

2011 HOUSE HUMAN SERVICES

HB 1304

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1304
January 17, 2011
Job # 12952

☐ Conference Committee

Committee Clerk Signature

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

Exempt energy workers from the requirement of obtaining a license from the State Board of Massage Therapy.

Minutes:

See attached testimonies #1,2,& 3

Chairman Weisz: Called the hearing on HB 1304 to order.

Rep. Shirley Meyer: From district 36 introduced the bill. (See Testimony #1.)

Rep. Louser: If this were to take place, would there any regulation for those people whatsoever?

Rep. Meyer: I do believe there are friendly amendments coming forward toward this. Because of the weather, the people I had coming in to explain the training they do receive won't be here today. I did manage to talk one of them into coming. Most of these people are well trained and they have their own groups and own certification practices.

Candyce Kleeman: I'm a certified core synchronism practitioner. I practice in an office in Killdeer, ND with my daughter who runs the fitness center there. I am an energy working and have been practicing for six years, three part-time while I was still teaching school and the last three I'm still part-time with a consistent schedule. I do energy work, core synchronism; I do not massage. I do touch people, but I touch them more for their comfort because I am helping their body adjust or relieve pain and standing away from them. And they are things on their body move that become uncomfortable. It is easier to strictly use light touch. My hand will lay on their hand while the adjustment is being made and my hand does not move. We encourage massage. It does wonderful things. We primarily drafted a licensed board bill and got bogged down and do not feel we have had time to develop in what we need for regulation in the amount of time we had. We do not want to do it without the chance to put out notices and public meetings to make sure the people who are certified in the various modalities have time to give us their input before we write law. We are certified. I'm certified through core synchronism training program. All core synchronists are trained through the New Mexico School of Natural Therapeutics. It is the only certification in the United States. All teachers and practitioners have to have

certification through them. You can check certification by checking the website and calling that number.

Chairman Weisz: You stated you have been doing this for about 6 years, correct?

Candyce: Yes.

Chairman Weisz: So currently or at least prior to the change in legislation, if you want to hang out your shingle you state you are certified by a national governing body?

Candyce: Correct, we meet the privacy act and business health codes.

Chairman Weisz: I assume someone can't hold themselves out as certified by that organization unless indeed they are.

Candyce: There is one instructor in the State of ND. For a while there were two instructors in the U.S. Now there is one here in ND and six in the U.S.

Karen Wojoahn: A licensed massage therapist and Secretary Treasurer for the ND State Board of Massage spoke of concerns on the bill and offered an amendment. (See Testimony #2.)

Rep. Devlin: On your amendment, page 1, line 8, what is a stationary light touch mean, a person doesn't move or what?

Karen: A stationary would be something like this (showed with hands) instead of a massage when you manipulate soft tissue.

Rep. Holman: Have you shared these amendments and these thoughts with energy workers to see what their input is?

Karen: We have given it to Shirley Meyer and given to Candyce Kleeman and it is a very friendly amendment that we think that would protect both of us. There may be a minimal of 7 or 8 modalities in the state that we have never heard from on what their guidelines are what type of education they had to have. Some have guidelines, but there are some out there doing things they shouldn't be doing. That's why we made the amendment we did today.

Gail Hovden: A licensed massage therapist testified in support of the amendment. (See Testimony #3.)

Chairman Weisz: You have seen the language on the amendment?

Gail Hovden: Correct.

Chairman Weisz: Is there an issue of there being a professional organization or a credential agency for all these modalities? Is that going to be problem if you say someone has to certify the respective practice; is that going to be an issue?

Gail Hovden: I wouldn't think it would be an issue.

Stacey Ryan: A licensed massage therapist for 22 years and first vice-president of the AMT chapter board and instructor for past 10 years. Core has their own entry level educational standards. Reiki has their own. It is not just one organization that would be overall.

Chairman Weisz: That was my question; does each one have their own and can say they are being certified?

Stacey Ryan: I'm not saying they have certification, but they have ethical standards they have an entry level competency that they are required to have before they can say, I practice reiki. I believe in energy work, but my concern with the bill is when I read it, I could leave today, go put up a shingle and say I am a reiki practitioner. And I've never had any education in reiki. There are no entry educational standards for the energy workers. I think Candyce agrees with me. Our friendly amendment will give some sort of educational guidelines, ethical standards that need to be followed and provides some sort of consumer protection.

Yolanda Karas: President of the AMTA for the ND chapter. I would like to support the amendment introduced by the ND Board of Massage.

Yolanda Karas: Opposed the bill. Would like to speak individually as well. I'm wearing a few hats this morning. I'm the president of the AMTA and massage therapy program coordinator for Rasmussen College since 2006 and a massage therapist since 2003. Personally, I would like to see all energy work under the ND State Board of Massage control. I don't feel energy work is part of massage therapy and therefore don't feel it should have its own entity or board controlling it. We already have a board that provides guidelines.

Rep. Porter: Do you as part of your curriculum teach energy work at Rasmussen?

Yolanda: Yes we do.

Rep. Porter: When an individual is done with the course they have completed a course in massage therapy and certified in energy work? How do you differentiate between the two educations that they received?

Yolanda: There really is no differentiation. Energy work is massage therapy. If you go to the technical definitions of it and really they are combined and energetic workers is part of massage therapy. I have whole quarter of a course entitled alternative modalities which we teach different types of work in. We give students a basic foundation and teach some of the techniques so they know what they are doing with deep tissue. I'm a reiki master teacher as well which means I could put on certifications where people could come to my workshops and become certified as a reiki master.

Chairman Weisz: In your college you don't train the energy work to be a stand alone. It is all part of massage therapy, correct?

Yolanda: Correct.

No opposition.

Chairman Weisz: We will close the hearing on HB 1304.

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1304
January 19, 2011
Job #13113

☐ Conference Committee

Committee Clerk Signature

Nicky Crabtree

Minutes:

Chairman Weisz: Called meeting to order on HB 1304. You have the bill and amendments in front of you. Let's look at the amendment. I don't have a problem with amendment on page 1, line 8. Porter we are looking at the energy 1304. The one on page 1, line 8 where it says, provided that these services are not designated or implied to be massage in massage therapy. Anyone have a problem with that amendment? Ok, everyone is comfortable with that one.

Rep. Damschen: I remember on one of the comments I was wondering who was encroaching on whose territory between massage therapy and energy. It seemed liked if one wanted to limit the other, they could just add to their definition of their practice.

Chairman Weisz: That is somewhat true. The definition of stuff laid out, scope of practice is determined, but then you get into the turf battles like they are having right now and then the legislature gets in the middle of it and actually decides if (inaudible) and massage therapy at some point. I think the point of the first amendment is that the practitioners of the energy field do not make themselves out to be doing massage and massage therapy.

Rep. Damschen: I agree. I thought some of the testimony implied that you can touch somebody, but if your hand slipped and you got the same result as a massage therapist, you could be accused of practicing massage therapy.

Chairman Weisz: My guess we is we will see this again in the future no matter what we do today. Let's go to the next amendment. The one that inserts the word "stationary". A stationary light touch or tap.

Rep. Devlin: I didn't see the need for the amendment. I figure light touch or tap shouldn't be a problem. It is not a manipulation. I think we are going further than we have to, to satisfy the group.

