate the continuing education training for all other professions. In this case, standardization is not beneficial to the public or to the practitioners covered in this license.

.0200 – Application and Scope

Each applicant for a license as a massage *or* bodywork therapist shall complete an application form provided by the board ...

- (6) “Documentation that the applicant has achieved a passing score on a competency approved by the Board *or by a proprietary professional bodywork therapy agency which has been approved by the Board.*”

Submitted by Marsha Presnell-Jennette

NC MBTL# 1381

June 19, 2014

Comments Regarding Massage & Bodywork Therapy Licensing Board’s Rules and Regulations:

Submitted by:

Laura M. Lawton~ Certified Advanced Practitioner of Structural Integration

NC MBTL# 540

Durham, NC

On June 20, 2014

Changes are underlined in bold type. Smaller type indicate my thinking regarding the suggested changes.

1. 90-620 - Short Title - Change board title to Massage & Bodywork **Therapies** Practice Act.

The NC Massage and Bodywork Therapy Licensing Board was given this titled to indicate that the ‘world’ of hands-on manual therapies is diverse. The rules that were created do not adequately represent the diversity within the manual therapies professions, which each have different scopes of practice, goals and therefore training. A title change would represent to the public that there are multiple manual therapies requiring a license to practice in North Carolina. It would also assure the public and therapists that individual practitioners are adequately trained in their professions and that practitioners who misrepresent their field of practice will be in violation of the law.

This suggestion encourages the Board to set a tone of respect and awareness of the complexity and diversity within the manual therapy fields. Hands-on healers are manual therapists, those that are trained as massage therapists need to be acknowledged as such. Practitioners of other manual healing arts (ie- Structural Integration, Asian Bodywork, Polarity etc...) also deserve to be acknowledged by their appropriate designation. Bodywork therapists fits the non-massage

practitioners clearly enough to inform the public and legislators that the Board represents diverse and distinct professions of Manual Therapies.

1. Declaration of Purpose –90-621: Change the 2nd sentence to: “This purpose is achieved by establishing education and testing standards that ensure competency in the **practice and professions of massage therapy and bodywork therapies.** Mandatory licensure of those engaged in the practice of **massage therapy and bodywork therapies** assures the public that each individual has satisfactorily met the standards of **their profession** and continues to meet both the ethical and competency goals of **the professions covered in the North Carolina Massage and Bodywork Therapies Practice Act.**”

3 – 90-622 Definitions – Change term bodywork therapy to bodywork **therapies** in this section.

4 - 90-625 – North Carolina Board of Massage and Bodywork **Therapies**

1. – Board make-up section. Beginning with 2nd sentence: “Consideration shall be given to geographical distribution, practice setting, clinical specialty, involvement in massage and bodywork **therapies** education and other factors that will promote diversity of the **professions** on the Board. **The distribution of representation on the board shall include one massage and/or bodywork therapy school owner/administrator, one massage and bodywork therapy educator, three massage therapists and/or bodywork practitioners. The three massage therapy and bodywork therapy members will represent diverse professions. The intention is to insure the Board has the professional diversity and expertise to address the issues that come before the Board.**”

The physician and public members and who appoints them remain as stated.

5 - 90-626 – Powers and Duties

- (1) “Represent the diversity within the **manual therapy professions** at all times when making decisions. **Board members shall** stay current and informed regarding the various **professions within massage therapy and bodywork therapies practices.**

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(4) – “Has successfully completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board approved school **or from a school with oversight from a proprietary organization approved by the Board.**”

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90-630.1 – Licensure by Endorsement

1. (2) – “The applicant currently holds a valid license, certificate or registration as a massage therapist **or bodywork therapist** in another jurisdiction.....”
2. (2) “The applicant has passed a competency assessment examination **appropriate to the applicant’s massage therapy or bodywork therapy training which also meets the accepted psychometric principles and standards and is approved by the Board.**”

(3) The applicant has graduated from a massage therapy and/or bodywork therapy school this licensed or approved by a regulatory authority for schools of massage and/or bodywork therapy or a trade school in the state in which it operates or is exempt by law.

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.0200 – Application and Scope

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1. “Documentation that the applicant has achieved a passing score on a competency approved by the Board **or by a proprietary professional bodywork therapy agency which has been approved by the Board.**”

Thank you for considering these changes.

Laura

**Full text of comments submitted by agency in response to request to comply with 26 NCAC 05 .0206(d).

Dear NC Board,

As both an NC licensed Massage Therapist and Bodyworker, and a KMI Structural Integrator, I respectfully request that the Practice Act Title be changed to Massage and Bodywork Therapies to include Bodyworkers (Structural Integrators, Asian Bodyworkers, Reflexologists, Trager Workers, etc) that are currently regulated. We ask that our professions be regulated appropriately. This includes approval of Continuing Education from schools or agencies that represent our profession(s).

Your sincerely,

Alexandra Hamer

To Whom It May Concern:

I would like to request the Title of the Practice Act be changed to

Massage and Bodywork Therapies. This would better reflect the diversity of professions that are covered by the Act and not conjoin them semantically and legally into a single discipline.

I would also ask that Continuing Education Courses approved by the professional associations and schools of my profession (Structural Integration) be approved to meet my Continuing Education requirements by the Board.

Thank you.

Toby Matthews

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Toby Matthews, LMBT
Certified Rolfer™
Certified GYROTONIC® Teacher
NC License # 3687
919.564.6960
www.matthewssomatics.com

S Beth Burgin

Certified Advanced Rolfer®
NC LMBT #1532

21 Jun 2014

admin@bmbt.org

NC Massage and Bodywork Therapy Board

RE: Rules Review

If Changes to the Practice Act are also being considered at this time, then I respectfully also propose these changes in addition to the previous submission regarding just The Rules and Regulations;

Changes are in **bold blue** type. *Italic indicates the thinking regarding the suggested changes.*

- 3- 90-620 - Short Title - Change board title to Massage & Bodywork **Therapies** Practice Act.

The NC Massage and Bodywork Therapy Licensing Board was given this title to indicate that the 'world' of hands-on manual therapies is diverse. The rules that were created do not adequately represent the diversity within the manual therapies professions, which each have different scopes of practice, goals and therefore training. A title change would represent to the public that there are multiple manual therapies requiring a license to practice in North Carolina. It would also assure the public and therapists that individual practitioners are adequately trained in their professions and that practitioners who misrepresent their field of practice will be in violation of the law.

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intention is to insure the Board has the professional diversity and expertise to address the issues that come before the Board.”

The physician and public members and who appoints them remain as stated.

5 - 90-626 – Powers and Duties

(1) “Represent the diversity within *the manual therapy professions* at all times when making decisions. *Board members shall* stay current and informed regarding the various *professions within massage therapy and bodywork therapies practices.*”

Thank you again for your consideration of these proposed changes;

Yours in health,

S Beth Burgin
704-301-5174
rolferbeth@yahoo.com