

*THE FEDERATION OF THERAPEUTIC MASSAGE, BODYWORK
AND SOMATIC PRACTICE ORGANIZATIONS*
Joint Government Relations Committee (JGRC)

LEGISLATIVE PACKET

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What Is the *Federation*?

The Federation is a forum for building community and communications among nonprofit membership organizations representing massage, bodywork or somatic practices that allows us to be ready to respond to issues that affect our values. Participating organizations in the Federation are united by the fundamental values of:

- Professionalism
- Right to Practice
- Public Education
- Ethics
- Commitment to Serve
- Accountability
- Mutual Support
- Trust
- Global Perspective

What Is the JGRC?

The Joint Government Relations Committee (JGRC) is a committee of the *Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations* which responds to arising needs in legislative arenas by encouraging development of working coalitions, and supporting those coalitions in discovering the appropriate process for their specific legislative needs.

Compiled by the *Federation's* JGRC 1997-1998 members:

Yolanda Asher, AOBTA®; LaRose Daniels, APTA; Denise Logsdon, AMTA®; Michael Murphy, Rolf Institute; Michael Purcell, FGNA; Peggy Richards, US Trager® Association

With special thanks to:

Suzanne Macuga Brandt, ABT, 1994 AOBTA Law and Legislation Chair;

Denise L. Shinn, ABT, 1994 AOBTA Membership Director;

Beverly May, Chair, *California Coalition on Somatic Practices*, Government Relations Chair of CA-AMTA, and member of the AMTA Government Relations Committee.

Note: The contents of these articles may be freely reproduced to further the growth and development of the MassageTherapy, Bodywork Therapy and Somatic Practice professions.

For a free copy of this packet, go to www.federationmbs.org
and click on "legislation."

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I. FORMING A LEGISLATIVE COALITION

Whether your state is currently in a licensure or regulation process, or just beginning to look around and wonder where everyone else in the state is, there is great value in organizing a Coalition of those potentially affected by legislation. Coalitions provide opportunities to become familiar with each other on a personal level, and to discover and explore ways of meeting common needs and goals. The *Federation* suggests forming a Coalition with other *Federation* member organizations. These are the *American Massage Therapy Association*® (AMTA®), the *United States Trager*® Association (USTA), the *American Organization for Bodywork Therapies of Asia* (AOBTA®), *The American Polarity Therapy Association* (APTA), the *Rolf Institute*® of Structural Integration, *The Feldenkrais Guild*® of North America (FGNA), the *International Somatic Movement Education and Therapy Association* (ISMETA) and the *American Society for the Alexander Technique* (AmSAT) and the *International Association of Structural Integrators*® (IASI). [See [Appendix #3](#) for each organization's contact information.] Other independent massage therapy, bodywork therapy and/or somatic practice professionals, educators and schools could also be directly affected by the activities of the coalition, especially if your state is in the process of developing state regulation; therefore it is a good idea to include them in the process as well.

A coalition can have different functions:

- 1) To become familiar with and understand how the legal environment in a specific state affects practitioners, educators and schools.
- 2) To provide the opportunity for various practitioner groups to act as a unified community to respond to the legal environment in any state.
- 3) To interact with other health professions when the need arises.
- 4) To write and promote legislation. In so doing, one hopes that legislation will be truly supportive of those it affects. On the other hand, legislation can affect the right to practice even of practitioners for whom it was not intended. Similarly, legislation may affect educators and schools in their educational policies, practices and curricula. As a result, these practitioners, educators and schools may wish to amend or even block legislation. It is therefore important to listen to and address dissenting opinions.
- 5) A Coalition may bear the responsibility to draft contemplated regulation. This may involve soliciting the services of an attorney and/or lobbyist.

Following are some suggestions for how you may want to form a Coalition, and how members of a Coalition can cooperate with each other. Of course, there are any number of possible models to use, and each state will be able to determine the form of its Coalition in a way that is appropriate to its specific situation.

A Legislative Coalition should represent all of the independent groups within the state. Representative(s) from all groups should be chosen and empowered to represent each organization or discipline within the state. They may be presiding officers of State Chapters, educators or other individuals designated by the individual group. If the Coalition is to engage in the development and promotion of a licensing law or other regulation, this should be done only with the understanding and agreement of the individual coalition member organizations. Coalition members can be given the responsibility of researching various legislative models and acquainting themselves with the legislative process. It is the responsibility of each Coalition representative to poll his or her own group before a process of actually drafting legislation

begins, and to offer options based on this research. This enables the representative to voice the opinion of that member's organization in the Coalition's work.

Drafting and Coalition approval of contemplated regulation should happen before state legislative sessions begin. After regulation is introduced into a state legislature, Coalition members will need to be able to negotiate with legislators on technical language of any proposed legislation, but not on the intent of the contemplated law as it directly affects a practitioner. Any change that directly affects or limits the operation of a school or institute or the ability of an individual therapist or practitioner to practice should go back to the Coalition for discussion and decision. You may wish to define parameters for how those decisions are to be made. If this process is understood and agreed upon before the law is written, controversy and disagreement can be avoided.

Please understand that this is time consuming, but has the potential to head off unpleasant surprises. Your bill can get to the floor of the legislature and have inappropriate amendments attached from other professions or simply be voted down. Another potential disaster is that an association, school or group of individuals may back out of the coalition legislative effort, and proceed on their own to form different legislation. It is necessary to develop a respectful relationship and work to maintain it for the well being of all our allied professions. It is also necessary to form these ties in the beginning so that all of the affected parties can keep a watchful eye on legislative developments in their state.

If you are contemplating forming a Coalition, or if you are contemplating developing a law for your state, please be sure to contact first the person in your organization who is familiar with legislation nationally, and/or the person who works with the Joint Government Relations Committee for the *Federation*. She or he can help you make contact with other *Federation* Member Organizations. The [JGRC](#) has accumulated significant experience and can offer important resources to you in your process.

It is also suggested that you read the laws governing other health professionals in your state. Look for consistency in areas such as language, [continuing education](#) requirements, [violations](#), penalties, appeals process, [conflict of interest](#), [reciprocity](#), [grandparenting](#), etc. Such review can provide guidelines for what regulators in your state are used to. This should not preclude creating new legislative concepts. Using similar terms may make your innovative ideas more acceptable.

II. ELEMENTS OF REGULATION

To date it appears that no law written to regulate the massage therapy, bodywork therapy and/or somatic practices has perfect wording. Prior to the 1970's, many local regulations were anti-prostitution laws. Those made more recently tend to favor massage therapy practice and schools. Within the last several years, laws have become more inclusive and allow for diversity of disciplines within the field, though some practices actually favor exemption from these laws, and writing such exemptions into the law has become more common. So far at least half the states have enacted licensure or other regulation. Each year many states engage in the process of amending, considering, formulating, or actually passing new regulations. The following pages are designed to provide you with information that will help you consider some of the important

elements that are contained in a licensing law. It is hoped that this will give you food for thought and some practical basis for discussion.

NOTE: DISTINCTIONS BETWEEN TYPES OF REGULATION VARY FROM STATE TO STATE. CONTACT YOUR STATE'S DEPARTMENT OF HEALTH PROFESSIONS OR CORRESPONDING AGENCY TO OBTAIN THE CORRECT CRITERIA FOR YOUR STATE.

Licensure is a main point of discussion in this document because it is the most common form of professional regulation, not to endorse its use over other possible forms of regulation. There are many models that can be considered when looking at regulation for a particular state. In the language and examples used below, the term "licensure" appears frequently. However, there are other options you may want to consider, such as "registration" or "certification." While each of these types will have a different level of impact on the practitioners regulated and presents a different set of advantages and problems; all regulation normally has the intent to protect the public.

1) LICENSURE

A licensure law refers to a statute in which a particular occupational group is given an exclusive scope of practice, with penalties prescribed for its violation, except for those that may be exempted. Licensure requires proof of a particular level of education, and the completion of certain other requirements, such as a test. Under a form of licensure law known as a "**practice act**," a practitioner cannot work for compensation unless he or she is licensed. In another form of licensure known as a "**title registration**", it may be possible to practice the regulated profession legally without a license, but one must be licensed to use certain terms, such as "massage therapy", to describe or advertise one's work.

Two broad categories of licensure are "independent" (chiropractors, doctors) and "subordinate" (dental assistants, lab technicians), subordinates who must work under a licensed practitioner authorized to supervise them. (Note: When we speak of independent professional recognition, we mean the ability to work unsupervised as a distinct profession.)

2) CERTIFICATION

A) **Governmental** certification law regulates and protects only titled practitioners who are "state certified." This certification may be voluntary, allowing other massage therapy, bodywork therapy and/or somatic practice professionals to continue to practice while at the same time acknowledging a particular group's education by granting them the title of "Certified" upon evidence of meeting certain qualifying standards. At times people have chosen voluntary certification because they thought it would be less threatening to those already practicing and to existing licensed professions than a full licensure bill. However, experience has shown that people who are not in favor of massage therapy licensure often may resist regulation of any kind.

B) **Private** certification means that a person has successfully fulfilled privately defined education standards for a private occupational association, school or other private institution. One kind of private certification offers use of a trademarked name, generally after having fulfilled the requirements of a private certification. This certification has no legal status unless accorded under other provisions of law.