Chairman Weisz: Don't disagree with Rep. Devlin. I think stationary is a pretty vague term. I know they don't want someone to move their hands on that person's skin. We aren't going to accept the second amendment? Let's go to the third section on page 1, line 9, where they have to meet some sort of credentialing or be recognized. My thought is you are not going to determine who the accrediting agency or anything else, we shouldn't be sticking our nose in it.

Rep. Porter: I guess I may have looked at it differently. I thought it was like, if you went to the course and completed it that they gave you a certificate of completion and that is all that it was. I looked at it as a course completion.

Chairman Weisz: The way I read the language, was telling me that you can't practice reiki for example unless some organization recognizes that you are equip or office credentialing. But, it doesn't say who they would, could, or should be. You make a good point.

Rep. Porter: Maybe this is too wordy and should be tied back to that they graduated from a course in their specialty.

Chairman Weisz: The language in a sense might, "practitioners must have completed a course in their respective modality based on a minimum level of training".

Rep. Porter: You could go down to, "represents or certifies that the respective practice based on a minimal level of training demonstration of competency and adherents to ethical standards". I guess that is how I interpret what they are trying to say.

Rep. Paur: I don't like that whole thing because if you start going that route, who's accrediting the program? I don't there is an accrediting agency for the schools. I think we are just opening a big can of worms there.

Chairman Weisz: I assume like Rasmussen College, they have courses, but don't offer certification or whatever that is part of their massage. They just have courses and wouldn't be issuing anything.

Rep. Porter: That is my understanding that they do a basic introduction to some of these and tell people if they want to go further they need to take that additional course that is not available there.

Rep. Kilichowski: If we drew a line through, "be recognized by or" and then scratch out "of either professional organization or accreditation agency", and leave it at that.

Chairman Weisz: "Practitioners must meet established standards that represent" and take out "certifies, represents respective practice based on a minimal level of training". I don't think I would have a problem with that language. Does anybody else have a problem with that. Rep. Paur would that be acceptable?

Rep. Paur: It would be fine.

Rep. Damschen: I like the change Rep. Kilichowski suggested.

Rep. Porter: I move the amendment on page 1, line 8, after body insert "provided that their services are not designated or implied to be massage or massage therapy". And on page 1, line 9 after the period, insert "practitioners must meet the established standards that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards".

Rep. Kilichowski: Second.

Voice Vote: Motion Carried

Rep. Porter: I motion a Do Pass as amended.

Rep. Anderson: Second.

Rep. Hofstad: Do we have any regulatory authority over energy workers? I'm struggling with any kind of exemption at all. They are administering some kind of a service or medical procedure.

Chairman Weisz: They are under business law of any other person operating a business because they are not considered medical practice. All we are doing is saying you can't pretend to be a massage therapist.

Rep. Hofstad: I'm struggling as to why they are different.

Chairman Weisz: Probably because they don't do any physical manipulation of the tissue.

Rep. Paur: Doesn't this boil down to the massage therapists want, well they really don't want them under there either. I think the organization, the president that wanted them under the umbrella, but the organization didn't, right?

Chairman Weisz: That is true based on the testimony in past experience that they would rather they had the power to regulate them and take care of accreditation issues and all the rest. But, at this point with this language they are saying, fine you can operate. The president didn't agree with the board decision and thought they should all be under the massage.

Rep. Paur: But, we aren't trying to regulate them. We are trying to determine who does.

Chairman Weisz: They have to be clear that they are not massage therapists and make themselves out to be.

VOTE: 8 y 1 n 4 absent DP as amended Carried

Bill Carrier: Rep. Devlin

2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1304
January 24, 2011
Job #13254

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman Weisz: Called the meeting to order. We will look at 1304. In the first section where we took out they were not under the massage therapy board as long they didn't apply massage etc. etc.; that part was fine because that says they are outside of the board. The minute we added the amendment with that language having to do with setting up standards, we put them right back under the board's control. The board is in charge of those standards whatever they may be.

Rep. Porter: This section is totally inside of the exemption part of the board of massage therapy when I looked it up.

Chairman Weisz: The problem is only because it is in that section; only the board can set the standards. So they are exempt, but there has to be established standards only the board can do. You are asking that there has to be established standards from who or what. Either we put them back in the massage board or we can give them their own board or we say they are exempt.

Rep. Porter: I move we reconsider our action whereby we passed HB 1304.

Rep. Kilichowski: Second.

Voice Vote: Motion is Carried.

Chairman Weisz: We now have 1304 back in front of us.

Rep. Porter: I thought we had pushed it back onto the individual courses that the energy workers were taking to show that certification or that demonstration of competency not back onto the board. If that kind of language pushes them back into the board of massage therapy then that goes against what we had passed out. I move that we further amend 1304 and remove the language on page 1, line 9 after the period. "Practitioners must meet the established standards that represent or certifies the respective practice based on minimal level of training, demonstration of competency and inherence to ethical standards".

Chairman Weisz: Does everyone understand the motion? Is there a second?

Rep. Kilichowski: Second.

Chairman Weisz: Discussion?

Rep. Schmidt: If we do that, and I'm not opposed to it at all, who is then going to be responsible that they demonstrate competency and hereto ethical standards?

Rep. Porter: Their customers.

Chairman Weisz: They will be unregulated as they thought they were prior to this. I have to leave for a hearing so after this vote we will recess until this afternoon.

Voice Vote on motion: Motion Carried.

Rep Porter: I motion a Do Pass As Amended.

Rep. Schmidt: Second.

Vote: 12 y 0 n 1 absent, Rep. Louser. DO PASS AS AMENDED.

Bill Carrier: Rep. Devlin

V. Chairman Pietsch: Meeting adjourned.

Date: 1-19-11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1304

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. CONKLIN		
VICE-CHAIR PIETSCH			REP. HOLMAN		
REP. ANDERSON			REP. KILICHOWSKI		
REP. DAMSCHEN					
REP. DEVLIN					
REP. HOFSTAD					
REP. LOUSER					
REP. PAUR					
REP. PORTER					
REP. SCHMIDT					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice Vote
Motion Carried*

Date: 1-19-11
Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1304

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Anderson

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	A	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	A	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD		✓			
REP. LOUSER	A				
REP. PAUR	✓				
REP. PORTER	✓				
REP. SCHMIDT	A				

Total (Yes) 8 No 1

Absent 4

Floor Assignment Rep. Devlin

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

Date: 1-24-11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1304

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☒ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. CONKLIN		
VICE-CHAIR PIETSCH			REP. HOLMAN		
REP. ANDERSON			REP. KILICHOWSKI		
REP. DAMSCHEN					
REP. DEVLIN					
REP. HOFSTAD					
REP. LOUSER					
REP. PAUR					
REP. PORTER					
REP. SCHMIDT					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*voice vote
Motion Carried*

January 24, 2011

VK
1/24/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1304

Page 1, line 8, after "body" insert "provided that the individual's services are not designated or implied to be massage or massage therapy"

Renumber accordingly

Date: 1-24-11
Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1304

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. CONKLIN		
VICE-CHAIR PIETSCH			REP. HOLMAN		
REP. ANDERSON			REP. KILICHOWSKI		
REP. DAMSCHEN					
REP. DEVLIN					
REP. HOFSTAD					
REP. LOUSER					
REP. PAUR					
REP. PORTER					
REP. SCHMIDT					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote
Motion Carried

Date: 1-24-11
Roll Call Vote # 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1304

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Porter Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	✓	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	✓	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD	✓				
REP. LOUSER	A				
REP. PAUR	✓				
REP. PORTER	✓				
REP. SCHMIDT	✓				

Total (Yes) 12 No 0

Absent 1 Rep. Louser

Floor Assignment Rep. Devlin

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

REPORT OF STANDING COMMITTEE

HB 1304: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 8, after "body" insert ". provided that the individual's services are not designated or implied to be massage or massage therapy"

Renumber accordingly

2011 SENATE HUMAN SERVICES

HB 1304

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee Red River Room, State Capitol

HB 1304
3-9-2011
Job Number 15212

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to exemption from massage therapy licensure for energy workers.

