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The North Carolina Board of Massage and Bodywork Therapy  
Wells Fargo Building  
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Dear Members of the Board,

I would like to begin by acknowledging the charged atmosphere that currently surrounds the state of affairs regarding continuing education for massage and bodywork therapists in North Carolina, and indeed, is affecting Boards and therapists nation-wide. I have prepared a proposal for changes to our Rules that I would like the Board to consider as I believe these changes will provide a relatively simple and straight-forward set of solutions, and allow for working out many details over a period of time rather than creating upheaval.

Before I do that, let us consider the following salient points:

- 1.) By accepting NCBTMB Approved Provider courses with so few restrictions on the part of NC Rules and Regulations, the Board implicitly becomes associated with decisions made by the NCBTMB whether or not the NC Board is in agreement. This constitutes the Board allowing a third party agency to override its right and responsibility to set and enforce standards for LMBTs.
- 2.) Continuing education content primarily arises from professionals with long-standing practices who have achieved a level of mastery. Content can also arise from new or advanced knowledge in sciences relating to medicine and health care. Therefore only those with many years in practice, or who have advanced degrees in related scientific fields should be allowed to offer approved continuing education for massage and bodywork therapists.

Consider this break-down:

- a. Individual CE Provider – creates and teaches new professional level coursework.
- b. Proprietary Organization- creates new professional level coursework and oversees a group of teachers who teach that coursework.
- c. Sponsor- Offers diverse professional level coursework taught by Individual Providers and teachers from Proprietary Organizations.

- i. Sponsors may be organizations, such as the AMTA, massage schools, or health education centers.
  - ii. Currently we have sponsors who are approved as providers themselves, and sponsors who are not approved. Those that are approved, can hire approved providers in their own right, or allow others who are not approved to teach under the umbrella of their providership. Sponsors who are not approved providers only hire approved CE providers.
  - iii. Massage schools generally fall into the category of sponsor. In some cases massage schools may have original proprietary coursework developed by the school director or a member of the faculty. This coursework is usually owned by the school, rather than an individual. The coursework may be offered as CE, or as advanced studies within the entry level curriculum, or both, and the school is generally an approved CE provider in this case.
- 3.) A competent therapist is a safe therapist. Developing the habit of ongoing education and training in one's field is an essential component of becoming and remaining a competent therapist. It seems to me that the current requirement of 12 hours per year devoted to continuing learning in the profession is minimal, and should not be considered a burden on therapists, especially new therapists. Furthermore, saying there is no proof that continuing education protects the public does not prove that continuing education does not protect the public! Continuing education requirements are standard in so many licensed professions- might it not be wise to consider that required continuing education has stood the test of time and proved its usefulness?
- 4.) Continuing education needs to be about developing professional skills and attitudes, and gaining advanced knowledge in related sciences and theory. The present situation regarding continuing education in North Carolina does not meet this need. Reasons for this are:
  - a. Insufficient definition of what is acceptable course content by the NC Board (This allows courses that have nothing to do with professional development to be accepted for renewal requirements.)
  - b. Insufficient standards and oversight of the current Continuing Education Provider approval program (NCBTMB). (This allows teachers with far less qualifications than I am comfortable with to become approved to teach continuing education; there is also little oversight to guarantee continuing quality.)
  - c. LMBTs who are not currently practicing due to family needs or personal injury/illness are forced to take continuing education classes to maintain a license that they are not using. This creates a market for cheap, easy continuing education courses. A way to put a hold on one's license when appropriate is needed. (This is especially important for those that were grandfathered in and might encounter problems if they had to apply for a new license under the current law.)
  - d. LMBTs who are taking continuing education classes after ten or twenty years in the profession don't need the requirement any more- so why continue with it?

5.) The role of distance education in continuing education for massage and bodywork therapists needs to be clearly defined, and then regulated based on that definition. North Carolina rules do not allow students to learn to do massage through distance learning in massage school. Why do we allow LMBTs to gain advanced skills in massage and bodywork therapy through distance learning?

