

In July 2018, the BCTA/NA Judicial & Governmental Review Committee (JGRC) sent the letter below requesting amended exemption language on the definition of bodywork be added to Massachusetts Bill S.2621.



Biodynamic Craniosacral Therapy Association of North America
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July 23, 2018

Re: S.2621

By email only to:
The Honorable Jeffrey Sánchez, Chair, and Members
House Ways and Means Committee
Massachusetts State Legislature

Dear Chair Sánchez and Members of the Committee:

I am writing on behalf of the Biodynamic Craniosacral Therapy Association of North America (BCTA/NA) and its 13 Registered Craniosacral Therapists in Massachusetts. We object to Bill S.2621 which is before the House Committee on Ways and Means. This law and its approach to licensing would be harmful to many legitimate professionals and of doubtful value to prevent human trafficking.

We understand the need to address the problem of human trafficking but this Bill and its approach may do more harm than good. I have spoken here for Practitioners of Biodynamic Craniosacral Therapy but many others will be adversely affected as well.

Our Practitioners have been serving the public for over three decades. There has never been a single case of a Registered Craniosacral Therapist (RCST®) being involved in human trafficking or any related illegal activities in Massachusetts or any other state.

There have been no cases of others using our name improperly as cover for such activities.

BCTA/NA does not support the Bill as written.

The purpose of this Bill is not to regulate professions for the sake of the professions or the public, which may or may not wish to know that these professionals are licensed, but to give law enforcement another tool to use against criminals who are not amongst our members. In other words, it is a draft criminal law under the guise of a civil professional licensure law. It takes the sex trade problem the massage profession has fought to distinguish itself from, spreads that problem to other professions, and blurs the line between legalizing/regulating prostitution and regulating healthcare professions.

While BCTA/NA fully supports finding ways to end human trafficking, this proposal is misguided in its core premise. States with few to no exceptions or exemptions to massage regulation or states that already have so-called “massage and bodywork” licensure, struggle with the exact same sex trafficking issues that states without this type of all-inclusive licensure do. The only thing this type of “one size fits none” regulation does is harm non-massage practitioners and the public with no added gains in the fight against human trafficking.

There are many particular issues with the draft’s language beyond what has already been stated.

First, by expanding the massage board to become a massage and bodywork board, adding responsibility and oversight for several new professions with differing scopes of practice, schools, education, and exam needs, etc., and adding the burden of having that boards’ members combat human trafficking, you have given them an enormous task which they cannot possibly do well.

Second, the definition of bodywork. The kitchen-sink nature of the definition proves the flaw of attempting to define and to regulate multiple professions as if they were one. This Bill’s definition of bodywork takes the current massage exemption language - language that references multiple professions - and uses it as if it defined a single profession.

Bodywork is not a profession and does not define any one profession. It is a generic term used to indicate that someone works with the body. Lumping a variety of non-identical professions under the heading “bodywork” does not make them a bodywork profession and confuses the public about what those professions do. By lumping us all together, the draft implies that we are all basically the same. You cannot escape the fact that we are each stand-alone professions.

BCTA/NA was founded in 1998 incorporated in Canada as a not-for-profit in January 1999 (www.craniosacraltherapy.org). Subsequently BCTA/NA was incorporated as a

non-profit in the US in February 2006, to establish a curriculum, approve teachers and recognize, register and provide a referral service for RCST®s, and to educate the public about its trainings and the practice of Biodynamic Craniosacral Therapy. BCTA/NA developed and maintains a Standards of Practice, a Code of Ethics, a Grievance Procedure, Educational Guidelines and a Teacher Approval process. We are not a modality of anything. We are a separate profession.

As a member of the Federation of Therapeutic Massage, Bodywork and Somatic Practice Organizations (Federation MBS), which represents over 40,000 professionals nationally, BCTA/NA supports exemption language that has been endorsed by Federation member organizations, including the American Massage Therapy Association. Founded in 1991, the Federation MBS has taken a leadership role in developing solutions that meet the needs of all concerned parties, and BCTA/NA has been actively involved in these efforts since 2011. (See: <http://www.federationmbs.org/>)

BCTA/NA does not want to be regulated as we hold our members accountable through our standards and service marks.

