

**1999 SENATE INDUSTRY, BUSINESS AND LABOR**  
**SB 2275**


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2275

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 25, 1999

Tape Number	Side A	Side B	Meter #
3	x	x	2600-end 0-450
Committee Clerk Signature 			

Minutes:

Senator Mutch opened the hearing on SB2275. All senators were present.

Senator Grindberg introduced SB2275. Senator Traynor also introduced the bill.

Karen Shigamatzu, codirector of codirector of Sister Roslynjefry School of Professional Massage in Fargo, testified in support of SB2275. Her testimony is included.

Senator Mutch asked her if she had any objections to the proposed amendment with regard to reflexology. Her reply was no.

Jim Flemming, assistant attorney general appointed to represent the state board of massage, testified on his own behalf in support of SB2275. Senator Sand asked him how long of a time period is involved in this bill. Ms. Shigamatzu said that it will not be an ongoing thing that it would be a definite amount of time.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number Sb2275

Hearing Date January 25, 1999

Jack McDonald, North Dakota State Examining Committee for Physical Therapists, proposed 2 amendments to the bill. His testimony is included.

Mary Fitter, Vice President of the Governors Board, testified in opposition to McDonalds amendments.

Committee discussion took place on January 27, 1999. Senator Heitkamp moved for a do not pass on SB2275. Senator Krebsbach seconded his motion. The motion was successful with a 4-3 vote. Senator Mutch will carry the bill.

Committee discussion took place on February 3, 1999.

SB2275 was brought back into committee.

Jim Flemming offered amendments to SB2275.

The committee adopted the amendments.

The SB2275 received a do pass with amendments committee recommendation.

Senator Mutch will carry the bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2275 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 1-19-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

*Noac*

- 2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	0	0	0	0	0	0
Expenditures:	0	0	0	0	0	0

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: 0
- b. For the 1999-2001 biennium: 0
- c. For the 2001-03 biennium: 0

- 4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed *Phil J. Reisenauer*

Typed Name Phil J Reisenauer

Department North Dakota Board of Massage

Phone Number 701-225-3906

Date Prepared: 1-22-99

2081 407

Date: 1/27/99

Roll Call Vote #: 2275

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS

Motion Made By HEITKAMP Seconded By KREBSBACH

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein		X			
Senator Krebsbach	X				
Senator Heitkamp	X				
Senator Mathern		X			
Senator Thompson		X			

Total (Yes) 4 No 3

Absent 0

Floor Assignment MUTCH

If the vote is on an amendment, briefly indicate intent:

Date: 2/3/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2575

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken RECONSIDER

Motion Made By KREBSBACH Seconded By KLEIN

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp	—				
Senator Mathern	—				
Senator Thompson	X				

Total (Yes) 5 No 0

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Amendments proposed by  
State Board of Massage  
January 25, 1999

PROPOSED AMENDMENTS TO SENATE BILL 2275

Page 2, line 19, remove the overstrike over "~~person to~~", insert immediately thereafter "perform", and overstrike "therapist"

Page 2, line 21, remove the overstrike over "~~first being a licensed massage~~"

Page 2, line 22, remove the overstrike over "~~therapist under this chapter, or without~~"

Page 2, line 28, after "massage" insert "and only to the extent massage is being performed in the course of the practice of the exempted profession"

Page 3, line 1, after the second "~~nurses~~" insert "or registered"

Page 3, line 3, replace "licensed" with "registered"

Page 3, line 23, after "clinic." remove "The school of massage must meet the curriculum"

Page 3, remove lines 24 through 26

Renumber accordingly

Amendments proposed by  
State Board of Massage  
Revised January 28, 1999

**Alternative One**

PROPOSED AMENDMENTS TO SENATE BILL 2275

Page 2, line 19, remove the overstrike over "~~person to~~", insert immediately thereafter "perform", and overstrike "therapist"

Page 2, line 21, remove the overstrike over "~~first being a licensed massage~~"

Page 2, line 22, remove the overstrike over "~~therapist under this chapter, or without~~"

Page 2, line 28, after "massage" insert "and only to the extent massage is being performed in the course of the practice of the exempted profession"

Page 2, line 30, remove the overstrike over "~~or persons holding a~~"

Page 2, line 31, remove the overstrike over "~~drugless practitioner's certificate under the laws of this state.~~"

Page 3, line 1, after the second "~~nurses~~" insert "or registered"

Page 3, line 3, after "therapist" insert "or physical therapist assistant" and replace "licensed" with "registered"

Page 3, line 11, after "Any" insert "bona fide student of reflexology or"

Page 3, line 23, after "clinic." remove "The school of massage must meet the curriculum"

Page 3, remove lines 24 through 26

Re-number accordingly



Amendments proposed by  
State Board of Massage  
Revised February 1, 1999

**Alternative Two**

PROPOSED AMENDMENTS TO SENATE BILL 2275

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an act to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code relating to physical therapist assistants, and to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code relating to the practice of massage by students; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 3 of section 43-25-04 of the 1997 supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Registered physical therapists and physical therapist assistants under the laws of this state.

**SECTION 2.** A new subsection to section 43-25-04 of the 1997 supplement to the North Dakota Century Code is created and enacted as follows:

Any student of a school of massage who is practicing massage in the course of fulfilling a required massage therapy practicum or in the course of participating in a school-supervised student massage clinic.