I propose the following changes/additions to the rules (in red). Rationale may be found in brackets after each proposed rule(s) change or set of related rules.

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### **.0102 DEFINITIONS**

(11) Voluntary License Suspension. – License is suspended at the request of a licensee who has renewed his/her license at least once since licensure was bestowed. All practice of massage and bodywork therapy or indication of such must cease during the period of voluntary suspension.

### **.0204 FEES**

(a) Fees are as follows:

(1) Application for Examination of Requirements for License \$ 20.00

(2) License fee 150.00

(3) License renewal 100.00

(4) License renewal –voluntary suspension 25.00

~~(4)~~ (5) Late renewal penalty 75.00

~~(5)~~ (6) Duplicate license 25.00

~~(6)~~ (7) Application for Additional Examination of Moral Character 150.00

### **.0303 LICENSE RENEWAL**

(a) Any licensee desiring the renewal of a license shall comply with all continuing education requirements, shall apply for renewal and shall submit the required fee.

(b) A license that has not been renewed prior to its expiration date is considered expired. An expired license may be reinstated within the first 24 months. All required continuing education for license renewal must be completed before the license is reinstated.

(c) Licenses expired in excess of 24 months are not renewable. Persons whose licenses have been expired for more than 24 months must apply for a new license.

(d) Any person whose license has expired and who engages in any massage and bodywork therapy activities governed by the Practice Act will be subject to the penalties prescribed in G.S. 90-634 and G.S. 90-634.1.

(e) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete the continuing education requirement prescribed in 21 NCAC 30.0700. A copy of military orders or the extension approval by the Internal Revenue Service must be

furnished to the Board. If approved, continuing education acquired during this extended time period shall not be utilized for future renewal purposes.

(f) After the first 2-year renewal, a licensee may request a voluntary suspension of their license at the time their renewal is due. The request must be filed with the Board at each subsequent renewal date, or the license status reverts to expired. Section .0401 shall continue to apply.

(g) A license with the status of voluntary suspension may be renewed as active by submitting the required renewal fee, taking the Jurisprudence Exercise, and completing 24 hours of approved continuing education within the 24 months prior to renewal.

[A LMBT must complete at least one 2-year renewal in order to be permitted to request voluntary suspension of their license. They must fill out a request on the renewal form and pay a reduced renewal fee on their scheduled renewal date. This will prevent the accumulation of dead records.]

## **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 as defined in Rule .0702 of this Section.
- (b) Approved Continuing Education may be provided by:
- 1) an agency or institution contracted by the NC Board to approve continuing education providers.
  - 2) an agency approved by the Board to offer Continuing Education in a proprietary area of study appropriate for massage and bodywork therapists.
  - 3) 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.

[(1) provides for contracting an organization or company that can approve providers of CE and the individual courses they offer according to the standards the Board decides to set. Currently there is a precedent for this in the relationship between New York State and the NCBTMB. NY recently decided, in spite of its 1000 hour requirement for entry level education, to institute a CE requirement of 36 hours per 3-year renewal period. NCBTMB administers the program for the state according to NYS guidelines. NC could do the same, and save the trouble of starting from scratch- tell NCBTMB what we want exactly and they will do it for us under

contract. They have the experience. And this would be favorable for most current CE Providers, as well.

(2) provides for special situations in which the Board may wish to approve CE credit offered by organizations that do not have to be administered by the main contracted agency. An example would be the NCCAOM, which we currently accept CEs from, or possibly the IASI (International Association of Structural Integrators), which has been under consideration.