In addition to the fundamental problem of using a generic as a professional title for multiple professions, this draft uses language that would preclude all Biodynamic Craniosacral Therapy practitioners from practicing in the state of Massachusetts. If this draft became law, the state would put all its Craniosacral Therapist out of business.

The scopes of practice of the professions covered by this draft differ from each other in important ways. Diluting them into whatever few common elements they may have ceases to define them individually and accurately and defeats the purpose of licensing: ensuring that licensees meet the basic standards as determined by their professions and informing the public about what we do. S.2621 call for exams that cater to massage therapists and have no relation to our profession at all.

Senator Brownsberger's amendment to S.2599 was approved by the Senate, and would give a licensing board the authority to grant exemptions. This is a significant improvement to the original bill. It's essential that S.2621 also be amended to restore certain exemptions to the statute itself, while adding provisions for accountability so that exemptions can't be used as a loophole for activity.

If expanded licensure, perhaps for those professions or organizations that desire to be licensed, we request language that specifically states that Biodynamic Craniosacral Therapy is excluded from the definition of massage and from the definition of bodywork. I have attached proposed language for this purpose (See: Appendix 1).

BCTA/NA supports the exemptions that have been requested by other Federation MBS member organizations, and also supports those organizations that seek appropriate licensure for their professions.

If you have any questions, contact me at righttopractice@craniosacraltherapy.org.

Edwin Nothnagel, RCST®
Chair, BCTA/NA Judicial & Governmental Review Committee

APPENDIX 1 — AMENDED EXEMPTION LANGUAGE FOR THE DEFINITION OF BODYWORK

APPENDIX 1

2. Exemptions

Proposal to amend S.2621 in section 7, in proposed section 228 of chapter 112, by inserting after Line 102:

(c) Nothing in said chapter 13 or chapter 112 shall prevent or restrict the practice of any person who is engaged in a scope of practice that has been established by a professional organization or credentialing body recognized by the Board:

i. using 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, including but not limited to the practice of the Feldenkrais Method® of somatic education, the Trager® Approach to movement education, Body-Mind Centering® and Ortho-Bionomy®;

ii. using touch to affect the energy systems, life energy, energy fields, ovals, and marmas of the human body and/or Human Energy System (HES) including but not limited to, Bowenwork®, Biodynamic Craniosacral Therapy, Ortho-Bionomy, Polarity Therapy, and Reiki; or

iii. using touch to effect change in the structure of the body while engaged in the practice of Structural Integration, including but not limited to the practice of Rolfing® Structural Integration, the Rolf Method of Structural Integration, and Hellerwork®,
Provided that:

A. the services are not designated or implied to be massage, massage therapy, bodywork, bodywork therapy, or Asian bodywork therapy;

Bodywork Practitioners must be recognized by or meet the established standards of either a professional organization or credentialing body that represents or certifies the respective practice based on a minimal level of training, demonstration of competency, and adherence to ethical standards. If the terms Bodywork, Bodyworker or Bodywork Therapist are to be protected titles under a proposed law, then the following statement must be added to the exemption clause: “These exempt practitioners are also allowed to use the terms ‘Bodywork,’ ‘Bodyworker’ and ‘Bodywork Therapist’ in their promotional materials.”

B. the person is recognized by and meet the standards for minimum level of training, demonstration of competency, and ethical behavior established by their professional organization or credentialing body; and

C. the person provides contact information at their place of business for any organization or agency that has certified the practitioner.

(d) The board has the authority to verify that a person practicing under the exemptions in this Act is certified by a professional organization or credentialing body as required by this Act, and may require that the professional organizations and credentialing bodies provide a list of recognized practitioners in the state.