



Associated Bodywork & Massage Professionals

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December 2, 2011

George Hebert, Executive Director
New Jersey Board of Massage and Bodywork Therapy
Post Office Box 45010
124 Halsey Street
Newark, NJ 07101

Dear Mr. Hebert and Board Members,

Associated Bodywork & Massage Professionals (ABMP) is a professional membership association for massage and bodywork therapists representing more than 3,000 members in New Jersey and more than 79,000 members nationally. ABMP thanks the board for accepting several suggestions made during the informal public input meetings held in December 2010 and January 2011. We are confident these changes will not only offer applicants the opportunity to qualify for licensure but will also facilitate quicker administrative processing of applicants and decrease confusion in the long run.

We have a few remaining concerns outlined below and listed in the order in which they appear in the proposed regulations.

N.J.A.C 13:37A-2.1 Application for licensure (b) 2. An official transcript, which indicates that the applicant has completed an associate degree in massage and bodywork or a course of study ... (page 4)

What if a school is closed and it is not possible to obtain an "official transcript?" Will the board accept a copy of the applicant's transcript or diploma? If so, this language should give the Board the flexibility it needs to accept other documentation. If not, the Board needs to reconsider this issue. Massage schools are typically not comparable to colleges and universities with regards to documentation. Whereas most other health professionals attend accredited programs or colleges which have longevity and issue standardized transcripts etc., that is not the case with massage schools. The majority of massage schools are still proprietary schools.

There have been a number of schools which have closed in the last couple years. A 2011 survey of schools conducted by ABMP demonstrated a decrease from 1600 massage programs in 2009, to 1440 in 2011. We have learned from the 42 other states licensing massage therapists that obtaining an official transcript from a closed school poses a major obstacle for applicants in states beginning to implement their licensing laws. If a school has closed and the state does not have a requirement or strong policy designating a custodian of records, an applicant does not have the ability to obtain an official transcript. Applicants should not be penalized for something they have no control over.

ABMP recommends changing "an official transcript" to the more general term "documentation," or adding "or other documentation deemed suitable to the board," to allow the board and applicants some flexibility.

N.J.A.C. 13:37A-2.3 Renew of license (e) related to reinstatement within 5 years, and (f), related to reinstatement after more than 5 years (page 7)

This section is still confusing and seems to unnecessarily punish previously licensed individuals.

ABMP recommends adding the FSMTB exam to (f)2. Shall retake and successfully pass the FSMTB, NCBTMB, or NCCAOM examination. As there is no discernable rationale for omitting this exam, we assume that this omission was an oversight.

ABMP requests clarification as to whether a person with a suspended NJ license for 5 years or more would be able to simply reinstate their New Jersey license if they were licensed and actively practicing in another state during the 5 years.

N.J.A.C. 13:37A-2.5 (b) 200 hours of education and training (page 8)

13:37A-2.5 License without education or examination, (c) The 200 hours of education and training required pursuant to (a) above **shall** be taken in a massage and bodywork training program which **is** accredited or approved by i. The New Jersey Department of Education; ii. The New Jersey Department Labor and Workforce Development; iii. The New Jersey Commission on Higher Education; or iv. an agency of another state which substantially meets the requirements of the New Jersey Department of Education, the New Jersey Department of Labor and Workforce Development or the New Jersey Commission on Higher Education.

The Board, by further defining the 200 hours of education in the grandfathering provision, will essentially nullify the opportunity to apply under this method. Many schools which offer(ed) this type of sub-500 hour program are most likely **not operating any longer**. The standard massage program throughout the country today is typically a minimum of 500 hours. This provision was intended to help people who graduated a long time ago whose schools are likely closed, or graduated from a program that has since increased its education hours to be consistent with the rest of the country.

ABMP has helped thousands of members navigate the licensing processes throughout the country and the most common problem applicants face is providing evidence of their schooling when it was completed 5 to 10 years (or more) prior. Applicants will most likely have a certificate or diploma stating the total number of hours they completed but it's very unlikely that they'll have a transcript outlining the specific content or curriculum breakout.