Minutes:

Attachments.

Senator Judy Lee opened the hearing on HB 1304.

Rep. Shirley Meyer (District 36) introduced HB 1304 and said it would exempt energy workers from the requirement that they would have to obtain a license from the ND State Board of Massage. Attachment #1

Senator Dick Dever - normally we pass laws to regulate now we pass laws to not regulate?

Rep. Meyer replied that this fell into the niche where no one knew if they should be licensed or not. When language cleanup was done last session the massage board felt it was their duty, perhaps, to license these. In reality they are not doing massage and have never held out that they are doing massages. This just clarifies to the massage board that they do not have to license these people.

Senator Dick Dever asked about the source of the public service announcement she mentioned in her testimony. If the term "western and eastern modalities" created this confusion are there other areas that are impacted by this.

Rep. Meyer replied that it was her understanding that the Massage Board put out the announcement. That caused problems because they have not required the massage boards to license them. They didn't feel that just adding the words "eastern and western modalities" gave them the authority to regulate them.

Bobbi Geiger (Level 6 Core Synchronism Practitioner) testified in support of HB 1304. She is certified through the New Mexico School of Natural Therapeutics in Albuquerque. She is also a board certified holistic nurse practicing core for over eight years. She explained what core synchronism is and said they do not do massage nor claim to do massage.

Senator Judy Lee asked her to tell the committee about the school in Albuquerque.

Ms. Geiger explained that it is hands on training. There are no classes on line. She knew of only two instructors that teach off site. The instructor from New Mexico is the one who developed this and is the main instructor.

Senator Judy Lee asked her to explain the academic part of this and time frames involved.

Ms. Geiger responded that level one is a weeklong hands on training. There is a manual developed by the main instructor. Then they have to wait six months before they take core two during which time they practice. Between levels 1, 2, and 3 she waited six months. There was a 1 year wait between 3 and 4, 4 and 5, and 5 and 6. There are no exams. They have to complete the training program to the satisfaction of the instructor.

Senator Judy Lee referred to her being a holistic nurse and asked if she is now moving off into this area.

Ms. Geiger replied that she is doing the core under her holistic nursing license.

Senator Judy Lee asked if she is accountable to the Board of Nursing in ND.

Ms. Geiger replied that she licensed as a special practice RN under the Board of Nursing in ND.

Senator Spencer Berry asked her to explain the "hands on" and the type of contact there is.

Ms. Geiger said there is laying hands on. There is not tissue manipulation. She also explained the meanings of the terms "core" and "energy field" and that "core synchronism" is one of several forms of energy work. She only has the "core" training.

Senator Dick Dever asked if the language in this bill is inclusive of other areas.

Ms. Geiger said the term "energy work" is inclusive of Reike.

Senator Spencer Berry asked if this practice is regulated and licensed by other states.

Ms. Geiger said that to the best of her knowledge it has not been regulated in other states. She only speaks for "core synchronism" and said they are closely regulated by Robert Stevens at the New Mexico School of Therapeutics.

Senator Judy Lee asked how this relates or does not relate to naturopathy.

Ms. Geiger was not aware of naturopathy but after Sen. Lee explained what it was she said that if she knew of one and knew what they were specifically doing she may refer clients and work in hand. She works in hand with and refers to her local nurse practitioner. She refers people for chiropractics, massage, etc.

There are close to 400 energy workers in North Dakota – some aren't practicing but may be trained to work on their families.

Senator Gerald Uglen asked if the energy worker field is widely practiced in other parts of the world.

Ms. Geiger said that where they train in New Mexico they probably have as many energy workers as doctors.

Discussion followed on the future of this program and how it will be carried on.

Candyce Kleemann (Kildeer ND) is a Core 6 practitioner. Concerning the law that came out in 2009 when the question came up of "eastern and western modalities" the law stated "persons doing massage whether using eastern or western modalities are required to have a massage therapist license". She emphasized that they do not do massage using any type of modality. As far as complaints, they haven't been able to get answers that specify what kind of complaints.

Senator Judy Lee asked if there has ever been any discussion among those working in the field about having at least a registry in ND.

Ms. Kleemann replied that they were trying to draw all the areas together but haven't had the time to properly develop something.

She explained that the licensure through the Massage Board requires going through the massage therapy training. They don't see the need to do that because they do not do massage. They would have to have their own board.

Lory Harsche explained that she is not certified in Body Talk but has taken modules 1 and 2 in Body Talk. She does Body Talk as far as energy work. She does Reike as far as energy work and she has been trained in EFT as far as energy work. She plans to be certified.

Senator Gerald Uglen asked if Body Talk involves more than just the core training.

Ms. Harsche responded that Body Talk is totally different from Core. It is also a safe, effective, non invasive way to help the body heal itself. They don't diagnose or prescribe.

There was some discussion and explanation of the differences between EFT, Reike, and Body Talk.

Karen Wojahn (ND State Board of Massage) testified in opposition to HB 1304. See attachment #2 and attachment #3.

Senator Tim Mathern asked her to explain the types of complaints and how many they get.

Ms. Wojahn replied that the complaints would be that they were hurt (pain, headaches, emotional distress) and where do they go. She did not have numbers

Senator Gerald Uglen asked if there are massage therapists that do both energy and massage and, if so, how many in the state.

Ms. Wojahn said they have over 662 licensed massage therapists in the state. She didn't know if there was a count of the different modalities or the people that do it.

There was some discussion about the Energy Workers being under the Board of Massage. This would not mean that they would need a massage license or go to massage school. It would be a separate registration under the Board of Massage.

Mary Lemay (Massage Therapist) agreed with the ND State Board. HB 1304 should not be passed without amendments.

Edward Erickson (Attorney for the ND Board of Massage) was neutral on HB 1304.

Senator Tim Mathern asked if the amendments are approved form and style.

Mr. Erickson said they were.

Senator Tim Mathern asked if this would apply to individuals who take courses and provide this care only to their family members or themselves.

Mr. Erickson thought they would only apply to people who were working on the general public. That is in existing law and the existing massage practice act covers exemptions.

Senator Spencer Berry asked if an opinion was ever offered by the Attorney General.

Mr. Erickson said that an opinion was requested. The office of the Attorney General conducted a lot of research into the different energy modalities and upon conducting the research discovered that there is no single generally accepted definition of energy work. Each and every separate field would have to be looked at individually to make a decision whether it is or is not within the statutory definition of massage. That doesn't lend itself well to opinion drafting.