C) In Private/Governmental or ***Certification By Reference*** the government simply adopts or accepts the standards of a private occupational association “by reference.” Thus the association’s standards acquire the force of law. The scope of practice may or may not be specifically delineated, but practice may be restricted by statutory or regulatory requirements that make reference to the occupation. Many states which license massage have adopted a private certification exam, such as the National Certification Exam for Therapeutic Massage and Bodywork (NCETMB), making this private exam governmental by reference.

D) Approval of ***Certifying Agencies***: A final means of regulating practitioners privately is through commissions, which approve or accredit programs.

1. Accreditation (of schools or educational programs): a process whereby a private, non-governmental agency or association grants recognition to an institution or program of study that meets certain established qualifications (set by the accrediting agency) and periodic evaluations. Essential elements of the accreditation process, according to the Council on Post-secondary Accreditation (COPA) are:

- a) a clear statement of educational objectives;
- b) a directed self-study focused on these objectives;
- c) an on-site evaluation by a selected group of peers; and
- d) a decision by an independent commission that the institution or specialized unit

is worthy of accreditation (Council for Accreditation of Counseling and Related Educational Programs, 1994, p. 99). Examples: The Accrediting Council for Continuing Education and Training (ACCET) accredits school programs (which may therefore qualify for student financial aid through government programs).

2. Approval of certifying bodies – Example:

a) National Commission for Certifying Agencies (NCCA), a division of the Institute for Credentialing Excellence (ICE) - sets standards for certification exams to assure their validity, reliability and fairness. Requires psychometric procedures for exam development. www.credentialingexcellence.org/

An agency such as this has gained enough respect and recognition that state and federal governments are much more likely to accept approved programs as the basis for licensure, reimbursement, and access to hospital employment. It should be noted however that few national certification exams have actually been approved by NCCA.

3) REGISTRATION

Registration refers to an administrative record keeping system, which requires persons who perform certain activities or hold themselves out as members of a given occupational group, to register with the state. There may be few or no educational and training requirements, or one may need to prove a certain level of education and/or experience. Schools and programs are generally not mentioned or regulated, and Registration normally would not set standards for curriculum, nor set out a clear definition or scope of practice, but there can be important exceptions to this rule. (This aspect may be highly variable. Please check the requirements in your state.)

The meaning of Registration can vary from state to state. In some states the scope of practice or use of the title is exclusive to the extent that registration is required; for example, an unregistered person usually may not practice. In other states, one may practice and even call themselves by a certain title, i.e., “Massage Therapist,” so long as they do not portray themselves

to the public as “Registered.” Registration can be private but most often is governmental. If the latter, usually registration is mandatory (in the manner of a licensure practice act) in order to legally practice and use the title. Registration is often an attractive alternative to legislators because it usually does not require the appointment of a separate licensing board. For example, this is often handled by the Health Department.

III. CONTENTS OF A LICENSURE LAW

Once a model has been chosen, specific language and requirements - along with a structure for regulation - become a topic for discussion. The following is an analysis of some of the basic structures of current massage therapy, bodywork therapy and/or somatic practice laws. However, we make no particular recommendations for language to be used in drafting laws. This is variable, and must be determined based on the current needs of members of the working [Coalition](#).

INTRODUCTION

Some states use a preamble or introduction at the beginning of a law to explain its purpose. If your state has this legal custom it is best to use language from other laws -thereby making the language more familiar to legislators. A preamble helps a judge in any potential court ruling, because it states the purpose or intent of the law.

One important part of the preamble is the effective date. If you do not have an effective date, the Board does not have any deadline for finishing their work on the Rules and Regulations. Until the Regulations are finished, there is no way to enforce the law.

DEFINITION

One part of a law that is usually considered necessary is a list of definitions for the various terms used to clarify their meanings and facilitate interpretation. Words or terms which may need to be defined within the body of the law include: massage therapy, bodywork therapy, licensed massage therapist, licensed bodywork therapist, board-approved school or instructor, Department of Professional Regulation (or your state’s administrative agency), etc. It may not be necessary to define all the terms within the law, depending upon content. If a term’s meaning is unclear, the Board may define it after the law is in place, or a statutory legal definition may be used. If a term is included in a law, generally it will be necessary to define it. Most anything can be written into the Rules and Regulations (which are written by the administering Board after the law is passed, and which interpret the law.)

There are both advantages and disadvantages to leaving the definition of terms to the “Rules and Regs.” The advantage of defining a term in the law is that there are no surprises. The advantages of leaving definitions to the Board to define after the law is passed are flexibility and that the decisions are left to people considered to be knowledgeable about the field. However, it has often been noted that self-interest and expediency can become important motivating factors when writing the Rules. **The bottom line is, if you are concerned about what might be written in the Rules and Regulations, either define it clearly in the statute, or be prepared to follow the actions of the Board after the law is passed.**

The definitions of Massage Therapy, Bodywork Therapy and/or Somatic Practices must describe the activity of all disciplines to be included under the law. For clarity, the newest definitions use English terms rather than their foreign or technical equivalent. A scope of practice is generally given as part of the definition. The scope tailors, enlarges and places parameters on the definition by describing what may be practiced. There also may be indication of what is specifically not permitted. In past massage therapy and bodywork therapy laws, it has been common practice to exempt other licensed medical professionals such as physicians, chiropractors, physical therapists, nurses, etc. The scope of practice for massage therapy or bodywork therapy can sometimes also be limited or determined by what other professions consider to be within their scope of practice.

Previous laws can be reviewed for examples of definitions for Massage Therapy, Bodywork Therapy, and/or Somatic Practices; however, part of any Coalition's greatest accomplishment may be in finding the wording that is acceptable to all the constituent groups. Be aware that not all earlier laws are inclusive, or address current needs of each practice in regard to the law. Free copies of bills are available from the Chief Clerk's Office at State Capitols while the legislature is in session. Laws are posted on state websites. These can be source of past and current language choices.

The definition explains who is to be licensed. In a licensure law it is common to include all titles that will be used to describe the person practicing. These titles may include: Massage Therapist, Bodywork Therapist, Massage Practitioner, Bodywork Practitioner, Bodyworker, Muscle Therapist, Massotherapist, Somatic Practitioner and/or Somatic Therapist or others. This section may also define what standards must be met in order to be deemed qualified under the law (i.e., education, experience, etc.).

The legality of insurance reimbursement or physician prescription for Massage Therapy, Bodywork Therapy and/or Somatic Practices may come up. A clause could be included within the scope of practice section that indicates these are neither prohibited nor required by this regulation. This kind of statement keeps options open without placing unnecessary limits. The addition of a requirement for insurance reimbursement is very controversial and difficult to pass.

EXEMPTIONS

It is necessary to add a phrase that allows students in the normal course of their training to practice the techniques they are learning. There is also a possibility that certain specific professions (such as [Polarity](#), [Shiatsu](#), [Feldenkrais Method](#)® or the [Trager](#)® Approach) may wish to be exempted from the law. In those cases in which the scope of practice of massage is defined broadly, many parties affected by these laws note that it becomes especially necessary to exempt non-massage practices by name, in addition to writing generic descriptions.

Suggested wording for exemptions for movement education and energy practices are included in this section. Please note that the practices named are a sample list, and others represented in your coalition may want to add their titles to or delete them from this list. The phrase "include, but are not limited to" is important so as not to restrict the individuals working in coalition or on regulatory boards, now and in the future, from applying the exemption to professions or organizations not included in the original list of examples."

Suggested Movement Practices Exemption:

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch, words and directed movement to deepen awareness of existing patterns of movement as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated or implied to be massage or massage therapy. Movement-based practices are conducted with participants clothed as one would normally be in a public place, such as the street or an exercise studio. Such practices include, but are not limited to the *Feldenkrais Method*® of somatic education, the *Trager Approach*® to movement education, and *Body-Mind Centering*®.

Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing body that represents or certifies the respective practice based on a minimum level of training, demonstration of competency, and adherence to ethical standards.

Suggested Energy Practices Exemption:

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch to affect the energy systems, acupoints or Qi meridians (channels of energy) of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated or implied to be massage or massage therapy. Such practices include, but are not limited to Acupressure, Asian Bodywork Therapy, Jin Shin Do® Bodymind Acupressure®, Polarity, Polarity Therapy, and Polarity Therapy Bodywork, Qigong, Reiki, Shiatsu and Tuina. Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing body that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards.

If the terms Bodywork, Bodyworker or Bodywork Therapist are to be protected titles under a proposed law, then the following statement must be added to the exemption clause: “These exempt practitioners are also allowed to use the terms ‘Bodywork,’ ‘Bodyworker’ and ‘Bodywork Therapist’ in their promotional materials.”

Suggested Structural Integration Exemption:

Note: The following is recommended language of the SI groups, included here with the acknowledgment it is still in the process of being approved by all Federation organizations. Specifically, it is pending approval of AMTA's Board of Directors.

___.1. Nothing in this [article/ordinance/bill/regulation – as appropriate] shall be construed to prevent, limit or restrict the practice of any person who uses touch to effect change in the structure of the body while engaged in the practice of Structural Integration, provided that:

- a) the person's services are not designated as or implied to be massage or massage therapy; and
- b) the person is recognized by or meets the established standards of either a

professional organization or credentialing body that acknowledges or certifies practitioners of Structural Integration based on a minimum level of training, demonstration of competence, and adherence to established ethical standards.

