

Model Regulations for Continuing Education in the Massage Therapy Field

*A Simplified and Streamlined Approach
for State Boards*

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Introduction

There is broad agreement that continuing education (CE) supports the professional development of those who work in licensed occupations. In the massage therapy field, 38 of the 45 jurisdictions that regulate massage (43 states plus D.C. and Puerto Rico), have mandatory CE requirements for license renewal. However, there is significant inconsistency in the standards for CE courses and providers, as well as concerns about the effectiveness of existing state and national approval mechanisms and the actual public benefit such requirements may produce.

The purpose of this document is to provide a brief overview of the problems with the current system of CE and its approval processes, and to provide a solution through a recommended set of administrative rules to be implemented by state massage regulatory agencies. This approach follows an in-depth analysis of the status of continuing education in the massage therapy field published by the author in February, 2013. The white paper may be accessed from this link: <http://bit.ly/1kH8uqd>

Problems

1) At the present time, it is not possible to assure the competency of continuing education providers or the quality of CE courses.

First, it is impossible to verify knowledge/skills/abilities from a review of documentation alone. *Anybody or anything can look good on paper.* The act of filling out forms is not demonstration of quality instruction, or any measure of competence outside of administrative work. It would take a far more rigorous accreditation-level process (as found in other health care professions) to verify the competency of every provider and the integrity of curriculum design for each workshop. Neither regulators nor providers are in a position to handle the costs and demands of such a regimen.

Second, most CE providers in this field have never had formal training in curriculum design or the theory and methodology of classroom instruction. Knowledge of the subject matter is important, but it is no substitute for the lack of fundamental teaching skills. As a result, there is a wide range in the effectiveness of delivery of CE courses. Since it is not possible to assure provider competency or course quality, licensees and massage consumers must not be given false or implied promises by regulatory authorities.

2) There are inconsistencies in the standards for acceptable CE subject matter, the processes of CE provider approvals, and the number of required hours for license renewal.

State and national CE standards have been developed over the years in a random manner without a guiding template. As a result, the differences in requirements impede interstate portability for licensees and create undue financial and administrative burdens for CE providers. Some jurisdictions are overly restrictive in their approach, while others may accept certain subject matter that is not relevant to the scope of practice.

Among the states that require CE, there is a range of 6-18 contact hours per year, with an average of 10.7 hours per year. As there is no evidence to suggest the "correct" number of hours that supports professional development, a common standard should be established for the sake of consistency and portability. (12 hours per annum is a reasonable recommendation.)

3) *There is no proven link between CE requirements and public safety.*

The incidence of serious physical harm in the licensed practice of massage therapy is exceedingly rare, so there is not a widespread safety problem. The more pressing issue is lack of effectiveness of massage therapy treatment, which can be improved over time with relevant continuing education for licensees. The public will be better served by better massage, which by itself is a sound rationale for the maintenance of mandatory CE requirements.

4) *Reliance on the CE approval program of NCBTMB by state massage boards undermines the foundation of the regulatory process.*

Of the 38 state boards with CE requirements, 25 of them rely in whole or in part on the NCB's Approved Provider Program. This is a serious issue because no state board has a contractual relationship with NCB for the outsourcing of this legislatively-mandated function. State boards in this position lack requisite administrative supervision over NCB, which constitutes *Improper Delegation of Authority* according to Dale Atkinson, Legal Counsel for FSMTB and Executive Director of the Federation of Associations of Regulatory Boards (FARB). Atkinson, a national expert on regulatory law for occupational licensure, authored a memorandum for FSMTB on this subject in December 2005 to address this serious structural deficit in state massage regulation. The memo can be accessed from the following link, and is required reading for all state board members and administrators: <http://tinyurl.com/krtkz3n>

5) *The agenda on continuing education put forth by FSMTB fails to meet the needs of state boards and the massage community at large.*

The Federation has adopted an official position that arbitrarily splits CE into two categories: that which pertains to "public safety", and everything else which is lumped into a broad category of "professional development". Based on that division, FSMTB has decided that only CE related to "Ethics and Professional Practice" should be required for renewal of state licensure, and is about to become a primary provider of such courses. This solution is off-track because of the absence of a demonstrable public safety problem in the massage therapy field, and because it ignores the compelling need for professional development.