(3 includes continuance of what used to be # 7 in section .702]

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

~~(1) by an approved provider as defined in Rule .0702;~~

~~(2) a course approved by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or~~

~~(3) a course in anatomy, physiology, pathology or business management taken at a post-secondary institution of higher learning.~~

[moved to definitions]

(c) Distance learning, as defined in Rule .0702 of this Section, shall not comprise more than ~~12 hours~~ **half** of the required continuing education hours per licensure period, **and may only include the following:**

- 1. Science courses that do not include a lab**
- 2. Lecture only classes- must be clearly indicated that this is the limit of the class on the certificate awarded or transcript.**

[This will prevent LMBTs from misrepresenting their qualifications to clients and acknowledges that massage and bodywork skills can only safely be learned in a live classroom environment.]

(d) Licensees shall document that they have completed at least three contact hours of continuing education in professional ethics as defined in Rule .0702 of this Section, out of the minimum of 24 hours of approved continuing education required for license renewal. This may be obtained through supervised classroom instruction or distance learning.

~~(e) Business management, as defined in Rule .0702 of this Section, shall not comprise more than three hours of the minimum 24 hours of approved continuing education required for license renewal.~~

[While we may not wish to approve courses in accounting and how to run a franchise, for example, we DO want therapists to gain the skills they need to have a successful private practice, should that be the venue in which a LMBT wishes to work.]

~~(f)~~ (e) 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 and in the content Guidelines found in Guideline** [name and number of guideline goes here- actually in my full proposal this part will be partly monitored by our new approval process for CE Providers.].

~~(g)~~ (f) The Board may audit licensees at random to assure compliance with these requirements.

#### .0702 CONTINUING EDUCATION DEFINITIONS

The following definitions apply to this Section:

(1) Continuing Education. --Learning experiences that enhance and expand the skills, knowledge, and attitudes of massage and bodywork therapists that enable them to render competent professional service to clients. ~~the profession and the public.~~ [redundant- clients is enough.]

(2) Distance learning. -- Courses **that are not taken in the physical presence of an instructor who actively interacts with the students.** ~~of by home study that are produced by an approved provider, whether delivered by videotape, audiotape, printed materials, or computer based means. The licensee shall demonstrate achievement of learning objectives and completion of course requirements to the provider before credit is given.~~ [this wording can keep the rule more current with changes in technology that may appear.]

(3) **Approved Continuing Education.** -- Continuing education courses that have been approved by the Board. The Board will designate both acceptable content and standards for delivery of coursework. ["standards for delivery of courses" could mean an individual instructor or an accepted organization, such as a college.]

~~(3)~~ (4) 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 by an approved provider.~~ **provided by an agency approved by the Board.** One semester credit hour at a post-secondary institution shall be equivalent to 16 contact hours.

~~(4)~~ (5) Professional ethics. --A system of conduct guided by principles which are intended to ensure the safe and effective practice of massage and bodywork therapy. Acceptable subject matter for required professional ethics courses may include: compliance with Practice Act and Rules of the Board, management of the client/therapist relationship, boundary functions, professional communication skills, conflict resolution, cultural diversity issues, and standards of practice.

~~(5)~~ (6) **Business Private Practice** management. --Courses that enable the licensee to learn and apply business skills to create a successful professional practice. ~~including basic computer literacy and computer program fluency in programs that support successful private practice skills. Ancillary business administration skills, including bookkeeping, accounting, tax preparation, technical writing or graphic design;~~

[If we delete the clause restricting business skills as subject matter for CE, we can also delete this section as I changed it, and put this in our contracts and in our guidelines instead of in the rules.]

(6) (7) Post-secondary institution of higher learning –A degree granting institution accredited by an accrediting agency recognized by the United States Department of Education or one of its' territories. [includes deleted expansion of acceptance in former #7]

~~(7) Approved provider.—One that has been granted the designation of "Approved Provider for Continuing Education" by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The provider shall have this designation when the course begins and shall maintain this designation continuously until the course is completed. The Board does not recognize any retroactive designation of provider approval. Except as herein stated, the provider shall follow all regulations set forth by its accrediting agency. The Board may also recognize a verifiable continuing education provider outside the United States or its territories that is a post-secondary institution of higher learning approved by the educational regulation authority of that foreign country.~~

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Should the Practice Act be opened, I recommend the following change:

**§ 90-632. License renewal and continuing education.**

(a) The license to practice under this Article shall be renewed every two years.