__.2. Exempt persons under [section] __.1 include, but are not limited to, practitioners of Rolwing® Structural Integration, the Rolf Method of Structural Integration and Hellerwork®.

Groups requesting exemption will want to continue to monitor the progress of the legislation, as there is no guarantee that the exemption will remain in the wording of the law without continued support. Additionally, groups will want to monitor the activities of the regulatory body, especially during the writing of the rules and regulations, including the public comment period.

COMPOSITION OF BOARD AND/OR ADVISORY COMMITTEE

A Board of Massage Therapy is formed under a law to carry out the law's intent. The qualifications necessary to apply for a professional membership on the board must be listed, such as age restriction (18 or older), high school diploma, professional experience and/or educational requirements to qualify for a seat. The number of members and the ratio of public members to professional members, as well as the quorum, are frequently prescribed by state statute. Since these items differ, you may want to ask a state regulatory agent if there are any specific requirements in your state.

Several states have had diversity requirements defined in their laws regarding the Board's composition. The purpose is to protect the diversity of the various massage therapy or bodywork therapy disciplines by assuring that the Board is truly representative of the professions. It is suggested that careful consideration be given to diversity of financial, ideological and organizational interests, and avoidance of conflict of interest in the composition of the Board. The diversity requirement probably should not be too specific, such that it becomes impossible to find Board members, nor so vague that the Board can become heavily weighted in one direction. Further, the duration of the term of office of the various Board members needs to be staggered in order to provide stability to the Board. Once a Board has been created, its job is to protect the public. The interests of the licensed professionals and other state regulatory boards are also considered in its rule making ("Rules and Regs").

There are two possible types of boards. Most Coalition groups prefer an autonomous or independent board that functions on its own. Another possibility is an advisory committee that is attached to and functions under some pre-existing board, such as the medical board, nursing board, etc. In a cost-cutting environment, this may be the only option permitted by a state legislature.

DUTIES AND RESPONSIBILITIES OF THE BOARD

It is important to realize that Board Members are state officials sworn to protect and serve the public, even if they are professional members. Their responsibilities may be stated in the law in order to give them authority to carry out the law. Among these duties are:

- 1) Formulating rules and regulations, defining terms, and/or describing the procedure for obtaining licensure, all of which are aimed at interpreting and implementing the law.
- 2) Reviewing applications, and granting or denying licensure.
- 3) Reviewing curricula to determine whether or not they conform to the requirements of the law.
- 4) Reviewing qualifications for state instructor approval.
- 5) Suspending, revoking and denying licensure to violators.
- 6) Sometimes it is the responsibility of the Board to establish fees. If so, the fee must reasonably reflect the cost to operate the Board, and not become an instrument for exclusionary licensure. During the process of writing the bill, check with the appropriate state department to see if funding needs to be written into the bill, to assure that the Board will be funded.

IV. APPLICATION AND MAINTENANCE OF LICENSURE

EDUCATION

Generally, states have adopted a total of 500 hours of in-class, teacher-supervised instruction that includes anatomy, physiology, and pathology for contraindications, as well as theory, technique and practice. A few states have opted for more hours.

EXAMINATION

Previously many state boards devised and administered their own exam to qualify practitioners for licensing. However, this has often proved unworkable, since the process can be expensive and difficult to defend legally. The practical (hands-on) examination is often the most problematic part, since it is difficult for administrators and evaluators to be objective. More recently many states have gone to using only a written test, but these need to be valid and reliable too.

There are a number of independent nationally recognized agencies that specialize in certifying professional examinations. These agencies require that an examination be psychometrically generated, which means that the questions came from a pool which were formed by a broad survey of that profession's practitioners. It is most desirable to allow the Board the flexibility of being able to approve several exams, based on certification by an independent agency specializing in professional exams. In 1987, the Institute for Credentialing Excellence (ICE), (formerly the National Organization for Competency Assurance or NOCA) created the National Commission for Certifying Agencies (NCCA) to accredit professional certification programs. NCCA-accredited exams include the NCETM, NCETMB, NCCAOM, ABT and CESI.

Since other exams are being developed, and other agency accrediting programs could potentially be developed, the law should state *standards* for qualification rather than only naming a specific exam or program. The new Massage and Bodywork Licensing Exam (MBLEx), created by the Federation of State Massage Therapy Boards (FSMTB) does not meet NCCA accreditation

requirements. Therefore, to use that exam for licensure, language can allow for board approval of “an examination that meets generally recognized psychometric principles and standards.”

QUALIFICATIONS OF BOARD-APPROVED SCHOOLS AND PROGRAMS

Board requirements for schools should be broad enough to encompass the small, individualized program or apprenticeship model. It is therefore desirable to have a system for qualifying instructors, whether or not they are teaching in a specific school, so that graduates of smaller programs and apprenticeship-type training programs can be licensed. If a school or program is to be approved by your state board, then a number of independent agencies such as the Board of Education, the Vocational School Licensing Agency of the state where the school is located and/or “not for profit” professional organizations need to be listed as acceptable approval agencies. It is important to provide various means so as not to omit a legitimate massage therapy or bodywork therapy school or discipline.

QUALIFICATIONS OF BOARD-APPROVED INSTRUCTORS

Having an option for Board-Approved Instructor is important for economic growth and diversity within the massage therapy and bodywork therapy fields. In order to receive Board approval, an instructor must show a certain level of experience in the field (usually five years) and experience teaching massage therapy, bodywork therapy and related courses (usually 2-3 years). An approved instructor must also seek validation for any curriculum he or she teaches outside of a Board-Approved school, although he or she need not actually teach all 500 hours of the program himself or herself. Other acceptable criteria for approving instructors may either be teaching at a Board-Approved school, or accrediting as an instructor by a National Association. Board approval would need to be renewed every few years (perhaps 5) for both schools and instructors. (Contact each *Federation* organization for its instructor qualification requirements.)

ENFORCEMENT

Under a massage therapy or bodywork therapy licensure law, a massage therapist or bodywork therapist cannot work for compensation unless he or she is licensed. Under a certification or title registration law, a massage therapist or bodywork therapist can work for compensation without state certification or registration as long as he/she does not use the titles protected by the law. In order for a law to have teeth, Boards are given the authority to issue, suspend or revoke any individual practitioner’s standing. Sometimes they also have the additional authority to issue a cease and desist order. Violations may lead to fines or imprisonment. When writing this section, it is best to be aware of existing enforcement procedures for other health and service professionals. Given the relatively low risk massage therapy and bodywork therapy presents to the public, it is best to avoid excessive fines or imprisonment for practicing without a license.

VIOLATIONS

We are legitimate professionals. However, the public and government have not always shared that view. Therefore it is best when referring to violations of massage therapy or bodywork therapy laws to avoid sexual references. We need to disassociate ourselves clearly from the old “massage parlor image.” Cities want to continue to license establishments, because they have been doing it in the past as a way of policing vice. This must be discouraged, as it is a residual trend from the “Massage Parlor Prohibition Ordinances.” It also has been a source of income for cities, which they may not readily want to forego. A clause may be included in your law that states that the state law supersedes present city and county ordinances. Just as nursing

and physical therapy laws do not attempt to control prostitution, neither should massage therapy and bodywork therapy laws be so used.

GRANDPARENTING

Grandfather and Grandmother Clauses are a way to ensure that everyone currently practicing will be able to continue to do so. Traditionally, a grandfather clause simply licensed people practicing at the time the law was enacted with no further obligation. A new trend is provisional licensure. Provisional licensure stipulates that a practitioner have some level of massage therapy or bodywork therapy experience and education. It gives an adequate period of time (e.g., four years) for the practitioner to acquire the total minimum education standard adopted for full licensure. The cut off date written into the law for an applicant to qualify for provisional licensure should be about one year after the Governor signs the bill into law, in order for the Board to have time to complete and establish its rules and regulations. Adequate time must also be allowed for licensure applicants to be processed before the law is enforced.

RECIPROCITY OR ENDORSEMENT

Reciprocity or endorsement refers to the recognition by one state of the license of another. It enables a new resident practitioner to obtain an automatic license and waives the normal licensure process. However, reciprocity endorsements usually require that the regulation in the prior state be significantly the same as the requirements for licensure in the new state. Using standardized exams facilitates this process. Otherwise a new resident practitioner would be required to procure a license before starting his or her practice.

CONTINUING EDUCATION

Continuing education requirements attempt to assure competency within the massage therapy and/or bodywork therapy professions by requiring a number of hours of education during certain set periods of licensure, usually prior to renewal. Some states are asking for 3 to 12 hours in various subjects, such as Acquired Immune Deficiency Syndrome, further Massage Therapy or Bodywork Therapy courses, or obtaining a current state approved Cardiopulmonary Resuscitation Certificate. The course must be approved by the board before the license can be renewed. Renewal may be required every two years, depending on that state's specific procedure.

APPENDIX #1: Joint Government Relations Committee Charter:

The JGRC is a committee of the *Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations* which responds to arising needs in legislative arenas by encouraging development of working coalitions, and supporting those coalitions in discovering the appropriate process for their specific legislative needs.

JGRC Objectives:

I. To keep in mind the values of:

- A. Protection and education of the public,
- B. Freedom of qualified professionals to practice and to enjoy occupational mobility across geographic jurisdictions,
- C. Freedom of choice for people seeking therapeutic massage, bodywork and somatic practices,
- D. Recognition of the rich diversity within our field, and
- E. Cooperation between *Federation* member organizations in legislative venues.