**SECTION 3. EMERGENCY.** This act is declared to be an emergency measure.

Renumber accordingly

Date: 2/3/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2275

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ADOPT (ALTERNATIVE 2)

Motion Made By KREBSBACH Seconded By THOMPSON

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp					
Senator Mathern					
Senator Thompson	X				

Total (Yes) 5 No 0

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2/3/99  
 Roll Call Vote #: 3 SR231939

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2275

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS AS AMENDED.

Motion Made By KREBSBACH Seconded By THOMPSON

Senators	Yes	No	Senators	Yes	No
Senator Mutch	X				
Senator Sand	X				
Senator Klein	X				
Senator Krebsbach	X				
Senator Heitkamp					
Senator Mathern					
Senator Thompson	X				

Total (Yes) 5 No 0

Absent 2

Floor Assignment MUTCH

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2275: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2275 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to the practice of massage; to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code, relating to physical therapist assistants; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 3 of section 43-25-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Registered physical therapists and physical therapist assistants under the laws of this state.

**SECTION 2.** A new subsection to section 43-25-04 of the North Dakota Century Code is created and enacted as follows:

Any student of a school of massage who is practicing massage in the course of fulfilling a required massage therapy practicum or in the course of participating in a school-supervised student massage clinic.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**1999 HOUSE HUMAN SERVICES**

**SB 2275**


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2275

House Human Services Committee

Conference Committee

Hearing Date March 1, 1999

Tape Number	Side A	Side B	Meter #
1		x	24.6 - 45.9
2		x	10.9 - 22.0
Committee Clerk Signature 			

Minutes:

JAMES FLEMING, Assistant Attorney General assigned to State Board of Massage testifies.

(Testimony attached.) Emphasizes that the bill applies to massage students practicing only as part of the school program, not on their own.

Rep. BRUCE ECKRE :Who approached Senator Grindberg? JAMES FLEMING: Carrie Shigematsu.

Rep. BRUCE ECKRE :Is there a school of vo-tech that teaches PT in North Dakota. JAMES FLEMING: I'm not sure.

CARRIE SHIGEMATSU, School Director-Fargo Campus for Sister Rosalind Gefre's School of Professional Massage testifies. (Testimony attached.)

Rep. ROXANNE JENSEN : Do students give massages in the school? CARRIE

SHIGEMATSU: Yes, only under the supervision of a licensed massage therapist.

Page 2

House Human Services Committee

Bill/Resolution Number 2275

Hearing Date March 1, 1999

Rep. ROXANNE JENSEN: Does the school get any money for the service? CARRIE

SHIGEMATSU: Yes, an administrative fee. Usually about \$20 compared to a normal \$50 fee.

The student only gets school credit.

Rep. TODD PORTER :Are the massage therapy practicums defined somewhere else in the

massage therapy practices act as being supervised? CARRIE SHIGEMATSU: No none of the

act covers massage. Rep. TODD PORTER : So the school requires supervision, not the law?

CARRIE SHIGEMATSU: Yes. SB2275 will correct that. The bill was put together by all

participants to maintain high standards in the industry. North Dakota is ahead of most states in

licensing requirements.

Rep. CLARA SUE PRICE : How long is the course of study? CARRIE SHIGEMATSU: A year

and a half, full-time. Rep. CLARA SUE PRICE : Students don't currently practice? CARRIE

SHIGEMATSU: Only on fellow students. Rep. CLARA SUE PRICE : If the bill passes can we

assume that this practicing will only occur on school sites? CARRIE SHIGEMATSU:There may

be some off site practices in nursing homes but only under school supervision. Ninety percent of

the practices would be on the school site. Rep. CLARA SUE PRICE : In most bills of this

nature the language "under the direction of a licensed " any objections? CARRIE

SHIGEMATSU: No objections.

Rep. PAT GALVIN : How do students get their practices now? CARRIE SHIGEMATSU:

Only practicing on fellow students in the classroom.

SISTER ROSALIND GEFRE, Sister Rosalind Gefre's School of Professional Massage testifies.

We have had schools in the twin cities area since 1984. Students simply need practice on different body styles to experience the differences. Nurses receive lots of supervised practice in training outside the classroom. It should be the same for massage therapists.

MICHAEL STAFFORD, Administrator, Professional Institute of Massage Therapy, Fargo testifies. (Testimony attached.)

Rep. WILLIAM DEVLIN :Darrell Peck's testimony indicates that tips are received by students.

MICHAEL STAFFORD: Not in our school. Rep. WILLIAM DEVLIN :But this policy applies only to your school. MICHAEL STAFFORD: Yes.

SHARON DOCKTER testified that she was for the bill.

#### OPPOSITION

Hearing closed for SB 2275.

#### DISCUSSION

Discussion between Rep. CLARA SUE PRICE and Rep. TODD PORTER surrounding the importance of practicums being supervised by qualified personnel.

Rep. ROBIN WEISZ moved to amend the bill to add "under the direct supervision of a licensed massage therapist". Rep. TODD PORTER Seconded. Motion Passed

Rep. PAT GALVIN moved 'Do pass as amended'. Rep. WANDA ROSE seconded.