(b) The continuing education requirement for the initial license renewal is as follows:

(1) If the licensure period is two years or more, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.

(2) If the licensure period is less than two years, but more than one year, each license shall submit to the Board evidence of the successful completion of at least 12 hours of study, as approved by the Board, since the initial licensure application date in the practice of massage and bodywork therapy.

(c) For subsequent license renewals, each licensee shall submit to the Board evidence of the successful completion of at least 24 hours of study, as approved by the Board, since the previous licensure renewal submission date in the practice of massage and bodywork therapy.

(d) Licensees may apply for exemption from the continuing education requirement providing

1) The licensee has been continually licensed with no voluntary suspensions for 10 years.

2) Documentation has been submitted proving completion of 500 hours or more of approved continuing education directly related to the hands-on practice of massage and bodywork therapy.

3) No disciplinary actions have been taken against the licensee.

[Rules, which I will be happy to write and submit should this change become imminent, would include the following: All 500 hours must directly pertain to massage and bodywork skills and knowledge. A maximum of 100 hours of distance learning will be accepted. At least 100 hours of the required 500 hours must consist of advanced coursework. Wording allows the Board to consider whether or not to allow licensure in other states to be considered, in all or part of meeting the requirements.]

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*Regarding acceptable subject matter for continuing education, approval of courses and instructors:*

Consideration of what would be acceptable content matter could be a Guideline in Guidelines Section 5 or a document similar to the current document called "Modalities Requiring Licensure in North Carolina". An agency hired by the Board to oversee and approve CE Approval would use these guidelines to determine what courses to approve and who is qualified to teach them.

The Board already uses contracted agencies to function. Charles Wilkins' firm provides staff, offices, and meeting space, and runs the everyday activities of the Board. IT services are contracted out. M&M Consulting, the School Approval Committee and the Board work together for massage school approvals. In a similar fashion a Board Continuing Education Committee could work with an outside agency such as the NCBTMB to determine acceptable CE courses and instructors. North Carolina Board-determined standards would be in place, yet there would be some flexibility for changes the future always seems to bring.

I have placed Rick Rosen's content list here as it seems fairly complete and mostly coincided with the list I had made. I made a few suggested additions in red, and added "bodywork" when appropriate to be consistent with our Practice Act. In the section on what should be disallowed, I crossed out the computer classes part because I believe that basic computer skills, such as word processing and spreadsheets and basic programs that help produce a flier, as well as email are very much needed to run a practice these days and are not usually taught in massage school. I allowed for an occasional Anatomy and Physiology refresher class, which seems much needed in my opinion and is currently not allowed by the NCBTMB because the subject matter of such a course is not above entry level.

MODEL REGULATIONS FOR CONTINUING EDUCATION | © 2014 RICK ROSEN

**~~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 **or bodywork** 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 statutes and administrative rules that govern the practice of massage **and bodywork** therapy in this state; compliance with federal regulations such as HIPAA and ADA;
- (10) Strategies **and skills** for the marketing or development of massage **and bodywork** therapy **private** 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 **and bodywork** 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.
- (15) Courses taken as a matriculated student in a college leading to an advanced degree in massage therapy or bodywork.
- (16) Refresher courses in basic Anatomy and Physiology (permitted as a review no more than once every 3 renewal periods.)
- (17) Courses in adjunct modalities that are within scope of practice; while equipment may be part of the class, class educational hours may not include the promotion of a product. If the class is product-dependent, this fact must be stated in all marketing materials for that class.

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

- (1) Practices outside the scope of massage **and bodywork** therapy which are prohibited pursuant to statute § 90-623 (d);
- (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, **bodyworker**, 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 **and bodywork** 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.