II. To work toward:

- A. Cooperation and resolution of issues at the local level,
- B. Development of advisory relationships,
- C. Learning from our common experiences,
- D. Encouraging members of *Federation* member organizations to form and participate in coalitions, keep in mind the values stated above, and encourage the inclusion of non-*Federation* practitioners, organizations, educators and schools, and
- E. Developing guidelines for local coalitions to work successfully in the government relations area.

APPENDIX #2:

Federation Member Organizations' Policy or Position Statements on Regulation

<p style="text-align: center;"><i>American Society for the Alexander Technique</i> Regulatory Policy Statement</p>
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I) What is the Alexander Technique?

Origin

Seeking to remedy a vocal problem that was interfering with his ability to perform as an orator, Frederick Matthias Alexander (1869-1955) undertook extensive self-observation and experimentation over a long period of time. In the process, he discovered that there was a direct relationship between an improvement in his functioning and his ability to inhibit his habitual responses to stimuli. He found that it was necessary to consider the individual as a whole, with thought and action being indivisible in the process of reeducation.

He detailed how his work evolved, the concepts that grew out of it, and their import and applications in his writings and in four published books:

Man's Supreme Inheritance: Conscious Guidance and Control in Relation to Human Evolution (first edition, 1910; second edition, pub. E.P. Dutton, 1918; pub. Centerline Press, 1988; also included in The Books of F. Matthias Alexander, 1997, pub. IRDEAT);

Constructive Conscious Control of the Individual (first edition E.P. Dutton, 1923; included in The Books of F. Matthias Alexander, 1997, pub. IRDEAT);

The Use of The Self (first edition pub. E.P. Dutton, 1932; pub. Centerline Press, 1984; also included in The Books of F. Matthias Alexander, 1997, pub. IRDEAT);

The Universal Constant in Living (first edition pub. E.P. Dutton, 1941; also included in The Books of F. Matthias Alexander, 1997, pub. IRDEAT).

Mr. Alexander defined his work as psychophysical re-education. Since his death in 1955, his work is commonly known as "The Alexander Technique."

Domain

Students of the Alexander Technique learn to become aware of habitual responses to stimuli - including such self-generated stimuli as the intention to act. They learn to prevent ineffective and inefficient habitual actions and responses through careful attention to how they prepare for an action. Practice of the Alexander Technique leads to increased self-awareness and improved psychophysical functioning.

Method

A) Mr. Alexander developed specific methods to convey his work and to train others in how to teach his work. The main teaching methods are modeling, verbal instruction, and the use of the teacher's hands to convey a working knowledge of improved coordination in everyday activities such as sitting, standing, and walking.

B) Lessons in the Alexander Technique are conducted while clothed. It is never necessary or appropriate for student or teacher to disrobe during lessons.

Benefits

Benefits of the Alexander Technique have been documented since the late 1800s. Contemporary studies published in peer-reviewed scientific journals indicate that benefits can include improvements in performance, breathing, voice, balance, pain management and emotional state. (some sources cited below — for further information contact AmSAT) However, any health benefits that may occur are secondary to the primary purpose of the lessons, which is to teach the student how to improve general psychophysical functioning.

Sources:

“Ethology and Stress Diseases”, Nikolaas Tinbergen, *Science*, 185:20-27, 1974

“Stress Reduction and Optimal Psychological Functioning”, Samuel Reiser, DDS, Sixth International Monteux Conference on Stress, 1994

“Early Experiences of a Multidisciplinary Pain Management Program, Keren Fisher, MSc ABPsS, *Holistic Medicine*, 3 (1):47-56, 1988

“The Alexander Technique, An Approach to Pain Control”, Judith C. Stern, MA, PT, *Lifeline*, Summer, 1992

“A Study of Stress Amongst Professional Musicians”, Michael Nielsen, Medical School, University of Aarhus, Denmark, in *The Alexander Technique: Medical and Physiological Aspects*, Chris Stevens, e3d., STA Book, London, 1994

“Method of Changing Stereotyped Response Patterns by the Inhibition of Certain Postural Sets”, Frank Pierce Jones, Institute for Psychological Research, Tufts University, *Psychological Review*, 72, (3):196-214, 1965

“Enhanced Respiratory Muscular Education in Normal Adults after Lessons in Proprioceptive Musculoskeletal Education without Exercises”, John H. M. Austin, MD, FCCP, and Pearl Ausubel, BA, *CHEST*, 102:486-490, 1992

Distinctions

The Alexander Technique is an educational process. Teachers of the Alexander Technique give lessons to students; they do not treat patients.

A) The Alexander Technique is not a field of medicine. It is distinct from physical therapy, psychotherapy, chiropractic, medicine, and any other field that involves diagnosing a disorder or disease. Alexander Teachers do not diagnose or treat specific medical, psychological or emotional conditions.

B) The Alexander Technique is not bodywork. It is distinct from massage, Rolfing, and any other field that involves manipulations, treatments or modalities. In the Alexander Technique lesson, the teacher’s hands are used to convey a working understanding of improved coordination, not to manipulate tissue.

C) It is not “energy work.” Alexander Teachers may use the word “energy” as a metaphor for thinking; however, the teacher’s intention is to guide the student to become aware of and change psychophysical habits, not to “use energy to heal.” The crux of the Alexander Technique is self-direction.

II) What is AmSAT?

Definition

The American Society for the Alexander Technique, Inc. (AmSAT) is an educational, nonsectarian, nondiscriminatory organization which has been incorporated in New York as a general not-for-profit corporation. It has been determined to be federally tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It was originally founded in 1987 as NASTAT, the North American Society of Teachers of the Alexander Technique.

AmSAT is the only professional society in the United States which meets the standards of the Society of Teachers of the Alexander Technique (STAT), London, England. Since its organization in 1958, STAT has been recognized as the founding Alexander Technique society. AmSAT attained affiliation with STAT at AmSAT's inception, in 1987. There are currently fourteen professional societies worldwide which maintain affiliation with STAT. The teaching members of these societies all meet similar high standards of training and conduct, and represent the largest community of professional Alexander Technique teachers in the world.

Mission

AmSAT's mission is to define, maintain, and promote the Alexander Technique at its highest standard of professional practice and conduct.

Training Standards

Teacher Certification Requirements and Teacher Training Course Standards are defined in the bylaws.

A. Teacher Certification

AmSAT Certification requires satisfactory completion of a minimum of sixteen-hundred (1600) hours of teacher training over a period of three (3) years at an AmSAT Approved Teacher Training Course or successful completion of the Certification Review process as detailed in the bylaws. (Eligibility to begin the Review may be established if a series of practical skill and knowledge evaluations are completed satisfactorily after the equivalency requirements of the Certification Review Committee are met.)

B. Teacher Training Course Standards.

AmSAT Approved Teacher Training Courses meet strict guidelines including:

- 1) Training Course Directors who have been Certified by AmSAT or a recognized organization for at least ten (10) years;
- 2) A student-teacher ratio no greater than five-to-one (5:1);
- 3) Successful completion of a re-approval evaluation every three (3) years.

Professionalism

AmSAT functions as a fully professional society with

- A. Bylaws;

- B. Rules and procedures regarding professional conduct including adjudication procedures;
- C. A commitment to continuing education (the policy for continuing education requirements is currently under revision and has not yet been ratified by the membership)
 - D. Training and training course requirements; and
 - E. International affiliation standards.

III) Position on Regulation

A) Self-governance

Whereas:

- 1) The Alexander Technique has not been shown to pose any risk to the public, and
- 2) AmSAT demonstrates self-regulation by maintaining professional training requirements, codes of conduct, and established procedures for adjudication of ethical complaints of its members; Therefore, AmSAT opposes governmental regulation of F.M. Alexander's Technique or of AmSAT Certified Teachers of the Alexander Technique.

B) Self-identification

AmSAT opposes any regulation that attempts to categorize, confuse, identify, or conflate the Alexander Technique with any other discipline, including but not limited to medicine, psychotherapy, physical therapy, New Age practices, religion, massage, bodywork, or energy work.

C) Reciprocal Respect

AmSAT supports other disciplines in their pursuit of professional identity. We respect the unique situation and needs of each professional discipline. We support the right of each discipline to define itself, as long as it does not attempt to subsume other disciplines in the process of doing so. We will work in coalition with other professional groups as appropriate to educate each other about our differences and to further common goals.

***American Massage Therapy Association*® View of Massage Legislation, Revised June 2005**

The *American Massage Therapy Association*® (AMTA®) recognizes that state government regulation of the practice of massage therapy should meet the needs of both the massage therapy profession and the public. In the context of local legislative conditions, state licensure is the most effective means of regulation available. Therefore, AMTA is proactively pursuing massage therapy licensure in every state.

While implementing its government relations program, AMTA seeks collaborative relations with all professional massage, bodywork and somatic organizations, and urges the development of legislative and legal language that is sensitive to groups representing other modalities, disciplines and professions.

AMTA recognizes that it is the therapists practicing within a specific jurisdiction who are most affected by the legal climate of that location. Respecting this, AMTA expects local and chapter initiatives to be developed in coalition with massage therapy professionals in a state, to derive consensus, while reserving the right to recommend the adoption of consistent laws which will lead to easier mobility of practitioners within the United States.