The language in the amendment is very broad based so it can be looked at on a case by case basis what a person is claiming to be doing. It is inclusive enough to cover new modalities if it fits within this.

The hearing on HB 1304 was closed.

Comments from committee discussion: This won't require special training. It is about protecting the public.

If there is going to be a registry maybe it should be with the Health Dept. instead since it has nothing to do with massage.

Since the communication has already gone on that would be a reason to keep it with the Board of Massage.

There is no specific definition for energy worker. There is some tie because some massage therapists also do energy work.

Senator Judy Lee read the massage therapy exemptions in the century code.

Discussion by the committee:

Is language in the bill true?

Will they validate the profession by passing the bill? In a way it is validating them but it is putting the validation process within a board that is as close to the practice as they can determine.

The Board of Massage is willing to do it.

Senator Gerald Uglem said he was willing to go along with the amendment to register them under the Board of Massage for now.

Penalty and fees were discussed.

Senator Tim Mathern moved to accept the amendment brought by the Board of Massage but changing "Class B misdemeanor" to "an infraction".

Seconded by **Senator Spencer Berry**.

Roll call vote 5-0-0. **Amendment adopted.**

Senator Spencer Berry moved **Do Pass as Amended.**

Seconded by **Senator Tim Mathern**.

Roll call vote 5-0-0. **Motion Carried.**

Carrier is **Senator Spencer Berry**.

Attachment #4 – Additional information and testimony

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1304
3-22-2011
Job Number 15851

☐ Conference Committee

Committee Clerk Signature *J. Anderson*

Explanation or reason for introduction of bill/resolution:

Minutes:

Attachments.

Senator Judy Lee opened committee work on HB 1304 for the purpose of reconsidering prior actions.

Senator Dick Dever moved to reconsider the action by which they recommended a Do Pass as Amended.

Seconded by **Senator Tim Mathern**.

Motion carried on a voice vote.

Senator Tim Mathern offered amendments .02002 and explained them. Attachment #5 The rationale would be to narrow the policing authority, create a registration process into the Department of Health, and hopefully create an environment so all those who say they want to be registered would actually do it.

He suggested taking off the amendment and re-amend to put this on which removes the energy workers from the Massage Board and would narrow the policing authority of the Department of Health.

He had not talked to the Department of Health about this. The e-mails he had received say they don't want to be under the Massage Board. They want to be on their own registration list.

Senator Judy Lee said it would be helpful to have the Department of Health review the amendment before acting on it.

The meeting was adjourned.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

HB 1304
3-23-2011
Job Number 15883

☐ Conference Committee

Committee Clerk Signature *[Signature]*

Explanation or reason for introduction of bill/resolution:

Minutes:

Senator Judy Lee opened committee work on HB 1304.

Senator Dick Dever moved to **remove the amendment on HB 1304.**

Seconded by **Senator Tim Mathern**. The **motion carried** on a voice vote.

Senator Tim Mathern reviewed amendments .02002 that he provided at the previous meeting. Attachment #5 He saw the amendment as responding to the concern that they didn't want to be in the Board of Massage but also establishing a list.

Senator Gerald Uglem pointed out that the Department of Health could not do it for \$20 apiece. There has also been interest expressed that they could be under the naturopaths' board once that is established. For that reason he was leaning towards putting it back to the original bill where there is no regulation at this time.

Senator Dick Dever said that one direction here is trying to define what they are and another direction defines what they are not. If the Board of Integrated Health is the place for them, that doesn't exist yet.

Senator Tim Mathern said they did hear some testimony about complaints brought to the Board of Massage about individuals holding themselves out to provide some curative activity when they didn't get it. There are some who were advertising credentials that they didn't have. This would be a way to begin making sure that those who say they have certain training, in fact, have that training. The amendment would require that a person provide some documentation of their credentials and the minimum level of training.

Senator Tim Mathern moved a **Do Pass**. Seconded by **Senator Dick Dever**.

Roll call vote 5-0-0. **Motion carried**. Carrier is **Senator Spencer Berry**.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1304

By the State Board of Massage

Page 1, line 2, after the first "to" insert "create a new section of the North Dakota Century Code related to registration of energy workers, and to"

Page 1, line 2, after "workers" insert ", and to provide a penalty"

Page 1, line 9, after "therapy" insert ", and the individual is registered as an energy worker with the board" and after "a" insert "stationary"

Page 1, after line 10, insert

"Section 2. A new section to chapter 43-25 of the North Dakota Century Code is created and enacted as follows:

Energy worker registration. Individuals practicing energy work healing by manipulating the energy field or the flow of energy of the human body by means other than the manipulation of the soft tissues of the human body must register with the board, unless the individual is a licensed massage therapist or is exempt under section 43-25-04. In order to be registered, energy workers must:

1. Be at least eighteen years of age, annually register on a form prescribed by the board, and pay an annual fee of twenty dollars,
2. Provide certification of recognition or having met the established standards of either a professional organization or a credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards, and
3. Comply with a code of professional and consumer ethics promulgated by the board. The board may deny, revoke, or suspend a registration, or place a registration on probation, for violating the code of ethics.

Any individual practicing energy work without registration under this section and who is not exempt under section 43-25-04 is guilty of a class B misdemeanor and any civil remedy available to the board under section 43-25-19 may also be applied to any such individual."

Renumber accordingly

Date: 3-9-2011Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1304Senate HUMAN SERVICES

Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number Replace Class B mid. w/ infractionAction Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Sen. Mathern Seconded By Sen. Berry

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0Absent 0

Floor Assignment _____

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

March 09, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1304

Page 1, line 2, after "to" insert "creating a new section of the North Dakota Century Code related to registration of energy workers, and to"

Page 1, after line 2 insert "; and to provide a penalty"

Page 1, line 9, after "therapy" insert ", and the individual is registered as an energy worker with the board"

Page 1, line 9, the first "a" insert "stationary"

Page 1, after line 10, insert:

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

Page 1, line 10, the first insert "**Energy worker registration.** Individuals practicing energy work healing by manipulating the energy field or the flow of energy of the human body by means other than the manipulation of the soft tissues of the human body must register with the board, unless the individual is a licensed massage therapist or is exempt under section 43-25-04. In order to be registered, energy workers must:

1. Be at least eighteen years of age, annually register on a form prescribed by the board, and pay an annual fee of twenty dollars.
2. Provide certification of recognition or having met the established standards of either a professional organization or a credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards, and
3. Comply with a code of professional and consumer ethics promulgated by the board. The board may deny, revoke, or suspend a registration, or place a registration on probation, for violating the code of ethics. Any individual practicing energy work without registration under this section and who is not exempt under section 43-25-04 is guilty of an infraction and any civil remedy available to the board under section 43-25-19 may also be applied to any such individual."

Renumber accordingly

Date: 3-9-2011Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1304Senate HUMAN SERVICES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Sen. Berry Seconded By Sen. Mathern

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0Absent 0Floor Assignment Sen. Berry

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

Date: 3-23-2011

Roll Call Vote # _____

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1304

Senate HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Mather Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mather	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Berry

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

REPORT OF STANDING COMMITTEE

HB 1304, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1304 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1304

#1

Chairman Weisz

Members of the House Human Services Committee

For the record my name is Shirley Meyer and I represent District 36.