Roll Call vote #3: 15 Yeas, 0 Nays, 0 Absent

Carrier: Rep. WANDA ROSE



**HOUSE** AMENDMENTS TO ENGROSSED SENATE BILL NO. 2275 3/1/99 **HUMSER**

Page 1, line 13, after "practicum" insert "under the direct supervision of a licensed massage therapist"

Page 1, line 14, after "clinic" insert "under the direct supervision of a licensed massage therapist"

Renumber accordingly

Date: 3/1/99  
 Roll Call Vote #: 3

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB2275

House Human Services Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended.

Motion Made By Galvin Seconded By Rose  
~~Weisz~~

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	✓		Bruce A. Eckre	✓	
Robin Weisz - Vice Chairman	✓		Ralph Metcalf	✓	
William R. Devlin	✓		Carol A. Niemeier	✓	
Pat Galvin	✓		Wanda Rose	✓	
Dale L. Henegar	✓		Sally M. Sandvig	✓	
Roxanne Jensen	✓				
Amy N. Kliniske	✓				
Chet Pollert	✓				
Todd Porter	✓				
Blair Thoreson	✓				

Total Yes 15 No 0  
 Absent 0

Floor Assignment Rep Rose

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2275, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2275 was placed on the Sixth order on the calendar.

Page 1, line 13, after "practicum" insert "under the direct supervision of a licensed massage therapist"

Page 1, line 14, after "clinic" insert "under the direct supervision of a licensed massage therapist"

Renumber accordingly

**1999 SENATE INDUSTRY, BUSINESS AND LABOR**

**SB 2275**

**CONFERENCE COMMITTEE**

Insert LC: .

**REPORT OF CONFERENCE COMMITTEE**

**SB 2275, as engrossed:** Your conference committee (Sens. Mutch, Sand, D. Mathern and Reps. Jensen, B. Thoreson, Rose) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 627 and place SB 2275 on the Seventh order.

Engrossed SB 2275 was placed on the Seventh order of business on the calendar.

**1999 TESTIMONY**

January 25, 1999

**SENATE INDUSTRY, BUSINESS & LABOR COMMITTEE**  
**SB 2275**

**CHAIRMAN MUTCH AND COMMITTEE MEMBERS:**

My name is Jack McDonald. I'm appearing today on behalf of The North Dakota State Examining Committee for Physical Therapists and The North Dakota Physical Therapy Association. We are asking that you consider a short amendment to SB 2275.

On page 3, line 3, physical therapists are exempt from the provisions of the massage therapy act so far as their practice may overlap massage therapy. However, physical therapy assistants are also licensed under chapter 43-26 and should likewise be listed as exempt.

The amendments at the bottom of the page exempt these assistants. Actually, it would be easier to simply exempt all licensed health care professionals rather than try to list them individually. My second set of amendments to this.

We respectfully request your **FAVORABLE CONSIDERATION** of one or the other of these amendments. If you have any questions, I'll be happy to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

**FIRST PROPOSED AMENDMENTS TO SB 2275**

On page 3, line 3, after the word "therapist" insert "or physical therapist assistant"

Re-number accordingly

**SECOND PROPOSED AMENDMENTS TO SB 2275**

On page 2, line 29, after the word "under" insert "title 43 of the North Dakota Century Code" and strike through the words "under the laws of this state"

On page 2, line 29, after the word "practice" insert "their profession."

On page 2, delete lines 30 and 31

On page 3, line 1, after the number "2.", delete the remainder of the line

On page 3, delete lines 2 through 4

On page 3, line 5, strike through the number "4."

On page 3, delete lines 6 through 11

On page 3, line 12, replace "8." with "3."

Re-number accordingly

January 25, 1999

**TESTIMONY IN SUPPORT OF SENATE BILL #2275,**  
**INTRODUCED BY SENATOR TONY GRINDBERG**

Testimony Presented by: Carrie L. Shigematsu, School Director-Fargo Campus for  
Sister Rosalind Gefre's School of Professional Massage

The first school of massage therapy opened two years ago in Bismarck. By September of 1998, there were two more schools of massage therapy in ND, both located in Fargo. The Professional Institute of Massage Therapy, hereinafter referred to as PIMT, and Sister Rosalind Gefre's School of Professional Massage, hereinafter referred to as SPM.

SPM has had a campus in St. Paul, MN for more than 14 years and maintains two other campuses in Mankato, MN and Rochester, MN. Students of all three campuses are required to complete a practicum in a student clinic, whereby they practice their field of study on the public. SPM and their students have a very outstanding reputation for educating and graduating some of the finest massage therapists in the region and the country. Our president and founder Sister Rosalind is known worldwide for her pioneering efforts in raising massage therapy standards to the high level of professionalism we know today. Those efforts include being instrumental in changing the laws governing massage therapy in the Minneapolis-St. Paul, Minnesota area.

Therapeutic massage, also called massage therapy, is by definition a profession which requires physical skill and practical experience on behalf of the practitioner. A practicum done in a school supervised student clinic is the best way known for students to get the experience they will need to be practitioners upon graduation. Without school clinics, students would not be fully trained nor possess the hands-on skills, to go out and start their practices upon graduation. By implementing student clinics, we are better preparing the practitioner for post-graduation employment, as well as protecting the public against poorly or inadequately trained therapists.

Students of massage therapy are no different than other students whose profession requires practical experience during the educational process, such as barber and cosmetology students, medical residents, dental assistants, nurses, and chiropractors.