American Organization for Bodywork Therapies of Asia
AOBTA® Information and Regulatory Position Statement
Adopted May 1994; Revised December 2010

AOBTA® Mission Statement:

To provide our members with educational and networking opportunities and to support their personal and professional development and success.

AOBTA® Vision Statement:

To support Eastern philosophical approaches to health and well-being by promoting Asian Bodywork Therapy.

ABT DEFINITION:

Asian Bodywork Therapy (ABT) is the treatment of the human body/mind/spirit, including the electromagnetic or energetic field, which surrounds, infuses and brings that body to life, by pressure and/or manipulation. Asian Bodywork Therapy is based upon traditional Chinese medicine principles for assessing and evaluating the body's system of energy (Qi or Ki). ABT uses traditional Asian techniques and treatment strategies primarily to affect and balance the energetic system for the promotion, maintenance and restoration of health.

ABT SCOPE OF PRACTICE:

Asian Bodywork Therapy Forms include, but are not limited to: Acupressure, Shiatsu, Amma, AMMA Therapy®, Chi Nei Tsang, Jin Shin Do® Bodymind Acupressure®, Jin Shou Tuina™, Medical Qigong, Nuad Bo 'Rarn (Traditional Thai Medical Bodywork Therapy) and Tuina.

Asian Bodywork Therapy is one of the three professional branches of Chinese Medicine nationally certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). ABT Qi assessment and treatment may include, but is not limited to: touching, stretching, pressing or holding meridians (channels of Qi) and/or acu-points, primarily with the hands. Appropriately trained practitioners may also use external application of medicinal plants, heat or cold; dietary and exercise suggestions; cupping; gua sha; moxibustion and other Asian-based techniques or practices.

AOBTA REGULATORY POSITION:

In the public interest, AOBTA supports regulation of massage, bodywork and somatic practices, but only that regulation in which the required educational and professional standards are determined by the professional organizations whose professions are being regulated. AOBTA supports regulation of the Asian Bodywork Therapy profession in regions where its members decide they would benefit from such regulation. However, AOBTA opposes all regulation,

certification, registration or licensing that would require Asian Bodywork Therapists to complete the training and educational requirements of any profession other than Asian Bodywork Therapy. Asian Bodywork Therapy is a separate profession with its own training and credentialing.

AOBTA does not support broad all-inclusive regulation of generic fields like “massage,” “bodywork” or “somatic practices.” An established profession is one with a clear definition and scope of practice. AOBTA only supports regulation of specific professions within the MASSAGE, BODYWORK, AND SOMATIC PRACTICE FIELDS, e.g. “Massage Therapy”, “Asian Bodywork Therapy”, “Alexander Technique”. In title acts, AOBTA only supports regulation of the title that is specific to an established profession, e.g. “Massage Therapist,” “Asian Bodywork Therapist,” “Alexander Teacher.” AOBTA does not support title acts that aim to protect the generic terms of “massage,” “bodywork” and “somatic practices,” as they are not professional titles. The United States Department of Education refers to the Western massage profession as “Massage Therapy.” In addition, the *American Massage Therapy Association*, *Associated Bodywork and Massage Professionals*, *Massage Therapy Foundation*, *Federation of State Massage Therapy Boards* and the *National Certification Board for Therapeutic Massage and Bodywork* agreed by consensus to refer to the profession as “Massage Therapy” in their “*Massage Therapy Body of Knowledge*” document. Therefore, we are using “Massage Therapy” as the correct title of the profession in this document.

Asian Bodywork Therapy is a professional branch of Chinese medicine, along with acupuncture and herbology. AOBTA supports regulation that specifies that licensed acupuncturists or herbalists who integrate techniques of Asian Bodywork Therapy Forms into their practice, may not represent themselves as Asian Bodywork Therapists unless they have also met the national certification standards for Asian Bodywork Therapists. AOBTA also affirms that Asian Bodywork Therapists must be able to practice Asian Bodywork Therapy without being required to be trained and/or licensed as acupuncturists or herbalists.

A. Asian Bodywork Therapy-Inclusive Bills – Title, Education and Exam

1. Massage Therapy and Bodywork Therapy Bills:

Massage Therapy and Asian Bodywork Therapy are separate professions. Regulating them as though they are one profession under the umbrella of “massage,” “bodywork,” or “somatic practices,” or referring to or describing Asian Bodywork Therapy or any of its forms (such as shiatsu) as a modality or technique of “massage” is inaccurate and confusing to the public. In situations where Asian Bodywork Therapy Forms are to be regulated by law, Asian Bodywork Therapy must be identified in the title of the regulatory bill. (e.g., “Asian Bodywork Therapy;” or “Massage Therapy *and* Asian Bodywork Therapy”) When a regulatory bill includes more than one massage, bodywork or somatic practice profession, Asian Bodywork Therapy requires a separate section with the definition and scope of practice for Asian Bodywork Therapy, clearly illustrating the separate but equal status of Asian Bodywork Therapy from Massage Therapy and other massage, bodywork and somatic practice professions. Requirements specific to Asian Bodywork Therapy training and testing (if mandatory) must be specified in the statutes. AOBTA® rejects training and/or testing prerequisites that are not pertinent to the practice of Asian Bodywork Therapy. Massage Therapy training is neither essential nor relevant to the proficient, competent and safe practice of the Asian Bodywork Therapy profession and its forms.

The United States Department of Education lists distinctly separate definitions for Asian

Bodywork Therapy (item #51.3502) and Massage Therapy (item #51.3501), and this distinction must be honored and recognized.. For US DOE definitions, see page 369 at nces.ed.gov/pubs2002/2002165.pdf.

2. Chinese or Energy Medicine Bills:

In situations where Asian Bodywork Therapy and/or Asian Bodywork Therapy Forms are to be regulated by legislation pertaining to Chinese medicine along with acupuncture and/or herbology, each of the professional branches of Chinese medicine must be defined separately. With regard to Asian Bodywork Therapy, requirements specific to Asian Bodywork Therapy training, testing and certification must be clearly specified in the statute. AOBTA® rejects training, testing and/or certification requirements that are not pertinent to the practice of Asian Bodywork Therapy. Acupuncture training is not required for the proficient, competent and safe practice of the Asian Bodywork Therapy profession and its forms.

AOBTA supports and affirms that the training and educational standards developed by AOBTA and adopted by the NCCAOM (National Certification Commission for Acupuncture and Oriental Medicine) apply to all Asian Bodywork Therapists. For ABT Educational Requirements, go to www.aobta.org/educational-general/500hours.html

In situations where an exam is a prerequisite to regulation , AOBTA affirms that the national Asian Bodywork Therapy certification exam developed and administered by the NCCAOM (National Certification Commission for Acupuncture and Oriental Medicine) is the *only* NCCA-accredited exam that adequately assesses the skill and knowledge-base for the Asian Bodywork Therapy profession. For Asian Bodywork Therapy Exam info, go to www.nccaom.org.

B. Massage Therapy-Only or Acupuncture-Only Bills

1. Massage Therapy Bills:

In “Massage Therapy”-only regulation, it is important that the titling, definition and scope of practice be limited to that of the Massage Therapy profession. However, if the titling, definition and/or scope of practice presented in the bill are so broad that they could be interpreted to encompass the profession of Asian Bodywork Therapy or any of its forms, AOBTA supports the following Suggested Energy Practices Exemption Clause listed in Section III of the Legislative Packet created by the Joint Government Relations Committee (JGRC) of the Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations (the Federation) www.federationmbs.org.

Suggested Energy Practices Exemption:

Nothing in this Article shall be construed to prevent or restrict the practice of any person in this state who uses touch to affect the energy systems, acupoints or Qi meridians (channels of energy) of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that their services are not designated or implied to be Massage Therapy. Such practices include, but are not limited to Acupressure, Asian Bodywork Therapy, Jin Shin Do® Bodymind Acupressure®, Polarity Therapy Bodywork, Qigong, Reiki, Shiatsu and Tuina. Practitioners must be recognized by or meet the

established standards of either a professional organization or credentialing agency that represents or certifies the respective profession, based on a minimal level of training, demonstration of competency, and adherence to ethical standards.

If the generic terms “massage,” “bodywork,” “bodyworker,” “bodywork therapist” “or “bodywork therapy” are to be protected titles under a proposed law, then the following statement must be added to the exemption clause: “These exempt practitioners are also allowed to use the generic terms ‘massage,’ ‘bodywork,’ ‘bodyworker,’ ‘bodywork therapist’ and ‘bodywork therapy’ in their promotional materials.”

Definition of Exempt Professions:

When exempt professions are defined in the bill, AOBTA requests the same courtesy with the inclusion of the following definition:

“Asian Bodywork Therapy” (“ABT”) is a profession comprised of several forms of bodywork that use principles of Chinese medicine for assessing and evaluating the body’s vital energy (Qi or Ki). Asian Bodywork Therapy uses traditional Asian techniques and treatment strategies primarily to affect and balance the energetic system of the body for the promotion, maintenance and restoration of health.

