



Associated Bodywork & Massage Professionals

25188 Genesee Trail Rd, Ste 200
Golden, CO 80401
800-458-2267
fax 800-667-8260
www.abmp.com

November 14, 2014

Lisa W. Durden, Director
Office of Secretary of State
Professional Licensing Boards Division
Georgia State Board of Massage Therapy
237 Coliseum Drive
Macon, GA 31217

RE: Comments regarding proposed rule amendment 345-4-.02 (Continuing Education hours)

ABMP Position: Opposed

Dear Board members,

ABMP is opposed to the Georgia Board of Massage Therapy's proposed rule change regarding 345-4-.02 (Continuing education hours). If adopted, the Board would no longer accept continuing education in the modalities of structural integration, reflexology, movement practices, and energy practices.

The Board contends that, even though they have accepted CE courses in these modalities since CE was required for license renewal, it is now the Board's opinion that these courses fall "outside the scope of practice" for massage therapists simply because the modalities are listed as exempt from licensure. **ABMP disagrees with this position and we encourage board members to revisit and reject this proposed rule change.**

- 1. These modalities are clearly within the scope of practice for massage therapists.**
- 2. How does limiting the subject matter of CE protect the public? Have there been consumer complaints related to these modalities or these types of CE courses that necessitate a rule change?**
- 3. Limiting CE results in fewer choices for massage therapists and eventually, a less satisfying consumer experience.**
- 4. The majority of states that regulate massage therapists exempt certain modalities from massage licensure. I'm aware of only one state (NY) that excludes CE obtained in exempt modalities from counting toward state-mandated CE requirements. It is not the norm.**

It is our belief that exempting certain practices from the massage therapy practice act is not ideal and can be confusing. However, whether or not the exempt practices or techniques are within the scope of practice of massage therapists has never been the source of confusion. The "exceptions" or exemptions listed in Statute relate to people who restrict their own practice to these modalities. Nothing in the Act states that these exceptions are not considered to be within the scope of practice for LMT's.

Massage therapists can and do practice these modalities and according to Board staff – will *continue* to be able to practice these modalities even if this rule is adopted as long as the LMT is qualified to do so (i.e. complies with 345-6-.01(b)). In addition, according to Board staff, even if this rule is adopted schools will still be able to include these modalities as electives or part of their entry-level curriculum as long as they meet the other curriculum requirements (Rule 345-8-.01).

How can these modalities be within the scope of practice and legally practiced by LMT's, and able to be included in entry-level massage program; yet be "out of the scope of practice" when it comes to continuing education that will count toward the state-mandated requirement?

Consider the scope of practice in statute:

The definition in Statute: "Massage therapy" means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term includes complementary methods, including without limitation the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Massage therapy shall not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities.

In structural integration, physical pressure is applied to stretch and guide fascia. Reflexology involves manipulation of specific soft tissue reflex areas. Movement practices involve a teacher using hands-on soft tissue manipulation to guide the student toward new movement patterns. Even energy work can be structured but passive touch.

All of these modalities are well within the recognized scope of practice of LMT's.

§ 43-24A-20. Continuing education requirements

The board shall establish continuing education requirements not to exceed 25 hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria for continuing education courses.

HISTORY: Code 1981, § 43-24A-20, enacted by Ga. L. 2005, p. 1251, § 1/SB 110.

The statute gives the Board the authority to impose CE requirements not to exceed 25 hours per biennium. The board has chosen to impose 24 hours every 2 years, almost the maximum allowed. In ABMP's view, this requirement is already far above what should be required by law when you consider the low rate of disciplinary actions related to practice issues. Now the board is considering making it even more difficult to complete the 24 hours by not allowing CE taken in these modalities to count toward the state-mandated requirement even though these practices are well within the scope of practice of LMTs.

Many LMTs choose to take CE's in these modalities so they can broaden their scope of work and offer a more fulfilling and satisfying session to their clients. As you know, massage therapy is a physically demanding profession; several of these exempt modalities are popular CE subjects for practitioners who are seeking techniques that are less physically demanding. According to ABMP consumer surveys, clients value and seek out therapists with more skill. Restricting the CE that massage therapists can take that counts for licensure renewal is not serving the public unless there is a compelling public safety reason for the restriction.

It is the board's responsibility to protect the public from unqualified practitioners. Who is the Board trying to protect by limiting the subject matter of acceptable CE for renewal? Have there been consumer complaints or documented harm caused that warrants such a limitation? These are the questions we encourage board members to ask themselves when they consider this issue. If there are no issues related to public harm after accepting these courses for several years, I suggest the proposed rule is a solution to a problem that doesn't exist.

ABMP and AMTA have similar data when it comes to the demographics of LMTs and this hasn't changed much in the last 15 years. LMTs are predominantly female (85%), in their early 40's, work at another job, and earn on average \$21,000 per year from their massage practice. The median price for a one-hour massage is \$60. This hasn't changed significantly since 2005. The average cost of industry CE is \$22 per credit hour so LMTs are spending \$528 every 2 years to complete CE requirements now. LMTs have finite financial resources available for professional development activities. They will have no choice but to limit their CE to courses that are required to renew their state license. At the very least they should have the as many choices available as possible. They should be able to make a professional choice as to what subjects or modalities will most benefit their clients and themselves.

While the Board may be of the opinion that the adoption of this rule does not impose excessive regulatory costs to licensees (voted on 8/29/14), there can be little argument that the proposed rule limits choice. The "exceptions" in Statute are broad categories of bodywork; many different modalities fall into these categories and would not be allowed for licensure renewal.

During the October 31, 2014 board meeting I believe I heard a board member state that it is a common standard for other states to exclude CE obtained in exempt modalities from counting toward state mandated CE. In reality, there is only one, New York, a state that is regulated quite differently than Georgia.

Georgia shares the same exceptions/exemptions with eight other states, none of which consider the exempt modalities as out of the scope of practice and all of which count CE in these modalities toward the state mandated requirement *if* CE is required for licensure renewal at all.

The change the Board is considering is big and would set a very unwelcome precedent. The Board is essentially deciding whether to voluntarily limit the subject matter of CE, thereby possibly limiting the potential and capabilities of licensees and the effectiveness of massage therapy as a treatment. For what purpose? The "exceptions" or exemptions listed in Statute relate to people who restrict their own practice to these modalities. Nothing in the Act states that these exceptions are not considered to be within the scope of practice for LMT's.

Thank you for your consideration of ABMP's views. If you have any questions please let me know. I can be reached at jean@abmp.com or 800-458-2267 extension 645.

Sincerely,



Jean Robinson, Government Relations Director