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Better categorization of courses could also be provided for LMBTs, for example:

- Spiritually based, tradition-based, evidence-based
- appropriate for first 3 years in practice vs. appropriate for all levels of experience and training
- Introductory, basic or advanced levels of training in the same modality or subject matter

An agency hired by the Board would determine course quality based on the content itself and on the specialized knowledge and experience of the instructor and the ability of the instructor to construct and carry out an educationally sound program of instruction that imparts that knowledge and experience.

Only individual continuing education teachers or proprietary organizations that have a faculty that teaches individually approved courses should be qualified to teach. Organizations must show that each member of their faculty who teaches in our state meets the requirements set below. If a massage school or membership organization (such as the AMTA) can document that it meets these requirements, it may qualify as a proprietary organization. This in no way precludes the natural working relationship between continuing education teachers and massage schools who sponsor them.

Here are standards I believe would be effective for qualifying Approved Providers of Continuing Education:

1. Minimum 4 years utilizing the modality to be taught in a full-time practice.
2. Advanced certifications in the modality or approach to be taught and/or in related approaches, including certification to teach if that is customary in the modality.
3. Teacher training, minimum 20 hours. Teacher training courses should be approved by the CE Approved Provider Certification Agency (via the Board) and should be held to a high standard. Live training should be required for at least 10 of the 20 hours.
4. Previous teaching experience, which could be obtained in many diverse situations.
5. Minimum of one letter of reference from an employer or similar person (not a student or peer).
6. Teach the course being submitted for CE approval at least once, obtaining detailed feedback from at least 8 students.
7. Agreement by signature to the standards and ethics of the Certifying organization and the NC Board (similar or the same as what Providers currently sign with NCB)
8. Course description to include the following:
  - a. Course description
  - b. Description of participants appropriate for this course (prerequisites in terms of years of experience or science background, level targeted- just out of school vs experienced practitioner.)
  - c. Learning objectives
  - d. Course content/topic outline with estimated time allotments.
9. Within the first period of certification (before the first renewal) [this assumes a renewal period of 4 years]: Student evaluations directly submitted to the CE certifying agency from 100 students, across a minimum of 4 courses taught.
10. Within the first period of certification (before the first renewal) [this assumes a renewal period of 4 years]: Supervisory evaluation of the new CE Provider by a CE Provider who has been approved for a minimum of 8 years. The approved supervisor attends the entire course and submits written feedback to the certifying organization and to the instructor of the new course.
11. A minimum of 10 years active experience in the profession is required in order to teach Ethics.

Thank you for reading. I do believe that this proposal will meet the needs of the Board, and will be minimally difficult to place into action. I am happy to answer any questions you may have, or assist in any way.

Please be aware that this document represents my own ideas and not any group of persons. I would have preferred to have more input from my colleagues before submitting this document, but since the meeting of the Coalition of Massage and Bodywork Educators had to be rescheduled due to weather conditions, and Rick

Rosen's submission demands your attention within a proscribed time period, I felt it was important to set an alternative on the table. I am also aware that the task force of the FSMTB will be presenting suggestions in the near future, so I know, as a former Board member, that much will need to be considered.

It is rumored that a proposal for not approving CE Providers is being considered. I don't see how the Board could consider this, as anyone who wanted to could offer training whether or not they had experience and knowledge to do so. Rule .0502 (1) states, "In the practice of massage and bodywork therapy, licensees shall: 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." Approval of qualified teachers is an essential component of protecting the public.

If you would like to read general comments made by individual CE Providers you can visit <http://www.coalitionofmbceeducators.com/> . I will also post any comments about my proposal and Rick Rosen's Model State Rules for CE there. In my opinion, no one has a greater feel for what is needed to ensure continuing education is worthwhile than those out there teaching and interacting with North Carolina Licensed Massage & Bodywork Therapists.

Respectfully yours,

Nancy Toner Weinberger