I submit along with this testimony attached letters of support from other schools referenced here. They include letters from Northwestern College of Chiropractic of Bloomington, MN and Gateway College of Massage Therapy in South Sioux City, Nebraska. Other letters of support attached include one from Noreen Clarke, owner of Family Centered Massage located in Fargo, ND and Ann Chellman, Attorney and Legislative Services Coordinator for Associated Bodywork & Massage Professionals of Evergreen, CO. The message in all of the letters are clear and similar, which is that clinical experience is likely the most valuable portion of a student's education who is entering the healthcare profession. Part of a student's education is to learn the necessary methods of assessment for effective treatment. Without student clinics, students will be ill prepared to do this. To compare, would you consult a chiropractor for back pain who has been educated in the classroom but who has never actually done a spinal adjustment? Would you receive a haircut from a barber who is a barber school graduate but who has never actually cut someone's hair? Would you want a nurse who has never inserted a needle into a patient's arm to draw blood from you or your child's veins?

To the best of my knowledge, there are presently 18 states which have statutes governing the practice and/or licensing of massage therapy which address the issue of students practicing massage. Those states are: Alabama, Arkansas, Connecticut, Delaware, Florida, Hawaii, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oregon, Tennessee, Texas, Washington, and West Virginia. All of these states provide statutory exemptions for the practice of massage by students enrolled in a school of massage therapy. These states have recognized the importance of clinics for students of massage therapy and as such have allowed those students to be exempt from licensing requirements for the purpose of completing a school practicum or participating in a school supervised student clinic. In Iowa students of massage therapy schools are not expressly exempt from licensing requirements, but rather Iowa licensure **REQUIRES** that the massage therapist have completed no less than 500 hours of academic training **AND** have participated in a student clinic. North Carolina has passed a bill regulating massage therapy in their state which requires state licensure and which also allows for student exemptions when participating in a student clinic. That bill is only awaiting the North Carolina governor's signature. This year two other states have

drafts proposing state licensure for the profession of massage therapy, Minnesota and Nevada. Likewise, those states are proposing exemptions for students of massage therapy. In the past, states like Minnesota which have not had any statues or statewide regulations with respect to this profession have left the governing of such up to each individual city or township to license and regulate as they see fit. North Dakota, unlike many states, has had state regulatory laws governing the profession since the 1950's. We as North Dakotans are once again in the unique position of having the opportunity to regulate and advance the professional standards even further. If the profession of massage therapy is regulated with the intent of protecting public safety, allowing students to participate in a student clinic and making them exempt under chapter 43-25 is one more way to ensure that those high standards previously established will be maintained and upheld. Allowing students to participate in a school supervised clinic will protect North Dakotans against poorly trained practitioners. If we don't allow massage therapy students to gain valuable experience in clinical settings as part of their curriculum, we will have licensed massage therapists engaging in practices for which they are not properly and/or adequately trained to do.

No later than September of this year, the first set of students from each school in Fargo will be eligible for ND State licensure and National Certification. Section 5 of Bill #2275 asks for an emergency measure, so that the students planning to graduate this year be allowed and afforded the opportunity to participate in a student clinic, which is so crucial and indeed necessary to become well-trained and competent practioners.



15 January 1999

Ms. Carrie Shigematsu  
School Director  
Sister Rosalind Gefre's School of Professional Massage  
SPM  
619 7th St. N. Suite L.  
Fargo, ND 58102

Dear Ms. Shigematsu,

I am writing in response to your request for information regarding how clinical training is regarded in our program of education for doctors of chiropractic.

The Council on Chiropractic Education Commission on Accreditation, in its Standards for Chiropractic Programs and Institutions, quantifies a minimum of over 350 distinct and verifiable interactions with doctoral students and aspects of evaluating and providing patient assessment and care delivery. To successfully provide this education, Northwestern provides several levels of clinical education and interaction for its students. Students in middle semesters participate in a "well-patient" clinic, performing evaluations, providing care, and implementing management strategies on students in lower terms. This experience covers 150 curriculum hours over two terms. The second phase of clinic internship, with service provided in one of our four outpatient clinics, covers 944-1244 hours over two terms. And finally, students may continue in one of our clinics or move into a credentialed field office, participate in patient care and management, and learn the practical aspects of patient care in an office setting which may most closely represent their eventual practice model. This covers an additional 300-600 term hours.

Collectively, these experiences cover 1294-1994 hours of direct clinic education. Northwestern believes that these educational experiences and opportunities are important, and essential to providing adequate training for most fully preparing doctors of chiropractic as portal-of-entry, primary care physicians.

To that end, we believe that a similar clinical education model, which your school has already created and required, is an important component of training, and one which we certainly believe deserves preservation, with development and potential expansion certainly within reason.

I trust this answers any questions you have. Please feel free to share this information with any persons you deem appropriate, and contact me if I can be of any further service.