FSMTB has deemed professional development – which may include CE courses from providers as well as other adjunct activities including community service or research – to be optional. The Federation's position places far too much emphasis on ethics-related course work, while downgrading the bulk of what licensees study in the ongoing process of improving knowledge and skills that actually relate to the treatment of clients.

Solution

In light of the fact that neither FSMTB nor NCB are providing acceptable frameworks for CE regulation, I am proposing that **state boards craft their own solution based on a common template**. Each agency must have a structure that is practical and defensible, and that is not based upon false assertions or undeliverable promises. The **model administrative rules** for continuing education presented here focus on two important changes: the use of specific subject matter standards to determine what constitutes "approved continuing education" for license renewal, and the elimination of approval requirements for CE providers. (The subject matter standards are based on a template I created during my term as founding chairman of the North Carolina Board of Massage & Bodywork Therapy, and which was used successfully by that agency from 2001-2005.)

This approach removes all ineffective and cumbersome provider approval processes, and allows state boards to regain oversight of the subject matter itself – a crucial aspect that has been lost with the reliance on NCB's approval system. From a public protection standpoint, what's important is that licensees take CE courses on a regular basis that are relevant to their scope of practice. Where and from whom they obtain those courses is of minimal importance at this juncture. Since quality assurance is not achievable on the existing landscape, *no approval is better than faux approval*.

Most state boards also need a solution that immediately resolves the legal issue of Improper Delegation of Authority without creating a new state-based CE approval program. The only sure way to do that is to remove any references to NCBTMB in statutes and rules. In its place, the subject matter standards listed in model Rule 003 (below) provide a clear template that will guide licensees in their choice of educational opportunities. It will also greatly simplify and streamline each board's administrative work around license renewal.

The only potential downside to this approach may be some appearance of "fly-by-night" providers of CE courses following the removal of provider approval requirements. Given that there may already be a number of substandard courses from "approved providers", the marketplace will continue to weed out the inferior products.

State boards have an opportunity to act to improve the integrity of their regulatory programs, and I encourage each agency to give their full consideration to this proposal.

About the author

Rick Rosen is a co-founder and past Executive Director of the Federation of State Massage Therapy Boards, and has 35 years experience in the massage therapy field. He is the founder and co-director of the Body Therapy Institute, a COMTA-accredited school in North Carolina, and also served as a co-founder and past Executive Director of the Alliance for Massage Therapy Education. In 2013, he received the President's Award from AMTA in recognition of his three decades of contributions to the field.

Model Administrative Rules for State Massage Regulatory Boards

Continuing Education Requirements for Renewal of Licensure

Developed by Rick Rosen, MA, LMBT

*Founding Chairman, North Carolina Board of Massage & Bodywork Therapy
Co-founder and Past Executive Director, Federation of State Massage Therapy Boards*

NOTE: The term "massage therapy" is broadly construed in these model rules to include practices under the descriptors of "bodywork" or "somatic therapy" where applicable to state law.

RULE 001 CONTINUING EDUCATION DEFINITIONS

The following definitions apply to this Section:

- (1) **Approved continuing education:** A course taught by an individual or institutional provider based in subject matter that relates to the practice of massage therapy, and that is within one or more of the descriptions of Acceptable Subject Matter as set forth in Rule 003(a). Such providers are not required to be approved by the Board.
- (2) **Continuing education:** Learning experiences that enhance and expand the skills, knowledge, and attitudes of massage therapists that enable them to render competent professional service to clients, the profession and the public.
- (2) **Distance learning:** Courses taken by home study, whether delivered synchronously or asynchronously online by computer means, by recorded video or audio media, or by printed materials. Licensees shall demonstrate achievement of learning objectives and completion of course requirements to the provider before credit is given.
- (3) **One "contact hour" of continuing education:** At least 50 minutes of any one clock hour during which the student participates in a learning activity in the physical presence of an instructor, or in a distance learning activity designed and delivered by a provider. One semester credit hour at a regionally-accredited college or university shall be equivalent to 16 contact hours.
- (4) **Professional ethics:** A system of conduct guided by principles which are intended to ensure the safe and effective practice of massage therapy. Acceptable subject matter for required professional ethics courses may include: compliance with the statutes and administrative rules that govern the practice of massage therapy in this state, management of the client/therapist relationship, boundary functions, professional communication skills, conflict resolution, cultural diversity issues, and standards of practice.