HB 1304 is before you today to exempt energy workers from the requirement that they have to obtain a license from the ND State Board of Massage.

As you may recall from the 2009 session your committee dealt with a bill dealing with mostly clean-up language concerning the Massage Board's rules and regulations. Massage was redefined in that language to include the words, "western and eastern modalities."

This language addition created some confusion on who was required to be licensed by the Massage Board. The board felt that with the addition of the words "western and eastern modalities" all people involved in complementary and alternative health care were required to become licensed by their board.

For clarification, or perhaps a simple definition of alternative health care, would mean a practitioner who treats the human body, mind, emotions, spirit, and energy field using traditional Asian techniques and treatment strategies for the purpose of promoting, maintaining, and restoring health. Body work therapists use methods of assessment and treatment bases on the principles of Asian medicine. Treatment may include touching, tapping, pressing, or holding the body along meridians or acupoints.

Complementary and alternative health care means the broad domain of healing methods and treatments, including structural integrators and body work therapists.

Terms you may be familiar with are healing touch, core synchronization, aromatherapy, or acupressure.

Official transcripts from the 2009 bill list the intent of the law change as being language cleanup and it was specifically testified that licensing did not include energy work. A public service announcement later indicated energy workers fell under the massage law.

HB 1304 will clarify that the ND Massage Board doesn't have to be responsible for licensure for alternative energy workers.

CHAPTER 43-25 MESSAGE THERAPISTS

43-25-01. Short title. Repealed by S.L. 1997, ch. 375, § 11.

43-25-02. Definitions.

1. "Board" means the North Dakota board of massage.
2. "Massage" means the scientific and systematic manipulation of the soft tissues of the human body through any manual or mechanical means, using western and eastern modalities, including superficial hot and cold applications, hydrotherapy, reflexology, shiatsu, acupressure, and the use of salts or lubricants for the purpose of promoting, maintaining, and restoring the health and well-being of the client. The term includes assessment, effleurage (stroking or gliding), petrissage (kneading), tapotement (percussion), compression, vibration, friction, and active or passive range of motion and stretching either by hand, forearm, elbow, knee, foot, or with mechanical appliances for the purpose of body massage. Except as provided in this chapter, "massage" does not include diagnosis or other services that require a license to practice medicine or surgery, osteopathic medicine, chiropractic, occupational therapy, physical therapy, or podiatry and does not include service provided by professionals who act under their state-issued professional license, certification, or registration.
3. "Massage establishment" means any place of business in which massage is practiced.
4. "Massage therapist" means an individual who practices massage.
5. "Remote education" means asynchronous education that is not in person, live, or presented in real time.

43-25-03. Massage therapists to be licensed. A person may not:

1. Practice massage, attempt to practice massage, or teach massage techniques, for a fee or gratuity or as a free demonstration, without a license issued under this chapter;
2. Operate or conduct a massage establishment unless it meets the requirements adopted by the board;
3. Employ an unlicensed person to perform a massage; or
4. Use the title "massage therapist" or the abbreviations "L.M.T." or "M.T." or terms of similar meaning without a license issued by the board.

43-25-04. Exemptions. The following persons are exempt from this chapter:

1. Schools that furnish massage services to their student athletes.
2. Any student of a school of massage who is practicing massage in the course of fulfilling a required massage therapy practicum under the direct supervision of a licensed massage therapist or in the course of participating in a school-supervised student massage clinic under the direct supervision of a licensed massage therapist. Students may practice homework unsupervised on other students, family, or friends, but no fee or tip may be charged or accepted. These massages may only be performed at the school or at the residence of the student, family member, or friend.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1304

By the State Board of Massage

Page 1, line 8, after "body" insert ", provided that their services are not designated or implied to be massage or massage therapy"

Page 1, line 8, after the first "a" insert "stationary"

Page 1, line 9, after the period insert "Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards."

Renumber accordingly

Testimony on H.B. 1304 before the House Human Services
Committee

Karen Wojahn, Secretary Treasurer,
North Dakota State Board of Massage

Good morning Chairman Weisz and members of the Committee. My name is Karen Wojahn, I am a licensed massage therapist and the Secretary Treasurer for the ND State Board of Massage.

The State Board of Massage has concerns with HB 1304 as it relates to massage and energy work.

There were no state regulations on Energy Work. Last legislative session the ND State Board of Massage along with the local Chapter ND AMTA, and the licensed therapists of ND introduced new language defining the practice of massage therapy which was passed by the Legislature.

The meaning of massage drew up controversy from the energy workers during the interim. We have been working with them ever since on this matter. We have heard their concerns and held several meetings with them to help get this resolved. As a result, we requested that our lawyer from the Attorney General's Office draft a bill for them to present - at our Board's expense - that would make them a separate entity from the State Board of Massage. (I have the paperwork if you are interested.) Our Board and members of the ND AMTA and some licensed massage therapists attended these meetings. Our last meeting was set up for Sept. 2010 and we were notified they wouldn't be attending with us because they hadn't heard from their Representative on this matter.

We then heard that Rep. Shirley Meyer had asked for an Attorney General's opinion as to whether the Energy Workers were

under the Massage Board and its rules. This request was withdrawn and HB 1304 was introduced.

Our Board has had numerous complaints on different energy modalities which prompted us to introduce the bill last session. We used the words eastern and western modalities in our language to cover all the different names. We did research to what it all covered.

We have heard from the National Federation and the National AMTA Office of their concerns with this bill. We are also very concerned of the direction of this bill in ND. The Board of Massage is requesting your consideration of some amendments that will address these issues.

Your help in this matter would be greatly appreciated.

Our principle concern is that they will not have governing regulations to protect the consumer. There are people that do not take the full education of these modalities and are working on the public and they have no guidelines. The amendments would require Energy Workers to meet the entry-level standards for their modality in order to protect the public, and would prohibit use of the terms "massage" and "massage therapy" unless they were licensed massage therapists.

Thank you for your time and help in this matter.

Good Morning: Rep. Meyer, Weisz,
Delmore, Holman and Senators
Bowman and Erbele,

My name is Gail Horden, I have been a
LMT in our state for 20 yrs. graduated from
the East West College of Healing Arts in
Portland, Oregon. I also serve on the State
Board of Massage and attended the meetings
involving the Energy workers. I
highly support the revised Amendment.
I feel this would also help them in keeping
their standards at a professional manner
in which they and the public deserves.

Thank-you.

Gail Horden

1310 E. Blvd. #5

Bis. N. D. 58501

701-250-0717

Chairman Lee

Members of the Senate Human Services Committee


For the record my name is Shirley Meyer and I represent District 36.

HB 1304 is before you today to exempt energy workers from the requirement that they have to obtain a license from the ND State Board of Massage.

As you may recall from the 2009 session your committee dealt with a bill dealing with mostly clean-up language concerning the Massage Board's rules and regulations. Massage was redefined in that language to include the words, "western and eastern modalities."

This language addition created some confusion on who was required to be licensed by the Massage Board. The board felt that with the addition of the words "western and eastern modalities" all people involved in complementary and alternative health care were required to become licensed by their board.