Sincerely yours,

Stephen Bolles, DC  
Director of Interdisciplinary Services

2501 West Eighty-Fourth Street  
Bloomington, Minnesota 55431-1599  
612-888-4777  
FAX 612-888-6713



## ASSOCIATED BODYWORK & MASSAGE PROFESSIONALS

28677 BUFFALO PARK ROAD ▪ EVERGREEN, COLORADO 80439-7347 ▪ TEL: 800/458-2267 OR 303/674-8478 ▪ FAX: 303/674-0859

November 5, 1998

Ms. Carrie Shigematsu  
Sr. Rosalind Gefre's School of Professional Massage  
619 7th Street, North  
Fargo, ND 58102

Dear Carrie:

It was a pleasure speaking with you this afternoon. Associated Bodywork and Massage Professionals (ABMP) appreciates the work that you have put into amending the North Dakota massage therapy regulations to provide for a more comprehensive educational baseline. ABMP encourages massage therapy institutions to include a student clinic as part of the practical application education. This portion of their education is very valuable. It allows students to work in a clinical setting, gaining experience working on the public with the goal to ensure that a student graduates feeling comfortable working on strangers and has solid knowledge of draping, ethics and practitioner/client relationship boundaries.

This being the case, ABMP supports an amendment to North Dakota massage therapy regulations which would provide exemption for students enrolled at school. I have enclosed copies of the exemption language from those states with current or introduced regulation.

Please keep me informed and let me know if I can be of any assistance in the future.

Sincerely,

Ann R. Chellman  
Legislative Services Coordinator

# FAMILY CENTERED MASSAGE

Owner: Noreen K. Clarke, R.N., N.C.M.T., I.M.I.

Registered Nurse, Nationally Registered/Certified Massage Therapist, Infant  
Massage Instructor, Wellness Practitioner

September 15, 1998

Noreen K. Clarke, R.N., N.C.M.T., I.M.I.  
Family Centered Massage  
2344 DeMores Drive South  
Fargo, N.D. 58103  
(701) 298-7879

Re: North Dakota Century Code 43-25-03  
North Dakota State Board for Vocational and Technical Education  
600 East Boulevard Avenue  
State Capitol Bldg.  
Bismarck, N.D. 58501

To Whom It May Concern:

As an experienced medical professional, I would like to voice my support in favor of providing Massage Therapy Clinics in North Dakota. More specifically, to the advanced massage therapy students of the recent "up-and-running" Sister Rosalind Gefre's School of Professional Massage, Fargo Campus, Fargo, North Dakota. Presently, our massage therapy students are working toward certification and/or licensure in the Massage Therapy Profession. In order to obtain the highest standard of training and to utilize and increase skill levels, massage students would require a "realistic" clinical setting using direct hands-on experience to enhance knowledge, competence and preparation for employment in the "real world".

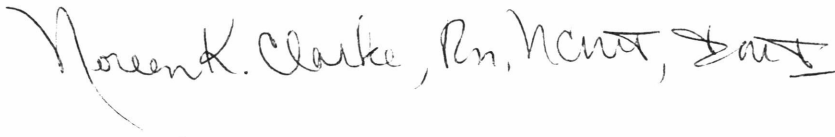
I have over 20 years of nursing experience in North Dakota and the clinical setting was a major part of my educational requirements and experiences. My nursing background involved education in four various North Dakota colleges, all of which provided clinical instruction. When choosing to further my medical education in the Massage Therapy program in 1993, massage therapy education was not available in North Dakota and forced me to look elsewhere for education. After extended research, I chose to attend the Boulder School (now College) of Massage Therapy, Boulder, Colorado, primarily because of its' reputation on education, clinics, and extended "hands-on" opportunities. B.S.M.T. is now educationally ranked first in the nation and is graduating students that leave well-prepared for providing the best therapy for their clients. At present, I am also teaching part-time at Sister Rosalind Gefre's School of Professional Massage, Fargo Campus, and speak on behalf of the present students who also verbalize a desire and need for "hands-on" experience. Students practicing massage only on fellow-classmates limits their exposure to realistic health problems and situations and to the "realistic" setting it offers. I can't express enough about how invaluable my nursing and massage therapy clinical experiences were in preparing me to provide the best care for those in my best interest---my clients. I would be proud to take a stand in providing a voice for higher education in North Dakota and I feel that it starts with invaluable "hands-on" experience

in this "hands-on" profession.

To my knowledge, North Dakota has had a reputation of setting higher goals and higher standards around education requirements, especially around licensure as practicing massage therapists. I feel that providing a law that not only would make Massage Therapy Student Clinics available, but also mandatory, would be an extremely valuable asset to our state and to those we serve. Massage Therapy Student Clinics would also provide a safe and inexpensive opportunity for the lay person with health problem issues to experience and become more aware of the benefits that massage therapy and alternative and complementary medicine have to offer!

Please feel free to contact me regarding questions on this matter. I would be happy to provide further information and clarification on my clinical education and experiences. I regret not being able to personally attend this meeting of September 24, 1998, but I thank you in advance for taking the time to listen and consider my concerns on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Noreen K. Clarke, R.N., N.C.M.T., I.M.I." The signature is written in dark ink and is positioned above the typed name.

Noreen K. Clarke, R.N., N.C.M.T., I.M.I.



GATEWAY COLLEGE OF MASSAGE THERAPY

2607 Dakota Ave.  
South Sioux City, NE 68776

September 10, 1998

Phone: (402) 494-8390  
FAX: (402) 494-4561

Sister Rosalind Gefer  
NDSTM  
Suite L  
619 7th Street North  
Fargo. ND 58102

Dear Sister Gefer:

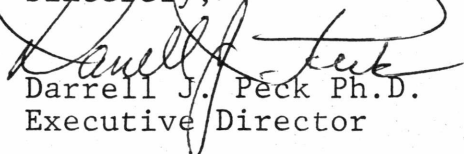
Testifying to the importance of public clinical experience for in-training students is no problem. The clinical experience gives the students maximum hands-on hours while under the supervision of a licensed massage therapist. They are required to deal directly with the public in explaining their procedures and the benefits of massage to their clients. They are required to keep their progress notes in the proper form as perscribed by various health organizations. Most importantly, they learn their modalities and techniques by repetition and practice so that when they are licensed and secure a position the public knows they will be going to therapists who have a maximum of training and experience.