2. Acupuncture and Other Chinese Medicine Bills:

In “Acupuncture-only” regulations, Asian Bodywork Therapists must be free to continue their Asian Bodywork Therapy practice without being required to obtain an Acupuncture or any other license. In those instances where Acupuncture regulations list Tuina, Medical Qigong, Shiatsu, Thai or other forms of Asian Bodywork Therapy in the scope of practice, a distinction needs to be made between Acupuncturists who “integrate” techniques of Asian Bodywork Therapy Forms into their practice, and Acupuncturists who have met the national certification standards for Asian Bodywork Therapists as established by the AOBTA® 500-hour curriculum and the NCCAOM Asian Bodywork Therapy exam. An Acupuncture license does not automatically entitle the Acupuncturist to claim expertise in Asian Bodywork Therapy.

C. Practice of Asian Bodywork Therapy by Non-Certified Individuals

AOBTA® supports the protection of the patient/client/consumer by requiring that practitioners meet the specific training standards of AOBTA and NCCAOM in order to advertise the practice of Asian Bodywork Therapy or any of the techniques of the Asian Bodywork Therapy Forms. Ethically, Massage Therapists or other massage, bodywork or somatic practice professionals who incorporate techniques from Asian Bodywork Therapy Forms (e.g., techniques from Shiatsu, Acupressure, Thai Bodywork, etc.) into their work are not to advertise Asian Bodywork Therapy or any of its forms as part of their practice unless they are also certified as Asian Bodywork Therapists through the AOBTA or NCCAOM, or at least meet the qualifications for such certification

The consumer needs to be aware of the degree of training required for the professional practice of Asian Bodywork Therapy. In addition to the techniques of Asian Bodywork Therapy Forms, Certified Asian Bodywork Therapists are trained in Chinese medical theory and standards of assessment. Without proper Asian Bodywork Therapy training other massage, bodywork or

somatic practitioners may not be fully able to assess imbalances in Qi according to the four evaluations in Chinese Medicine, nor would they be manually adept at effecting subtle energetic balancing during the Asian Bodywork Therapy session.

D. Coalitions

AOBTA® supports working in a coalition of massage, bodywork, somatic practice and movement education organizations and professions. AOBTA strongly affirms that all interested parties be participants in coalition meetings, regardless of their desire to be included in or excluded from any proposed regulation. A coalition of only like-minded organizations and individuals is *not* a true coalition.

Those who do not desire regulation need to be allowed to attend the meetings, be informed, give their input and protect their interests. Open communication among all interested parties provides for a supportive, inclusive environment, enabling the coalition to move forward with a united front toward a successful outcome.

<p style="text-align: center;">Legislative Position Statement of the American Polarity Therapy Association Adopted October 1998; Amended December 2010</p>

The American Polarity Therapy Association (APTA) supports legislative changes or developments which promote transformative influences in healthcare, and in wellness education.

When regulation is required, or elected by professions, the APTA promotes the use of creative approaches which allow for protection of the public, while not unnecessarily restricting the growth of existing practices, or the creation of new wellness potentials.

Polarity Therapy is a complete system of healing with a unique scope of practice. The APTA, the organization through which standards for the profession of Polarity Therapy are developed, advocates use of the APTA Standards for Practice and Education and its Code of Ethics as the basis of regulatory activities relating to Polarity Therapy. Anything less would negate the need for, and the appropriateness of, regulation as related to the public interest.

The APTA's highest priority legislatively is protecting the rights of its qualified members to practice. The APTA recognizes that this goal may be accomplished either by inclusion within a law, or by exclusion from a law.

The APTA supports the individual or combined efforts of other related organizations in their efforts to protect the right to practice of their qualified members, their unique scope of practice, and to promote overall freedom of choice for consumers.

The APTA welcomes involvement in forums which promote innovative, alternative/complementary practices including coalitions, the National Federation for Therapeutic Massage, Bodywork and Somatic Practice Organizations, the National Certification Board for Therapeutic Massage and Bodywork, and other organizations, foundations,

federations, and consumer freedom of choice groups, etc. Membership in or attendance at these forums does not indicate that the APTA will always be in agreement with the legislative positions/actions of other professions or groups, nor that Polarity Therapy is within the scope of practice or regulatory jurisdiction of any other member professions or groups.

The APTA is opposed to the legislative tendency by which a conventional massage education is required to practice Polarity Therapy and the tendency to define Polarity Therapy (energy work) as within the scope of practice of massage therapy. The APTA also opposes any legislation that allows the advertisement of Polarity Therapy or “Polarity” services by massage therapists not trained according to APTA standards without indication to the consumer of the amount and type of their training in Polarity Therapy.

Any efforts to regulate more than one practice under a single law should either name all, or none at all, being regulated within its titling. The statutes should include the scope of practice of all being regulated, and specify the requirements for legal recognition for each type of practice/practitioner. Certifications, registrations, licenses, etc., should make public the particular practice(s) for which each provider is being qualified. Statutes which include this level of specificity will be considered appropriate by APTA. When this level of specificity is absent, APTA requires exemption in the statutes by title for Polarity Therapy. In order for APTA to support any massage, bodywork, or somatic practice bill, one of these two conditions must be met.

<p style="text-align: center;"><i>Feldenkrais Guild</i>® of North America (FGNA) Position Statement on Regulation – Adopted February, 1996</p>
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- 1) The *Feldenkrais Method*® of somatic education is a distinct profession based on the principles spelled out in FGNA’s Standards of Practice. This unique system uses movement and attention to bring about increased awareness and improved functioning through learning. *Feldenkrais*® practitioners help their students to become aware of existing patterns of action, and guide the discovery of additional possibilities for action.
- 2) The *Feldenkrais Method* is an educational system. It is not medically or therapeutically oriented.
- 3) The *Feldenkrais Method* is not a form of massage nor is it appropriately regulated as massage. *Feldenkrais* training does not include any training in or require any knowledge of massage or bodywork theory or techniques, and it does not qualify *Feldenkrais* practitioners to be Massage Therapists or Bodyworkers—just as massage or bodywork training does not qualify one to be a *Feldenkrais* practitioner.
- 4) Many *Feldenkrais* lessons do not involve touch at all. In lessons which do involve touch, the intent of the touch is educational, the student is fully clothed and the touch is gentle, non-invasive, and non-corrective.
- 5) Practitioners of the *Feldenkrais Method* actively use this approach in many working settings, such as education; the arts such as music performance, dance and acting; personal growth and

wellness; the helping professions; physical fitness, athletics and martial arts; and independent private practice.

6) There is no need to externally regulate the *Feldenkrais Method*, because: a) It is a safe, educational process; and b) FGNA is self-regulating. FGNA governs *Feldenkrais* Practitioners in the United States and Canada and protects its Registered Service Marks through accrediting *Feldenkrais* Professional Training Programs under strict requirements, including a minimum of 800 class-room hours over a 38 month period; through requiring continuing education and professional development; and through establishing and maintaining Standards of Practice and a Code of Professional Conduct.

THEREFORE, the *Feldenkrais Method* of somatic education poses no risk to the public.

And THEREFORE, FGNA:

1) --opposes regulation of the *Feldenkrais Method* under massage, bodywork or similar licensing laws, and also opposes regulation under any other classification which is inappropriate to this system of learning, including psychotherapy, body psychotherapy or physical therapy.

2) --opposes the use of training or testing requirements which are not applicable to the practice of the *Feldenkrais Method*.

3) --supports specific exemption of the *Feldenkrais Method* where there might otherwise be an improper implication of inclusion.

FGNA is glad to cooperate with legislators and regulators in any jurisdiction to assure an appropriate regulatory posture for the *Feldenkrais Method*.

Feldenkrais®, *Feldenkrais Method*®, *Functional Integration*®, *Awareness Through Movement*® are registered service marks of the *Feldenkrais Guild*® of North America.

International Association of Structural Integrators® Overview and Regulatory Policy – December 2010

IASI Overview and Regulatory Policy

The International Association of Structural Integrators® is the professional membership organization for Structural Integrators. Founded in 2002, IASI sprang up as a grassroots organization from within the profession to:

- < develop practice standards,
- < develop a certification exam,
- < insure a distinct professional identity, and
- < promote Structural Integration's continued growth as a respected profession

IASI has grown rapidly, attracting world-wide membership, including many leaders in the field of Structural Integration.

Our mission:

To create for the profession of Structural Integration:

- uniform standards of practice
- a code of professional ethics
- review and certification of practitioners and continuing education providers
- understanding of Structural Integration within the public and among other health care professionals

IASI is incorporated in the State of Montana as a 501(c)6 non-profit membership organization.

Working for the Success of SI Professionals

IASI works for legislation which will allow Structural Integrators within the U.S. and in all member countries to maintain their unique professional identity and to practice free of inappropriate regulation. IASI Board recognizes that in order to achieve and maintain that freedom, we as a profession must accept responsibility for:

- < overseeing and improving standards of practice and training
- < maintaining a code of ethics and grievance procedures
- < building a quality continuing education program
- < communicating and networking for members

Professional Certification for Structural Integrators

The Certification Board for Structural Integration(SM) was established with funding by the IASI to serve as a separate and independent organization. The CBSI developed and administers the Certification Exam for Structural Integration(SM). The CESI is a psychometrically valid certification exam, developed in accordance with NCCA and ANSI standards.

IASI Regulatory Position

IASI seeks either exemption or appropriate licensure for Structural Integrators. Should Structural Integration be required to be licensed, any such licensure should be based on actual training, certification and ongoing continuing education requirements. Legislation providing for SI licensure should mandate the presence of at least one professional Structural Integrator on any governing board.