For clarification, or perhaps a simple definition of alternative health care, would mean a practitioner who treats the human body, mind, emotions, spirit, and energy field using traditional Asian techniques and treatment strategies for the purpose of promoting, maintaining, and restoring health. Body work therapists use methods of assessment and treatment bases on the principles of Asian medicine. Treatment may include touching, tapping, pressing, or holding the body along meridians or acupoints.





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2

North Dakota Board of Massage
Testimony on H.B. 1304 before the Senate Human Services Committee
March 9, 2011

Chairman Lee and members of the Senate Human Services Committee, I am Karen Wojahn and I am currently the Secretary for the North Dakota State Board of Massage. I have also been a Licensed Massage Therapist for 22 years. The North Dakota Board of Massage has concerns regarding HB 1304, which would exempt energy workers from any regulations under the massage law.

As the secretary I would like to give you an update. There are no state regulations on Energy Work. Last legislative session the ND State Board of Massage along with the local ND AMTA Chapter, and the licensed therapists of ND introduced new language defining the practice of massage therapy which was passed by the Legislature. That bill was introduced because our Board has had numerous complaints on different energy modalities. We used the words eastern and western modalities in our language to cover all the different modalities.

The meaning of massage drew up controversy from the energy workers during the interim. We have heard their concerns and held several meetings with them to help get this resolved. As a result, we requested that our lawyer from the Attorney General's Office draft a bill for them to present - at our Board's expense - that would make them a separate entity from the State Board of Massage. Our Board and members of the ND AMTA and some licensed massage therapists attended these meetings. Our last meeting was set up for Sept. 2010 and we were notified they wouldn't be attending with us because they hadn't heard from their Representative on this matter.

We then heard that Rep. Shirley Meyer had asked for an Attorney General's opinion as to whether the Energy Workers were under the Massage Board and its rules. This request was withdrawn and HB 1304 was introduced. Our board suggested friendly amendments to the House committee on this bill. The amendments called for educational standards and consumer protection to safeguard the public. Only a small part of those amendments were adopted by the House. We are submitting new amendments to this bill for you to consider.

The amendments we propose today would require energy workers to be registered with the Board of Massage, and would allow the Board to establish rules for consumer protection and professional ethics that would govern energy work. The Board would not be able to establish educational requirements, regulate schools where energy work is being taught, or place limits on the practice of energy work, under these amendments. However, it is our belief that North Dakota can protect the public from harm by requiring registration and insuring that registrants follow professional and consumer ethics.

The North Dakota State Board of Massage has had a law since 1959 to protect the public. Amending this bill for the safety of the public is the responsible thing to do. If you have any questions please call or email me.

Sincerely,

Karen Wojahn, LMT
Office: 701-872-4895
Home: 701-872-3927
E-mail: k_wojahn@yahoo.com

Testimony on H.B. 1304 before the House Human Services
Committee

Karen Wojahn, Secretary Treasurer,
North Dakota State Board of Massage

Good morning Chairman Weisz and members of the Committee. My name is Karen Wojahn, I am a licensed massage therapist and the Secretary Treasurer for the ND State Board of Massage.

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There were no state regulations on Energy Work. Last legislative session the ND State Board of Massage along with the local Chapter ND AMTA, and the licensed therapists of ND introduced new language defining the practice of massage therapy which was passed by the Legislature.

The meaning of massage drew up controversy from the energy workers during the interim. We have been working with them ever since on this matter. We have heard their concerns and held several meetings with them to help get this resolved. As a result, we requested that our lawyer from the Attorney General's Office draft a bill for them to present - at our Board's expense - that would make them a separate entity from the State Board of Massage. (I have the paperwork if you are interested.) Our Board and members of the ND AMTA and some licensed massage therapists attended these meetings. Our last meeting was set up for Sept. 2010 and we were notified they wouldn't be attending with us because they hadn't heard from their Representative on this matter.

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We have heard from the National Federation and the National AMTA Office of their concerns with this bill. We are also very concerned of the direction of this bill in ND. The Board of Massage is requesting your consideration of some amendments that will address these issues.

Your help in this matter would be greatly appreciated.

Our principle concern is that they will not have governing regulations to protect the consumer. There are people that do not take the full education of these modalities and are working on the public and they have no guidelines. The amendments would require Energy Workers to meet the entry-level standards for their modality in order to protect the public, and would prohibit use of the terms "massage" and "massage therapy" unless they were licensed massage therapists.

Thank you for your time and help in this matter.

#4

Subject: HB 1304

Dear Members of the Human Services Committee,

I am writing again in regard to HB 1304. I hope you received an email from me in similar vein in January of this year. As a consumer of energy healing services in the state of North Dakota, and also someone who offers energy services to others as a private practitioner, I am urging you to look clearly at the intention and impact of the legislation proposed by the Massage Therapy Board.

First of all, it's important to note that most practitioners who work with energy, including those in churches who offer prayer, never actually touch people, and those that do (e.g., Reiki) - only place their hands on or above people and never manipulate soft tissue of the person they are working with. Second, the massage board is overstepping and advancing their own agenda to limit competition. This is a difficult position for me to understand given how busy the massage therapists are in the city I live in.

If this Bill passes with these amendments, it will place people offering energy healing under the massage board's authority when we do not practice massage in any form. This is far over-reaching by the massage board. I realize also that the massage therapy board has alleged that they are concerned for "public safety" because there have been complaints about energy healers in ND. However, there is no documentation of said complaints.

The bottom line is that the Massage Board is trying to regulate competitors outside of its jurisdiction. Energy practitioners do not belong under the guise of the Massage Board because we DO NOT DO MASSAGE. The current massage therapy law states that one must provide any technique listed "for the purpose of massage" to fall under the massage therapy law and energy practitioners do not do practice any of the activities listed.

While it may be that, in the future, North Dakota will decide to create some laws similar to what Minnesota has done to recognize the value of energy healing, and to educate the public. However, we are not at that point in our state to create such a law. Minnesota also didn't create extra red-tape and requirements, but rather recognized that for time immemorial people have offered various non-invasive healing, including prayer, and that regulation and licensure is nearly impossible to enforce. There are also ethics listed in MN's laws based on an understanding of energy healing, and not imposed from another modalities viewpoint as the ND Massage Board is trying to do. My suggestion in January and now is that, if ND feels the need to note and validate energy healing, then they do what MN does in the next legislative session.

Furthermore, as a lawyer, mediator, and healing practitioner, I'm firmly against any move toward licensure. Licensure will require a uniformity and certification(s) none of us will want to invest in or already have in some shape or form. It will require someone deciding which kinds of professional training are adequate or meet standards. We work in a field with a high success rate based on clients feedback, new scientific evidence around energy/energy healing/power of intention and prayer, etc., but is yet lacking solid scientific evidence. It should be noted that no other state requires energy therapy, psychics, mediums, numerologists, astrologists, etc., to be licensed.

My recommendation is to create modified version of MN's law which includes a terrific liability clause. There may be other states with equally supportive laws - which don't include "licensing" of energy practitioners. I would suspect California, Arizona and a handful of other states have done this. Let's not reinvent the wheel or create long-term consequences for ourselves that will end up excluding some of us because we haven't had "adequate" training to be licensed.

If you would like to reach me about my opinions, you may contact me at 701-213-6413.