The Gateway College students are required to participate in two clinic periods a week for twenty-four weeks. Each clinic period could require the student do three massages each session for a total of 144 massages during their clinical experience. We charge the public client \$20.00 for the hour massage. That fee pays the salary of the clinic supervisor and some of the utility and rent bill. The students are allowed to receive "reasonable" tips from the clients. Most of our clients give them between two to five dollars.

From my point of view, there is no substitute for the extensive hands-on experience our students receive during the clinical requirement. All massage students need that experience to increase their skill level before completing their massage educations.

If you have any questions about our clinical program, feel free to call me at any time.

Sincerely,

  
Darrell J. Peck Ph.D.  
Executive Director

# West Fargo Clinic

---

☐ Dakota Heartland Health System

January 20, 1999

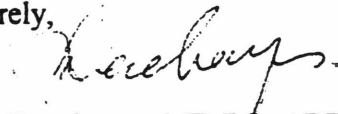
To Whom it May Concern,

I am writing this letter on behalf of the students of massage therapy schools in North Dakota; specifically, the importance of "hands-on" clinical learning as part of their course curriculum.

As both a health care professional and educator of medical students, I cannot emphasize enough the critical importance of supervised clinical teaching. Most, if not all health care related fields require 'internships' where the student is allowed the opportunity to practice (in a supervised setting) the skills they have learned in the classroom. Exposure to diverse health conditions and a variety of client "complaints" as a student is invaluable in their pursuit of becoming an independent therapist. Interviewing skills, appropriate therapist/client interaction and building confidence in massage technique are a just a few more reasons why supervised clinical teaching is a necessary component of their education.

Please feel free to contact me with questions or concerns.

Sincerely,



Dr. S. Deschamps MD BSc ABFP CCFP





# Renelt Family Chiropractic

---

4553 9th Avenue SW #4  
Fargo, ND 58103  
(701)-277-5930



January 18, 1999

To Whom It May Concern:

Dear Sir or Madam:

I am writing you this letter to introduce to you the clinical Experience that a Doctor of Chiropractic receives. As a Practicing Doctor and a former chiropractic student at Palmer College of Chiropractic in Davenport, IA. I found that the time that was required of me in the clinical setting as a student was an essential part of my chiropractic education. It was an opportunity for me to practice my skills that I had learned with a licensed doctor present who could give input on cases and on the best treatment methods to use. The school also felt that this part of our education was essential and that is why our requirements were 45 credits which equaled out to be 675 hours of clinic time. In that clinic time we had to perform 40 office visits on students of the college and 160 office visits in our public clinics. We also had to perform a set number of physicals and take a set number of x-rays to be eligible for graduation. I feel that clinical requirements for any professional service is and invaluable tool for both the students and for their future patients.

Sincerely,

Aaron Renelt D.C.



**Professional  
Institute of  
Massage  
Therapy Ltd.**

4553 9th Ave. S.W. Suit 2, Fargo, ND 58103

(701) 281-5078  
pimt@fargocity.com

To: The Industry, Business and Labor Standing Committee  
Chairperson: Senator D. Mutch  
Re: **Senate Bill No. 2275**

Dear Standing Committee Member:

I, as the administrator of a massage therapy school in North Dakota, support this bill. We are in full agreement with Carrie Shigematsu, the administrator of the Sister Rosalind Gefre School of Professional Massage, and we appreciate the time and effort she has put in on this legislation. Our reasons for supporting the bill are similar to Sister Rosalind's school. We need to be able to run a student clinic. However, we have some additional circumstances that make this legislation even more urgent and necessary for our program.

Our school is a two year, full time program that teaches, not only the standard relaxation massages, but also a large number of therapeutic treatments. Our program covers treatments for spasms, strains, sprains, fibromyalgia, stress, chronic fatigue, tendinitis, constipation, central nervous system disorders, shin splints, types of arthritis, respiratory problems, circulatory problems, diabetes, relief from some cancers, carpal tunnel syndrome, and many more. In order for our students to become skilled, they must have hands on exposure to many of the conditions and disorders included in our program. A clinic is the only possible way to get that exposure. In order to properly train our students, it is vital that our school run a clinic.

Thank you for your consideration of Bill 2275

Michael Stafford  
Administrator  
Professional Institute of Massage Therapy

TESTIMONY ON BEHALF OF STATE BOARD OF MASSAGE  
IN SUPPORT OF SENATE BILL 2275

January 25, 1999

James C. Fleming  
Assistant Attorney General

Good morning, Chairman Mutch and members of the Senate Industry Business and Labor Committee. My name is Jim Fleming, and I am the assistant attorney general appointed to represent the State Board of Massage. I am appearing today on behalf of the Board, and not on behalf of the Office of Attorney General, to request a "do-pass" recommendation on Senate Bill 2275.