EXEMPTION LANGUAGE:

__.1 Nothing in this [article/ordinance/bill/regulation — as appropriate] shall be construed to prevent, limit or restrict the practice of any person who uses touch to effect change in the structure of the body while engaged in the practice of Structural Integration, provided that:

- a) the person's services are not designated as or implied to be massage or massage therapy; and
- b) the person is recognized by or meets the established standards of either a professional organization or credentialing body that acknowledges or certifies practitioners of Structural Integration based on a minimum level of training, demonstration of competence, and adherence to established ethical standards.

__.2 Exempt persons under [section] __.1 include, but are not limited to, practitioners of Rolfing® Structural Integration, the Rolf Method of Structural Integration and Hellerwork®.

STRUCTURAL INTEGRATION DEFINITION

Structural Integration is a somatic practice consisting of fascial manipulation, awareness, and education. It is practiced in an organized series of sessions and individual sessions within a framework designed to restore postural balance and functional ease by aligning and integrating the body in gravity. Structural Integration is based on the work of Dr. Ida P. Rolf.

TRAINING REQUIREMENTS

IASI has established a minimum standard of 650 hours of training. Graduates that meet this standard are eligible for membership. Primary Structural Integration faculty are required to have at least seven years of experience, and meet advanced training requirements.

ISMETA promotes a high level of standards and professionalism in the field of somatic movement education and therapy. Somatic practices of movement education and movement therapy are holistic in that they recognize that the body is intelligent – and by acknowledging the body’s knowledge, they enhance learning, especially when integrated with mental activity. Practices of somatic movement education and therapy encompass postural and movement evaluation, communication and guidance through touch and words, experiential anatomy and imagery, and movement patterning. These practices are applied to everyday and specialized activities for persons in all stages of health and development.

Any laws or regulations must recognize that there are many distinct somatic practices of movement education and movement therapy and any such laws and regulations must protect the rights of such qualified practitioners to practice his or her art. Wherever possible we support the use of professional standards in lieu of imposed licenses in both education and health related applications, and support the education of the public to the extent they can freely choose any method they want.

ISMETA maintains educational standards, standards of practice, ethical guidelines, and a grievance procedure. We hold our membership organizations accountable for complying with the educational standards of ISMETA, we are therefore willing to stand behind a listing of each of the modalities that are approved for training our registered members, and we hold our registered members accountable for upholding our scope of practice, standards of practice, ethical guidelines, and grievance procedures. We advocate for the use of these professional standards as an appropriate method of self-regulation.

When institutionalized regulation is required, or elected by professions, ISMETA promotes the use of freedom of access approaches, which allow for protection of the public, while not unnecessarily restricting the growth of existing practices, or the creation of new wellness potentials.

ISMETA’s highest priority legislatively is protecting the rights of its registered members to practice and the consumer’s access to these practices. This goal might be accomplished by inclusion in a law or by exclusion from a law.

ISMETA supports the individual or combined efforts of other related organizations in their endeavors to protect the right to practice of their qualified members and to promote overall freedom of choice for consumers.

ISMETA’s first priority is to represent the field of somatic movement education and therapy. If it becomes necessary to differentiate the professional identities within this field, we are willing to represent somatic movement education and somatic movement therapy (by listing the somatic practice of movement education or the somatic practice of movement therapy separately). In the event that the term movement therapy jeopardizes legislative potential for negotiation we will consider, but must be consulted, to permit using the language “somatic practices of movement education.”

We maintain an up to date directory of both registered members and all member organizations.

In fulfilling ISMETA's primary purpose of representing and advocating for Somatic Movement Education and Therapy, and for its registered members – [Registered Somatic Movement Educators or Registered Somatic Movement Therapists], it has come to our attention that ISMETA may at times be perceived as an umbrella organization for all disciplines of somatic education. We are clear that we Do NOT serve as an umbrella organization for all disciplines of somatic education. ISMETA only represents those professionals that choose to identify with Somatic Movement Education and Therapy by becoming registered as a (RSMESM) and/or (RSMTSM) and those professional somatic movement organizations that have become organizational members of ISMETA, thereby demonstrating affiliation with Somatic Movement Education and Therapy.

Regarding our organizational membership, ISMETA does not represent any discipline per se, but supports our various organizations in advocating for Somatic Movement Education and Therapy. Each member organization speaks for its own discipline. ISMETA therefore does not represent, for example, Body-Mind Centering® or Continuum unless specifically asked to do so but rather represents those somatic movement educators and therapists registered by ISMETA who are trained in those disciplines. An extension of this is that ISMETA does not represent the Alexander Technique, the *Trager*® Approach, or the *Feldenkrais Method*® of somatic education even though individual graduates of these disciplines may join ISMETA.

<p style="text-align: center;">The Rolf Institute of Structural Integration® Organization Overview and Position on Regulation Revised June 26, 2009</p>
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ORGANIZATION OVERVIEW

RISI's Origins:

Dr. Ida P. Rolf, a biochemist and Rockefeller University Fellow, founded the Rolf Institute of Structural Integration in 1971. Dr. Rolf began her inquiry more than fifty years ago, based on the premise that quality of life and well-being depend in part on the person's capacity to adapt to the field of gravity. Dr. Rolf created a holistic system to realign, rebalance, reorganize, and reintegrate the whole body structure in gravity. She discovered that she could achieve remarkable changes in posture and structure by manipulating the fascia, the body's connective tissue system. Her life's work was devoted not to the alleviation of symptoms, but rather to an investigation into the conditions necessary for the whole person to function optimally. The notion that proper alignment, physiologic function and anatomical structure are all related led her to develop a system originally called Structural Integration. As her system became better known, it came to be referred to as "Rolfing".

To facilitate the transmission of her knowledge to others, she developed a basic series of ten sessions, which came to be known as the Ten-Series. She later developed a series of advanced sessions to be performed following the Ten-Series.

Dr. Rolf continues to be recognized as a pioneer and leader in whole-body alignment and in the significance of the fascia (connective tissue) in overall well-being and optimal function. Since Dr. Rolf's death in 1979, The Rolf Institute of Structural Integration (RISI) has continued to advance and propagate her work by training and certifying Rolfers™ and Rolf Movement™ Integration Practitioners.

RISI's Mission:

- To train and certify qualified and competent practitioners of Rolwing® Structural Integration and Rolf Movement® Integration.
- To provide continuing education for practitioners of Rolwing Structural Integration and Rolf Movement Integration.
- To promote research regarding Rolwing Structural Integration and Rolf Movement Integration.
- To educate the general public concerning the principles and benefits of Rolwing Structural Integration and Rolf Movement Integration.

Definition of Rolwing® Structural Integration:

Rolwing Structural Integration is the theory and practice of organizing the human being in the field of gravity. Its goal is to enhance the person's structural integrity, which is manifest in the person's ability to function economically in relation to the environment. Rolwing accomplishes this by addressing imbalances in the body's connective tissue matrix, as well as by helping the client find more functional options regarding patterns of movement, perception and cognition.

RISI's Structure:

The Rolf Institute of Structural Integration® is a California not-for-profit corporation headquartered in Boulder, Colorado since 1971. Rolwing Structural Integration is a brand of structural integration, in reference to which the RISI owns the following registered marks:

Little Boy Logo

ROLFING

ROLF MOVEMENT

ROLF INSTITUTE

THE ROLF INSTITUTE OF STRUCTURAL INTEGRATION

The RISI also exercises rights to the unregistered trademark "Rolf™".

The RISI is the sole certifying body for Rolfers. It certifies persons who have completed training as Certified Rolfers, Certified Advanced Rolfers, and Certified Rolf Movement® Practitioners. Only certificants who are also members in good standing of the RISI are licensed to use the marks of the RISI. Licensees may offer Rolwing Structural Integration and Rolf Movement Integration to the public and represent themselves as Certified Rolfers, Certified Advanced Rolfers and Rolf Movement Practitioners according to their training and certification. To identify a practitioner as a Certified Rolf™ or Certified Rolf Movement Practitioner,

consumers rely on the trademarks Rolfer™, and Rolwing®.

The RISI maintains rigorous standards for student candidates, students in training, and members, and enforces members' adherence to its Code of Ethics and Standards of Practice, as well as compliance with Continuing Education requirements.

The RISI sponsors certification trainings and continuing education in the U.S. and throughout the world. Licensee organizations affiliated with the RISI include:

- The Australian Rolwing Association (ARA), Darwin, Australia.
- The Brazilian Rolwing Association (ABR), Sao Paulo, Brazil.
- The Canadian Rolwing Association (CRA), Ontario, Canada.
- The European Rolwing Association (ERA), Munich, Germany.
- The Japanese Rolwing Association (JRA), Tokyo, Japan.

RISI's Education Programs:

The RISI offers two levels of structural integration certification: Certified Rolfer and Certified Advanced Rolfer. Timely completion of the training for the Advanced Certification, as well as fulfillment of its prerequisite continuing education requirements, is a condition of maintaining practitioner membership in the RISI. In addition, RISI offers specialized certification as a Certified Rolf Movement Practitioner. The Rolf Institute has stringent admissions and certification requirements, as well as the largest faculty of any school of structural integration.