Respectfully,

Kristine Paranica

Who I am:

MetAlign Therapy Practitioner (energy healing)
Director, UND Conflict Resolution Center
Professor of ADR, UND School of Law;
and Certificate in Conflict Transformation,
College of Arts & Sciences

From: Lee, Judy E.
Sent: Thursday, March 10, 2011 10:02 AM
To: NDLA, S HMS
Subject: FW: HB 1304

Please make copies for our books.

Joule

Senator Judy Lee
1822 Brentwood Court
West Fargo, ND 58078
home phone: 701-282-6512
e-mail: jlee@nd.gov

From: Robert Kleeman [mailto:cakleeman@ndsupernet.com]
Sent: Thursday, March 10, 2011 8:51 AM
To: Lee, Judy E.
Subject: HB 1304

Madam Chairman Lee,

Thank you for your time yesterday in the committee hearing on HB 1304.

Since we had no notification of the amendment that the Massage Board brought in we were not able to comment on it during the hearing.

Briefly, we as energy workers have no problem with a state registry. We, however, would prefer to register under a department such as the Dept. of Health and Human Services and maintain a committee of energy workers who oversee the requirements etc. The Board, by their own admission, does not understand what we do in each modality yet they feel they should have the legal right to deny, revoke or suspend our work and promote legal action against us.

The amendment also omitted any resource for input from the energy workers into the registration or the guidelines. How do you regulate a field you know nothing about?

There were a few misstatements also. Our training requirements have been given to the Board several times as well as testified to at the House hearing at which they were present. As for the "complaints", we have asked for verification or documentation of them for 2 years and received nothing. If you are basing legislation on "complaints", would you not have something to back it up.

Once again, we as an energy workers group are working on some type of regulation, the minimum being a state registry, however, we need time to make sure we are doing what is right for us as well as efficient and effective for the state of North Dakota and our consumers. I do not feel being under the rule of the Massage Board is the place that will benefit any of those entities.

Thank you again.
Candyce Kleemann

Chair Lee and Members of the Senate Human Services Committee:

Director of Government and Industry Relations for the American Massage Therapy Association (AMTA), I am writing to request House Bill 1304 (Massage Therapy Licensure Exemption) be amended. AMTA is a non-profit, professional membership association representing more than 56,000 member massage therapists nationally and 240 members in North Dakota.

It is our view that the vague language regarding exemption in HB 1304 may endanger the integrity of the Massage Therapy Practice Act. The Massage Therapy Practice Act was passed for the protection of the public and has been administered successfully by the North Dakota Board of Massage for more than 50 years. During these years, the Board has ensured compliance with professional standards of education, professional conduct and ethics, and provided penalties for licensees in violation of these standards.

AMTA supports certain other practitioners being exempt from massage therapy licensure requirements. AMTA is one of several organizations participating in the Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations (Federation MBS). Through this venue, AMTA supports the use of model exemption language that has been created and agreed upon by all Federation MBS participating organizations. The language was drafted to specifically address the needs of those being exempted, the massage therapy community and, most importantly, the consumers of both. By contrast, HB 1304 does not embrace the same principles, as it does not define the extent or qualifications for exemption. Therefore, this legislation may circumvent the Massage Therapy Practice Act and promote the unlicensed practice of massage therapy.

Massage therapy can have a significant impact on an individual's health and well-being. It is in the best interest of the general public to maintain the integrity of the Massage Therapy Practice Act, while providing exemption to those not practicing or proclaiming to practice massage therapy. In light of the potentially serious implications, I respectfully request HB 1304 be amended to include the attached model exemption language created and approved by the participating organizations of the Federation MBS.

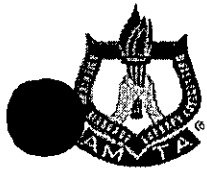
Thank you for your time and consideration. If I can provide any additional information or be of any assistance, please feel free to contact me.

Respectfully,



Chris A. Studebaker
Government & Industry Relations Director
American Massage Therapy Association

Attachment



amta
american **massage therapy** association®

500 davis street, suite 900 | evanston, il 60201-4695 | phone 847/864-0123 | toll free 877/905-2700 | fax 847/864-1178

email info@amtamassage.org | web www.amtamassage.org

March 8, 2011

Senate Health Services Committee
North Dakota Senate
State Capitol
600 East Boulevard
Bismark, ND 58505-0360

Re: Amendment to House Bill 1304

Chair Lee and Members of the Senate Human Services Committee:

As Director of Government and Industry Relations for the American Massage Therapy Association (AMTA), I am writing to request House Bill 1304 (Massage Therapy Licensure Exemption) be amended. AMTA is a non-profit, professional membership association representing more than 56,000 member massage therapists nationally and 240 members in North Dakota.

It is our view that the vague language regarding exemption in HB 1304 may endanger the integrity of the Massage Therapy Practice Act. The Massage Therapy Practice Act was passed for the protection of the public and has been administered successfully by the North Dakota Board of Massage for more than 50 years. During these years, the Board has ensured compliance with professional standards of education, professional conduct and ethics, and provided penalties for licensees in violation of these standards.

AMTA supports certain other practitioners being exempt from massage therapy licensure requirements. AMTA is one of several organizations participating in the Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations (Federation MBS). Through this venue, AMTA supports the use of model exemption language that has been created and agreed upon by all Federation MBS participating organizations. The language was drafted to specifically address the needs of those being exempted, the massage therapy community and, most importantly, the consumers of both. By contrast, HB 1304 does not embrace the same principles, as it does not define the extent or qualifications for exemption. Therefore, this legislation may circumvent the Massage Therapy Practice Act and promote the unlicensed practice of massage therapy.

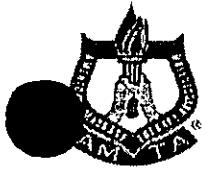
Massage therapy can have a significant impact on an individual's health and well-being. It is in the best interest of the general public to maintain the integrity of the Massage Therapy Practice Act, while providing exemption to those not practicing or proclaiming to practice massage therapy. In light of the potentially serious implications, I respectfully request HB 1304 be amended to include the enclosed model exemption language created and approved by the participating organizations of the Federation MBS.

Thank you for your time and consideration. If I can provide any additional information or be of any assistance, please feel free to contact me.

Respectfully,

Chris A. Studebaker
Government & Industry Relations Director
American Massage Therapy Association

Attachment



amta
american **massage therapy** association®

500 davis street, suite 900 | evanston, il 60201-4695 | phone 847.864.0123 | toll free 877.905.2700 | fax 847.864.1178

email info@antamassage.org | web www.antamassage.org

Suggested Movement Practice 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 in the body 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. Such practices include, but are not limited to the Feldenkrais Method® of somatic education, the Rolf Institute's Rolf Movement Integration, 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 agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards."

Suggested Energy Practice 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 Polarity, Polarity Therapy, Polarity Bodywork Therapy, Asian Bodywork Therapy, Acupressure, Jin Shin Do®, Qi Gong, Reiki and Shiatsu. Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency and adherence to ethical standards."