The language in the law approved by the legislature was to ensure that people practicing massage and bodywork would not lose their livelihood, would not have to obtain additional education, or pass an exam to practice in a profession they've already been safely practicing in for years. ABMP spent significant time educating legislators about this issue and is very concerned that several hundred currently-practicing therapists may be forced to either go back to school or pass an exam to qualify for a license. The legislature was clear in its intent and the matter was brought to the board's attention last year by several long-time practitioners who would be negatively impacted if the board failed to eliminate this section.

*ABMP recommends the board eliminate sections (b) and (c) in their entirety. **This is far and away the most crucial correction that needs to be made.** No threat to public safety exists in allowing people who have safely practiced massage and bodywork for years to continue to practice.*

N.J.A.C. 13:37A-3.1 Scope of practice (a) A licensee shall practice only those methods of massage and bodywork therapy that: (page 9)

This section is confusing. Members have contacted ABMP asking whether this means they can't combine modalities because they weren't taught together, or if they can't practice or teach a technique they developed since it's not "approved" by any organization. Why is it necessary to attempt this level of detail?

ABMP recommends the Board amend this language so it is more general. A couple examples are provided below but I will happily provide others if need be.

Examples:

North Carolina: In the practice of massage and bodywork therapy, licensees shall:

- (1) provide only those services that they have the training and practical experience to perform, and that are designed to benefit the health and well-being of the client;
- (2) deliver treatment that ensures each client's safety, comfort and privacy;
- (3) inform clients of the scope and limitations of massage and bodywork therapy.

New York: Massage therapists will accurately inform patients/clients, other health care practitioners and the public regarding the scope of their discipline and will represent their personal qualifications honestly, including education, experience, and professional affiliations upon request or in advertising.

- Massage therapists will have a sincere commitment to provide the highest quality of care to those who seek their professional services, and will provide only those services which they are qualified to perform.
- Massage therapists will provide treatment only when there is a reasonable expectation that it will be advantageous to the patient/client. The therapist will acknowledge the limitations, precautions, and the contraindications for their practice, and

will refer patients/clients to other licensed health care professionals when the patient's/client's needs are outside of the therapist's scope of practice.

- Massage therapists will conduct their business and professional activities with honesty and integrity, and will act with respect toward colleagues, including all other health professionals.
- Massage therapists will avoid any interest, activities, or influences which might conflict with their obligation to act in the best interest of their patients/clients.

N.J.A.C. 13:37A-4.1 Continuing education (c) Licensees shall be limited to completing a total of six hours through courses presented on-line or through DVDs.

It is ABMP's view that most continuing education offered in the massage profession falls in the professional development category (learning new techniques/modalities) versus continued competency (review of contraindications) for the purpose of public protection. While professional development is encouraged, it shouldn't be mandated by the state. Mandating twenty hours of CE would impose a substantial financial burden on massage therapists and limiting the number of hours that can be accomplished through on-line courses only serves to limit the course options.

While we understand the Board believes the hands-on nature of the profession necessitates that the majority of CE courses be presented in a hands-on environment, that's not the reality of how classes are presented. More often than not, a CE course attendee does not get personal feedback on the technique they are learning. In fact many courses require an attendee to accomplish a certain amount of hours practicing on their own to receive a certificate of completion for the course. In many other CE courses a participant is not learning a new technique but perhaps a way to adapt an already known technique to a certain population. This can easily be accomplished in an online course.

Why not start with a lower mandate and if the Board determines that, based on disciplinary cases, an increase in CE is necessary then the subject can be revisited?

ABMP recommends decreasing the mandated hours to 12 every two years and allowing the hours to be accomplished in any forum.

N.J.A.C. 13:37A – 4.2 Continuing education programs

While the Board has attempted to create a thorough list of organizations, there is likely to be another organization or source of CE that isn't listed. 1. Successful completion of continuing education courses or programs related to the practice of massage and bodywork therapy, one credit hour for each hour of instruction. Courses and programs shall be approved by, or offered by providers approved by:

ABMP recommends adding "or other entity approved by the board" to allow for changes in the profession.

ABMP appreciates the opportunity to provide input on the proposed regulations. We sincerely thank the board members and staff of the Nursing Board and Division of Consumer Affairs for the time and effort spent drafting the proposed regulations. If you have any questions regarding ABMP's comments, please don't hesitate to contact me at 800-458-2267 extension 645, or jean@abmp.com. I would like to be present when the board discusses the public comment submissions, please let me know when that will be.

Sincerely,



Jean Robinson, Government Relations Director