RISI's Commitment to Research:

One of the RISI's founding mandates is to encourage scientifically valid, peer-reviewed basic and clinical research, which is vital to advancing knowledge of the mechanisms of structural integration, as well as to demonstrating its efficacy. In 2008, the RISI founded the Ida P. Rolf Research Foundation, which is dedicated to facilitating the symbiotic relationship between scientific research and therapeutic practice. In addition, the RISI has established a Research Committee, which was instrumental in organizing the First International Fascia Research Congress, held in 2007 in Boston, MA. The Research Committee helps RISI students and members to design, execute and publish research originating from their studies and clinical practices. Finally, the RISI is incorporating into its certification curricula research skills and methods, including working knowledge of how to design and execute case studies.

RISI'S POSITION ON REGULATION

The RISI's top priority in respect to legislation and regulation is to protect the rights of its members to deliver and the public to receive Rolwing Structural Integration and Rolf Movement Integration. Therefore, the RISI's fundamental position is against the regulation of structural integration, including but not limited to Rolwing Structural Integration and Rolf Movement Integration.

Regulation of Structural Integration Furthers No Substantial Public Interest

Rolfing Structural Integration and Rolf Movement Integration are systems for the structural and functional integration of the human being; and structural integration in general is not a branch of Medicine – whether conventional or alternative. Moreover, it is a practice distinct from physical therapy, psychotherapy, chiropractic, or any other field that diagnoses or treats human disorders or diseases of any kind. Finally, the practice of Rolfing Structural Integration and Rolf Movement Integration has never been shown to pose undue risk to the public, nor has any pattern of harm to the public that might arise from their practice been identified. Therefore, the regulation of structural integration, including but not limited to Rolfing Structural Integration and Rolf Movement Integration, serves no substantial public interest.

However, should any jurisdiction insist upon regulating, registering or licensing structural integrators, the RISI takes the position that any such activity can be legitimate only if it is based on requirements concerning training, proficiency, and adherence to established ethical standards, which requirements are reasonably congruent with those of nongovernmental bodies that train or certify structural integrators.

Structural Integration Should Not Be Classified or Regulated as “Massage Therapy” or “Bodywork”

Regulation of structural integration, including but not limited to Rolfing Structural Integration and Rolf Movement Integration, as a form of Massage Therapy or Bodywork is inappropriate and contrary to the public interest. Because structural integration, including but not limited to Rolfing Structural Integration and Rolf Movement Integration, is a practice distinct from Massage Therapy or Bodywork, referring to or describing it as “massage therapy” or “bodywork” is inaccurate, confusing, and misleading to the public; and attempts to regulate it as such serve the legitimate interests of neither the public nor its practitioners. Therefore, the RISI opposes efforts to regulate, register or license its members as Massage Therapists or Bodyworkers.

Accordingly, the RISI has approved the following language for inclusion in legislation purporting to regulate “massage therapy” or “bodywork”:

1. *Nothing in this [article/ordinance/bill/regulation-as appropriate] shall be construed to prevent, limit, or restrict the practice of any person who uses touch to effect change in the structure of the body while engaged in the practice of Structural Integration, provided that:*

- *The person’s services are not designated as or implied to be massage or massage therapy; and*
- *The person is recognized by or meets the established standards of either a professional organization or credentialing body that acknowledges or certifies practitioners of Structural Integration based on a minimum level of training, demonstration of competence and adherence to established ethical standards.*

2. *Exempt persons under [section] include, but are not limited to, practitioners of Rolfing® Structural Integration, the Rolf Method of Structural Integration and Hellerwork®.*

RISI Supports Cooperative Efforts among the Federation Member Organizations

The RISI supports the Federation's purpose and its member organizations' efforts to cooperate in the coordination of efforts toward the appropriate regulation of massage therapy and bodywork, on the one hand, and the freedom from inappropriate regulation of somatic, energetic and movement practices distinct from massage and bodywork, on the other hand. The RISI expects all Federation member organizations to seek each other's agreement and consensus, and to be sensitive to each other's needs, when advocating positions or language for any particular legislation or other regulation.

<p style="text-align: center;">United States <i>Trager</i>[®] Association Position Statement on Government Regulation, Revised 2010</p>
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Trager[®] Psychophysical Integration and *Mentastics*[®] movement education, often referred to as the *Trager* Approach, is based on the teaching and work of Milton Trager, M.D. **Practitioners of the *Trager* Approach are primarily educators.** They teach hook-up, quality of movement and a way of being to their clients through attitude, touch and subtle directed movements. The fundamental objective is to increase the client's self-awareness and generate physiological changes that enable the client to move with more freedom, pleasure and ease in all aspects of their lives.

The *Trager* Approach is a distinct professional practice as supported by the registration of '*Trager*[®]', '*Mentastics*[®]' and the Dancing Cloud logo as service marks of *Trager* International, which licenses their use by the United States *Trager* Association. A service mark is a name and/or design that identifies a service, and distinguishes it from other similar services. It represents the company or organization that provides the service, and to which the public can look to be assured of quality and performance standards.

The United States *Trager* Association, as a National Association member of *Trager* International, is the professional association responsible for the regulation of the practice of the *Trager* Approach in this country. In order to promote the quality of the work, which includes the concern for public safety, a *Trager* Professional Certification Program, and Continuing Education and Certification Renewal Requirements have been established. Furthermore, Standards of Practice, a Code of Ethics and Conduct, and Grievance Procedures are promulgated among members through Training Programs and written documents.

The United States *Trager* Association supports the desire of Massage Therapists and/or other professional groups to be regulated under government Title Registration or Licensure Acts. Furthermore, where there is legislative activity, members will participate in the development of working coalitions, respecting the positions of each distinct professional practice, including but not limited to **the following positions held by the United States *Trager* Association:**

- Inclusion of the *Trager* Approach in Massage Therapy legislation is not appropriate since the *Trager* Approach is a distinct professional practice from Massage Therapy.

- The regulation of a variety of distinct professional practices, including the *Trager* Approach, under a single ‘Bodywork’ or ‘Somatic Practices’ law is opposed, since it is unlikely that such regulation would address each distinct professional practice with sufficient specificity.
- The necessity of external regulation of the *Trager* Approach has not been established, since no pattern of harm to the public by *Trager* Practitioners has been identified.
- Training in Massage Therapy is neither necessary nor relevant to the proficient, competent and safe practice of the *Trager* Approach.
- Certification as a *Trager* Practitioner does not qualify a person for the practice of Massage Therapy. *Trager* Practitioners who present themselves to the public as being Massage Therapists must independently qualify for that claim by other training and certifications or as defined in licensure acts where applicable.

For these reasons, the United States *Trager* Association seeks the inclusion of a specific exemption of the *Trager* Approach in Massage Therapy, Bodywork, Somatic Practices or similar licensing laws, to avoid any improper implication of inclusion by Regulatory Boards.

APPENDIX #3: National Federation Organization Contact Information:

AmSAT (*American Society for the Alexander Technique*)

Attn: Government Relations Chair
PO Box 2307
Dayton OH 45401-2307
Phone: 937-586-3732
Toll Free: 800-473-0620
Fax: 937-586-3699
Email: info@amsatonline.org
Website: www.amsatonline.org

AMTA® (*American Massage Therapy Association*)®

Attn: Government Relations Chair
500 Davis Street, Suite 900
Evanston, IL 60201-4695
Phone: 877.905.2700
Fax: 847.864.1178
JGRC Email: BBrown@amtamassage.org
General Info: info@amtamassage.org
Website: www.amtamassage.org

AOBTA® (*American Organization for Bodywork Therapies of Asia*)™

1010 Haddonfield-Berlin Road, Suite 408
Voorhees, NJ 08043-3514
Phone: 856.782.1616
Fax: 856.782.1653
JGRC Email: legislative@aobta.org
Email: office@aobta.org
Website: www.aobta.org

APTA (*American Polarity Therapy Association*)

122 North Elm Street, Suite 512
Greensboro, NC 27401
Phone: 336.574.1121
Fax: 336.574.1151
JGRC Email: larose@earthlink.net
Email: APTAoffices@polaritytherapy.org
Website: www.polaritytherapy.org

FGNA (*Feldenkrais Guild*)® of North America)

5436 N. Albina Ave.
Portland, OR 97217
Phone: 503.221.6612
Toll Free: 800.775.2118
Fax: 503.221.6616
JGRC Email: MPPurcell@aol.com
Email: feedback@feldenkraisguild.com
Website: www.feldenkrais.com

IASI (*International Association of Structural Integrators*)®

7044 S. 13th Street
Oak Creek, WI 53154
Phone: 414-908-4947
JGRC Email: libbyeason@aol.com
Email: info@theiasi.org
Website: www.theiasi.org

ISMETA (*International Somatic Movement Education and Therapy Association*)

30 Morgan Street
Holyoke, MA 01040
Phone: 413.446.6009
Email: info@ismeta.org
Website: www.ismeta.org

***The Rolf Institute*® of Structural Integration**

5055 Chaparral Court, Suite 103
Boulder, CO 80301
Phone: 303.449.5903
Toll Free: 800.530.8875
Fax: 303.449.5978
Email: HHauge@rolf.org
Website: www.rolf.org

***United States TRAGER*® Association**

13801 W. Center St., Suite C
Burton, OH 44021
Phone: 440.834.0308
Fax: 440.834.0365
Email: admin@tragerus.org
Website: www.tragerus.org