From: Ruth Johnson [mailto:ruthjohnson@gmail.com]

Sent: Thursday, March 10, 2011 11:33 AM

To: Lee, Judy E.; Uglem, Gerald P.; Berry, Spencer D.; Dever, Dick D.; Mathern, Tim

Subject: HB1304 Comments

Human Services: Judy Lee, Chairperson, Gerald Uglem, Vice Chair, Spencer Berry, Dick Dever and Tim Mathern,

Please know "Energy Work", (Core Synchronism, Body Talk, Healing Touch, and Reiki) is NOT massage. We do NOT DO MASSAGE! None of these techniques uses anything for the purpose of Massage. Please know that the Massage Board does not have anything to do with these energy techniques, they are overstepping. The Massage Board has stated over and over again that this request is for "public Safety". They have been requested to list the complaints, have not done so, and do not have any records of complaints!

The Great State of North Dakota does not need another board with additional costs for our state, more regulation, or fees. We regulate ourselves well and provide valuable service for our clients.

Please consider these words and utilize them for the amendment request.

Thank you.

Sincerely,

Ruth Owens Johnson, RN, BSN, Core Practitioner, HT, and Reiki Master

From: Barbara Keyes [mailto:bgkeyes@yahoo.com]
Sent: Thursday, March 10, 2011 1:09 PM
To: Lee, Judy E.; Uglem, Gerald P.; Berry, Spencer D.; Dever, Dick D.; Mathern, Tim
Subject: HB 1304

I am writting to ask that this committee keep massage therapy (apples) out of the BodyTalk Assoc. (oranges) energy modality as the modalities are NOT the same. Massage involves tissue manupulation and their board governs that modality; they should not get to govern any modality outside of their own. The massage business does not have the interests of energy workers (who do NO tissue manipulation) at heart, and energy workers do not wish to be under their thumb. Please keep all the modalities separated; it's more simplistic and easier to manage that way. BodyTalk practioners do not covet the juristiction of massage therapists and will be staying out of that modality.

Barbara Keyes

West Fargo, ND

From: Robert Kleeman [mailto:cakleeman@ndsupernet.com]

Sent: Thursday, March 17, 2011 11:00 AM

To: Lee, Judy E.; Uglem, Gerald P.; Mathern, Tim; Berry, Spencer D.; Dever, Dick D.

Subject: HB 1304

I am hoping to clarify the stand of the energy workers on the amendments presented by the Massage Board.

We, the energy workers, have no problem with a state registry in an effort to provide a resource for the public to clarify credentials, file complaints, or any other situation which may arise.

The problem we have with the registry under the Massage Board is that they have tried in the past to years to stop our work without any notice to any of us that this was their thought, have accused us of being untrained and trying to do massage without proper certification, have accused us of lying and refusing to present them with our requirements, have claimed endless complaints yet can verify none, and have accused us of being competition and causing massage therapists to have to quit work (House committee testimony). Rep. Shirley Meyer can substantiate all of the items I have just mentioned as they also stated these to her. They also did not include any representation from the energy field on the Board.

Therefore, we would like to develop our own registry and have started work on it over the past year, but have not had the time to work with all the modalities to make sure it works for everyone. I am in contact with Dr. Bartz in a conversation about starting a registry under the Department of Health. We have also discussed a separate committee of energy workers who would oversee the registry.

We want to work this out, but need time since we did not even know of a concern until the Massage Board posted the PSA stating we needed to quit working.

Thank you for your time and please ask for any other information you may need.

Candyce

NDLA, Intern 02

From: Bobbi Geiger [bobbi.geiger@yahoo.com]
To: Friday, March 11, 2011 9:03 PM
Subject: NDLA, Intern 02
Testimony in Support of HB1304

Chairman Lee & Senators,

The following is my testimony (excluding answers to questions I was presented with) in support of HB1304 from Wednesday morning.

I am Bobbi Geiger, level 6 Core Synchronism Therapist and Board Certified Holistic Nurse. Core Synchronism is a system of energy work designed to assist nature in establishing harmony with all parts of the body, mind and spirit. Core is a gentle approach to healing and harmony which is brought on by deep states of relaxation. It is not only deeply relaxing but safe and gentle.

As a Core practitioner I do not do massage nor claim to do massage. In fact I refer clients for massages. We are trained and certified through the New Mexico School of Natural Therapeutics in Albuquerque by a select few certified instructors. A simple phone call or email can verify a practitioners certification.

Once again we do not do massage nor do we compete with massage therapists.

Thank you
Bobbi Geiger, CCSP, HN-BC

Re: HB 1304 –an amendment to the massage practice act

Dear Senator Sitte:

As the Vice President of North Dakota State Board of Massage, an educator of health career students and a practicing health care professional, I have serious concerns regarding HB 1304, which would exempt energy workers from any regulation under the massage law. Since they do not fall under any other regulatory agency, they would be free of any regulation. If passed into law, as written, the consumer would have no protection from poorly or uneducated individuals calling themselves energy workers and working on the public. I know when I apply energy work to my clients, it can be quite invasive and involve hand contact with intimate parts of the body. Currently, educational training workshops, in various energy work modalities, are offered in North Dakota and open to anyone who wishes to take them. Does attending a workshop that only lasts a couple of days qualify them to provide health care to members of the public? Can they adequately screen for conditions that might require a referral to other healthcare practitioners? Do they understand the anatomy and physiology of the body to safely apply the modality? What recourse does the consumer have, if an energy worker does something inappropriate or dangerous?

When this bill was brought before the House Health and Human Services Committee, the ND Board of Massage were taken by surprise, as we had several meetings this past summer working with the energy workers, to draft legislation for their own regulatory board. When the Board saw what had been introduced, the Board quickly proposed friendly amendments to the bill that called for educational standards and consumer protection to safeguard the public. Unfortunately, the House Committee failed to understand our point of view, as we had limited time to present our arguments. The Board is again submitting amendments to this bill as it is being considered by the senate. We respectfully ask you to consider the consumers point of view. Energy work requires a level of competence that can't be acquired in a weekend workshop or just reading a book. Amending the bill for the safety of the public is the responsible thing to do. I would gladly respond to any question you may have. My contact information is:

Robert.benson@willistonstate.edu

Office: 701-774-4291

Home: 701-572-7032

Sincerely,

Prof. Robert Benson, PT, LMT

Coordinator of Massage Therapy and Physical Therapy Assistant Programs

Williston State College

March 18, 2011

#5

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1304

Page 1, line 1, after "43-25-04" insert "and a new section to chapter 43-25"

Page 1, line 2, after "workers" insert "and to provide for registration of energy workers"

Page 1, line 9, after "therapy" insert "and the individual is registered as an energy worker with the state department of health"

Page 1, line 9, after "a" insert "stationary"

Page 1, after line 10, insert:

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

Energy worker registration.

1. An individual practicing energy work healing by manipulating the energy field or the flow of energy of the human body by means other than the manipulation of the soft tissues of the human body shall register with the state department of health unless the individual is a licensed massage therapist or is exempt under section 43-25-04. To be registered, an energy worker must be at least eighteen years of age and shall:
 - a. Register annually with the state department of health on a form prescribed by the department and pay an annual fee of twenty dollars; and
 - b. Provide the state department of health with certification of recognition or of having met the established standards of either a professional organization or a credentialing agency that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards.
2. The state department of health may deny, revoke, or suspend a registration or place a registrant on probation for violating the requirements or standards provided under subsection 1."

Renumber accordingly