

## **# 5 - Bylaw Recommendation - Membership**

*Submitted by Illinois Chapter*

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**Subject:** Modify Professional Membership Requirements Pertaining to Licensure

### **Whereas:**

- With the substantial support and backing of AMTA and its chapters and volunteers, 39 states and the District of Columbia have statewide regulation of massage therapy (as of March 3, 2008). We celebrate with great pride each new state to join that field. AMTA funds are provided to chapters via Law and Legislation Assistance Program grants to help organize efforts to draft bills and move those bills to passage. Yet the AMTA bylaws section on membership requirements is silent about having a state-issued professional license (or certificate or registration). The current membership requirement is inherently contradictory to AMTA's Code of Ethics, Standards of Practice, Core Values, Future Vision and Strategic Goals.
- Whereas, in April 2005 the AMTA Board of Directors adopted a Strategic Goal to "proactively pursue licensure in every state."
- Whereas, the fifth principle in the AMTA Code of Ethics states that "Massage therapists shall...conduct all business and professional activities within their scope of practice, the law of the land, and project a professional image."
- Whereas, the AMTA Standards of Practice, under provision #7 (Legal Practice) requires that "members practice or collaborate with all others practicing professional massage/bodywork in a manner that is in compliance with national, state or local municipal law(s) pertaining to the practice of professional massage/bodywork."
- Whereas, one of AMTA's Core Values is "We ... support fair regulation of massage therapy."
- Whereas, AMTA's 10- to 30-Year Vivid Descriptions include the following statement: "All states will have regulation and scope of practice; there is licensure in all 50 states and portability of the credential across state lines."
- Whereas, another Vivid Description says, "Being an AMTA member reflects the highest standard of ethical behavior and the public sees the value and benefit of AMTA. Members are seen as trusted professionals at the forefront of a changing and complex world. Membership in the AMTA is seen as critical to employers and clients as an indicator of commitment to values."
- Whereas, elsewhere on the AMTA website, the public face of the AMTA, the Vivid Description of the Envisioned Future says, "AMTA is instrumental in ... assisting all states with regulation and scope of practice, with an emphasis on portability across state lines."
- Whereas, the newly revised renewal forms for Professional Active membership and the application form for initial membership requires the applicant or renewing member to attest that they are in compliance with state and local laws regulating massage, however, no evidence of compliance (such as a license number which the association could verify) is requested.

- Whereas, by asking for such attestation with no corresponding requirement in AMTA bylaws, the association is creating a vulnerability.
- Whereas, the forms for new and renewing members asks the applicant to attest they will abide by the AMTA Code of Ethics.
- Whereas, chapters comparing a list of massage therapists regulated in their state (if such regulation is mandatory in that state) with AMTA chapter membership rolls for purposes of planning member recruitment actions may encounter evidence that some members are not licensed, which, if acted upon, would have the effect of losing members.
- Whereas, those chapters discovering such problems may be ethically bound to initiate AMTA disciplinary procedures through the national association, and if not all chapters in regulated states act consistently, there may be a perception of inequity.
- Whereas, in this computer age such verifications of regulatory compliance are more feasible than in the past.
- Whereas, Healthcare Providers Service Organization, the AMTA's liability insurance administrator, will not honor a claim against its policy by an AMTA member who is not in compliance with state or local regulations.
- Whereas, the current membership structure includes sufficient categories for other than Professional Active status to allow someone to be a member if they do not need to be regulated because they are not actively practicing massage.
- Whereas, this bylaw change will not require any member to obtain a license or other form of regulatory credential in a state or municipality in which it is optional.

**Therefore:** Be it resolved that the House of Delegates recommends to the National Board of Directors that the AMTA bylaws be changed at Article III, Section 2(A)(1) pertaining to Professional Active membership, to add the following new requirement: For any jurisdiction in which the member practices massage, the member must hold a valid license, registration or certification issued by that state, territory, District of Columbia or municipal government, if such credential is required to practice massage in that jurisdiction.

**Guiding Principles:** Association staff will change membership application and renewal procedures and forms to implement this change.

**Proposed Bylaw:** See Attached

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## ARTICLE III. MEMBERSHIP

### Section 1. General Eligibility

AMTA may grant membership to any individual or entity who:

- A. Meets the qualifications set forth for each classification of membership in AMTA;
- B. Shares interest in and supports the purposes of AMTA;
- C. Abides by these Bylaws, AMTA's Code of Ethics, and other policies, rules and regulations that AMTA may adopt;
- D. Meets additional criteria for each category of membership that the National Board of Directors may establish.

### Section 2. Membership Classifications and Qualifications

Membership in the Association shall be divided as follows:

Professional, Student, School, Supporting, and Honorary. An individual or legal entity may hold only one (1) classification of membership.

#### A. Professional Classification

##### 1. Professional Active

a. Must graduate from any supervised 500 in-class hour minimum entry-level program, or must pass an exam recognized by AMTA as identified in AMTA policy or must have an AMTA-accepted state license, certification, or registration.

**b. For any jurisdiction in which the member practices massage, the member must hold a valid license, registration or certification issued by that state, territory, District of Columbia, or municipal government, if such credential is required by law to practice massage in that jurisdiction.**

**b.c.** In order to remain qualified for Professional Active membership, a member must complete continuing education in accordance with AMTA Policy.

##### 2. Professional Inactive

a. Must have been a Professional Active member and be temporarily not practicing massage therapy.

##### 3. Professional Retired

a. Must have been a Professional Active member and be retired from the massage profession by choice or disability.

#### B. Student Classification

1. Must be enrolled as a student in any 500 supervised in-class hour minimum entry-level program in the United States, its territories, or Canada.

2. May hold membership in this classification for no more than two (2) years.

3. Must not have previously held AMTA Professional Active, Inactive or Retired membership.

#### C. School Classification

1. Must be school administering an entry level massage therapy program consisting of a minimum of 500 supervised in-class hours and operating legally within its jurisdiction.

D. Supporting Classification

1. Must be an individual or a legal entity, not practicing massage but wishing to support and advance the profession of massage therapy through AMTA in accordance with the AMTA core purpose and goals.

E. Honorary Classification

1. Honorary membership is a special honor bestowed upon a person who has contributed exemplary service and/or knowledge that has benefited massage.