Much of the bill consists of technical changes in language which I believe were made by the Legislative Council. Overall, these changes clarify and improve current law. However, some of the changes in language also change the substance of current law. The Board has asked me to prepare the attached amendments to reverse these substantive changes.

Current law does not allow unlicensed students to perform massage on members of the public for a fee or gratuity. The Board agrees that unlicensed students should be permitted to perform massage on members of the public in conjunction with their studies and when adequately supervised by massage school instructors.

Current law, North Dakota Century Code § 43-25-07, authorizes the Board to regulate massage schools by requiring all applicants for licensure as massage therapists to present a diploma or credentials issued by a school that meets the standards established by the Board. The second sentence of section 4 of the bill creates a conflict with this authority by stating that the Board for Vocational and Technical Education must set curriculum standards for massage schools. Both the Massage Board and the Board for Vocational and Technical Education have regulatory authority over massage schools under current law, so the Board proposes that the second sentence in section 4 be deleted. I contacted the Board for Vocational and Technical Education last Friday and they agree with this deletion.

Overall, Senate Bill 2275 is a good bill and the Board asks for a "do-pass."



OFFICE OF ATTORNEY GENERAL  
STATE OF NORTH DAKOTA

MEMORANDUM

Heidi Heitkamp  
ATTORNEY GENERAL

**TO:** Senate Industry Business and Labor Committee

**FROM:** James C. Fleming, Assistant Attorney General,  
State Board of Massage *J*

**RE:** Senate Bill ~~2257~~ - massage students

**DATE:** February 1, 1999 *2275*

CAPITOL TOWER

State Capitol  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0040  
701-328-2210  
FAX 701-328-2226

**Consumer Protection  
and Antitrust Division**

701-328-3404  
800-472-2600  
Toll Free in North Dakota  
701-328-3409 (TDD)  
FAX 701-328-3535

**Gaming Division**

701-328-4848  
FAX 701-328-3535

**Licensing Section**

701-328-2329  
FAX 701-328-3535

CAPITOL COMPLEX

State Office Building  
900 E. Boulevard Ave.  
Bismarck, ND 58505-0041  
FAX 701-328-4300

**Civil Litigation**

701-328-3640

**Natural Resources**

701-328-3640

**Racing Commission**

701-328-4290

**Bureau of Criminal  
Investigation**

P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5500  
800-472-2185  
Toll Free in North Dakota  
FAX 701-328-5510

**Fire Marshal**

P.O. Box 1054  
Bismarck, ND 58502-1054  
701-328-5555  
FAX 701-328-5510

**Fargo Office**

P.O. Box 2665  
Fargo, ND 58108-2665  
701-239-7126  
FAX 701-239-7129

---

Senator Grindberg, who is the sponsor of Senate Bill 2257, suggested that I prepare some revised amendments to the bill in the event the committee is interested in reconsidering its decision on the bill.

The idea behind the bill was, and still is, simple: students of massage should be able to practice massage for a fee when performed pursuant to a school-supervised clinic or course of study.

Attached are two pages. **Alternative One** is a new set of the amendments I introduced at the hearing, with three additional changes. First, I included Jack McDonald's suggested revision regarding physical therapist assistants; he is now comfortable with the bill. Second, I exempted students of reflexology from the bill; I read the language over the phone to the president of the board of reflexology and he is comfortable with the bill. Third, I removed the overstrike over drugless practitioners, which was a change suggested by Mr. Radspinner.

**Alternative Two** is an even simpler idea. It gets rid of all the unnecessary language changes and makes only the two substantive changes that were originally intended by Senator Grindberg or that came up at the hearing. Please note that under this alternative, no current statute language is being deleted.

The Board prefers Alternative One, but prefers even more to have this committee approve the bill. We do not want the Fargo schools to close their doors because they cannot pass on the costs of a student clinic. Without this bill, only a free clinic may be offered. Thank you for your consideration.

February 27, 1999

**TESTIMONY IN SUPPORT OF SENATE BILL #2275,**  
**INTRODUCED BY SENATOR TONY GRINDBERG**

**Testimony Presented to:** House of Representative, Human Services, with residing Chairman Clara Sue Price and Vice Chairman Robin Weisz.

**Testimony Presented by:** Carrie L. Shigematsu, School Director-Fargo Campus for Sister Rosalind Gefre's School of Professional Massage

The first school of massage therapy opened two years ago in Bismarck. By September of 1998, there were two more schools of massage therapy in ND, both located in Fargo. The Professional Institute of Massage Therapy, hereinafter referred to as PIMT, and Sister Rosalind Gefre's School of Professional Massage, hereinafter referred to as SPM.

SPM has had a campus in St. Paul, MN for more than 15 years and maintains two other campuses in Mankato, MN and Rochester, MN. Students of all three campuses are required to complete a practicum in a student clinic, whereby they practice their field of study on the public. SPM and their students have a very outstanding reputation for educating and graduating some of the finest massage therapists in the region and the country. Our president and founder Sister Rosalind is known worldwide for her pioneering efforts in raising massage therapy standards to the high level of professionalism we know today. Those efforts include being instrumental in changing the laws governing massage therapy in the Minneapolis-St. Paul, Minnesota area.