RULE 002 CONTINUING EDUCATION REQUIREMENTS

- (a) When renewing a license, licensees shall document that they have completed at least [xx] contact hours of approved continuing education during the immediately preceding licensure period, pursuant to *[citation to applicable statute]*.
- (b) Distance learning, as defined in Rule 001 of this Section, shall not comprise more than half of the required continuing education hours per licensure period.
- (c) Licensees shall document that they have completed at least three contact hours of continuing education in professional ethics as defined in Rule 001 of this Section, out of the minimum of [xx] hours of approved continuing education required for license renewal. This may be obtained through supervised classroom instruction or distance learning.
- (d) Licensees shall ensure that each continuing education course for which they claim credit on their application for renewal of licensure is consistent with the definitions and requirements set forth in this Section.
- (e) Licensees must attend at least 90% of the published contact hours of an in-person continuing education course to be granted credit by the provider. Partial course credit shall not be granted.
- (f) The Board may audit licensees at random to ensure compliance with these requirements.

RULE 003 SUBJECT MATTER FOR CONTINUING EDUCATION COURSES

These standards apply to courses offered by providers of continuing education that have subject matter and learning objectives that relate directly to the scope of practice of massage therapy.

(a) The following areas of subject matter are deemed acceptable for continuing education courses:

- (1) Applications of massage therapy for specific needs, conditions or client populations;
- (2) Theory, philosophy or methodology of manual, energetic or movement-based techniques which are utilized with clients for therapeutic, educational or relaxation purposes;
- (3) The structure, function, kinesiology or pathologies of the body;
- (4) Client assessment protocols; skills for client record keeping and case management; strategies for interfacing with other licensed health care providers;
- (5) Theory or practice of ergonomics as applied to therapists or clients;
- (6) The use of external adjunctive agents such as water, light, sound, heat, cold or topical applications of plant or mineral-based substances;
- (7) The use of mechanical devices or adjunctive tools that mimic the actions made possible by the hands;

- (8) Body-centered or somatic psychology, psychophysiology, interpersonal skills – which may include therapeutic communication skills, boundary functions, and the phenomena of transference, countertransference and projection;
- (9) Standards of practice; professional ethics; compliance with the statues and administrative rules that govern the practice of massage therapy in this state; compliance with federal regulations such as HIPAA and ADA;
- (10) Strategies for the marketing or development of massage therapy practices; procedures for third-party reimbursement;
- (11) Hygiene; standard precautions and methods of infectious disease control; organization and management of the treatment environment;
- (12) Development or analysis of research protocols for massage therapy;
- (13) First Aid or Cardiopulmonary Resuscitation; or
- (14) Teacher training, which may include areas of knowledge, skills or attitudes set forth in the *Core Competencies for Massage Therapy Teachers*, published by the Alliance for Massage Therapy Education.

(b) The following areas of subject matter are deemed unacceptable for continuing education courses:

- (1) Practices outside the scope of massage therapy which are prohibited pursuant to *[citation to statue or rule]*;
- (2) Psychological counseling or diagnostic methods, emotional release-based cathartic therapies, or regression-oriented therapies;
- (3) Courses taken by licensees for personal enrichment or self-care, including dance, yoga, Pilates, t'ai chi, martial arts, strength training or fitness classes, meditation, astrology, religious or spiritual practices;
- (4) Ancillary business administration skills, including bookkeeping, accounting, tax preparation, use of computer hardware or software, technical writing or graphic design;
- (5) Participation in supervision groups, whether facilitated by a peer or mentor;
- (6) Apprenticeship with another massage therapist or licensed health care provider;
- (7) Teaching experiences where the licensee is either a presenter or a teaching assistant, and where the licensee is compensated for their teaching role;
- (8) Volunteer service work, or participation in professional membership organizations;
- (9) Provision of massage therapy services as part of a research study; or
- (10) Therapeutic sessions where the licensee is in the role of client receiving the professional service.