Massage therapy, is by definition a profession which requires physical skill and practical experience on behalf of the practitioner. A practicum done in a school supervised student clinic is the best way known for students to get the experience they will need to be practitioners upon graduation. Without school clinics, students would not be fully trained nor possess the hands-on skills, to go out and start their practices upon graduation. By implementing student clinics, we are better preparing the practitioner for post-graduation employment, as well as protecting the public against poorly or inadequately trained therapists.

Students of massage therapy are no different than other students whose profession requires practical experience during the educational process, such as barber and cosmetology students, medical residents, dental assistants, nurses, and chiropractors. I submit along with this testimony attached letters of support from other schools referenced here. They include letters from Northwestern College of Chiropractic of Bloomington, MN and Gateway College of Massage Therapy in South Sioux City, Nebraska. Other letters of support attached include one from Noreen Clarke, owner of Family Centered Massage located in Fargo, ND and Ann Chellman, Attorney and Legislative Services Coordinator for Associated Bodywork & Massage Professionals of Evergreen, CO. The message in all of the letters are clear and similar, which is that clinical experience is likely the most valuable portion of a student's education who is entering the healthcare profession. Part of a student's education is to learn the necessary methods of assessment for effective treatment. Without student clinics, students will be ill prepared to do this. To compare, would you consult a chiropractor for back pain who has been educated in the classroom but who has never actually done a spinal adjustment? Would you receive a haircut from a barber who is a barber school graduate but who has never actually cut someone's hair? Would you want a nurse who has never inserted a needle into a patient's arm to draw blood from you or your child's veins?

To the best of my knowledge, there are presently 18 states which have statutes governing the practice and/or licensing of massage therapy which address the issue of students practicing massage. Those states are: Alabama, Arkansas, Connecticut, Delaware, Florida, Hawaii, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oregon, Tennessee, Texas, Washington, and West Virginia. All of these states provide statutory exemptions for the practice of massage by students enrolled in a school of massage therapy. These states have recognized the importance of clinics for students of massage therapy and as such have allowed those students to be exempt from licensing requirements for the purpose of completing a school practicum or participating in a school supervised student clinic. In Iowa students of massage therapy schools are not expressly exempt from licensing requirements, but rather Iowa licensure **REQUIRES** that the massage therapist have completed no less than 500 hours of academic training **AND** have participated in a student clinic. North Carolina has passed a

bill regulating massage therapy in their state which requires state licensure and which also allows for student exemptions when participating in a student clinic. That bill is only awaiting the North Carolina governor's signature. This year two other states have drafts proposing state regulatory laws for the profession of massage therapy, Minnesota and Nevada. Likewise, those states are proposing exemptions for students of massage therapy. In the past, states like Minnesota which have not had any statutes or statewide regulations with respect to this profession have left the governing of such up to each individual city or township to license and regulate as they see fit. North Dakota, unlike many states, has had state regulatory laws governing the profession since the 1950's. We as North Dakotans are once again in the unique position of having the opportunity to regulate and advance the professional standards even further. If the profession of massage therapy is regulated with the intent of protecting public safety, allowing students to participate in a student clinic and making them exempt under chapter 43-25 is one more way to ensure that those high standards previously established will be maintained and upheld. Allowing students to participate in a school supervised clinic will protect North Dakotans against poorly trained practitioners. If we don't allow massage therapy students to gain valuable experience in clinical settings as part of their curriculum, we will have licensed massage therapists engaging in practices for which they are not properly and/or adequately trained to do.

Sister Rosalind's School fully supports the First Engrossment to Bill #2275 which leaves Chapter 43-25 as it was worded previously to Bill #2275 and has the effect of changing only these things, 1) to add physical therapy assistants to the list of exempted persons, 2) make students exempt as shown, &3) declare an emergency.

No later than September of this year, the first set of students from each school in Fargo will be eligible for ND State licensure and National Certification. Section 5 of Bill #2275 asks for an emergency measure, so that the students planning to graduate this year be allowed and afforded the opportunity to participate in a student clinic, which is so crucial and indeed necessary to become well-trained and competent practitioners.

TESTIMONY ON BEHALF OF STATE BOARD OF MASSAGE  
IN SUPPORT OF ENGROSSED SENATE BILL 2275

March 1, 1999

James C. Fleming  
Assistant Attorney General

Good morning, Madame Chairman and members of the House Human Services Committee. My name is Jim Fleming, and I am the assistant attorney general appointed to represent the State Board of Massage. I am appearing today on behalf of the Board, and not on behalf of the Office of Attorney General, to request a "do-pass" recommendation on Engrossed Senate Bill 2275.

Senate Bill 2275, as engrossed, is short and to the point. The bill would amend a current subsection of North Dakota Century Code § 43-25-04 to expand to current exemption for physical therapists to include physical therapist assistants. The bill also adds new subsection to the same section of the code. Both these subsections deal with exemptions from the massage practices act. The beginning of N.D.C.C. § 43-25-04 states:

The following classes of persons are exempt from this chapter:

Thus, if the new exemption for students does not apply, a student cannot perform massage for a fee or gratuity under other provisions of N.D.C.C. ch. 43-25.

Current law does not allow unlicensed students to perform massage on members of the public for a fee or gratuity. The Board agrees that unlicensed students should be permitted to perform massage on members of the public in conjunction with their studies and when adequately supervised by massage school instructors.

Overall, Engrossed Senate Bill 2275 is a good bill and the Board asks for a "do-pass."