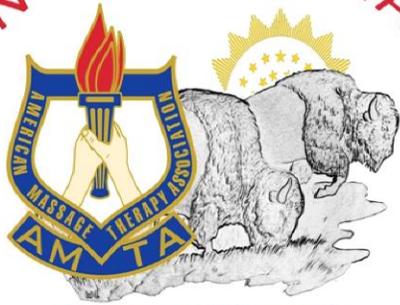


NORTH DAKOTA



PEACE GARDEN STATE

AMTA-ND Newsletter Summer 2017.

Hello AMTA Members!

Just a quick update on what the North Dakota Chapter has been doing this year! In April, we had a very successful educational conference with 120 people in attendance. We welcomed educators, James Waslaski and Kandy Duke. Both were very



well received and lots of fun was had throughout the conference and banquet dinner as we enjoyed our orchestra guests, The Strolling Strings, from area schools.

2016 Board members with James and Kandy

Our annual meeting was held during the conference with about 60 members/nonmembers/students in attendance. During the meeting, it was explained how the chapter board would be restructured following our National AMTA's guidelines. For those of you that were unable to attend, here's the scoop. Our board, like all state boards, has gone from a 6 or 7 person board to a 5 person board. This transition has been in the works for a couple of years and it became official during this last election. Our board now consists of a President, 2 Board Members, Secretary and Financial Administrator.

Our board recognizes the efforts of 2 past Vice Presidents, Sara Stillwell and Valerie Hanson. They both served 2 terms and were such an asset to the

North Dakota Chapter. Thank you ladies for volunteering your time and strengths. Your presence will be missed at our monthly meetings. We gained a new board member, Amy Hendrickson. Amy has wanted to volunteer with us for several years and now that she is on our team, I look forward to seeing what new strengths she can bring. Michelle Koenig, Financial Administrator, was elected to another 2 year term. Michelle is doing an amazing job and we are excited to have her back! Congratulations also goes to Michelle for being chosen to receive this year's Honorarium Award for her hard work and dedication to our chapter! We also welcomed a new delegate to our chapter for a 2 year term. Thank you William Carrington for being excited to volunteer! Although it may change in the next year or so, positions open for next year will be President, 1 Board Member, Secretary and Alternate Delegate.

The next meeting will be held the beginning of April, 2018. Our board is elected by Commission on Candidacy. This means if you are interested in applying for a position, fill out an application, found on our website, and send it to our Commission on Candidacy Chair, Dralinn Koenig. It needs to be received a week before our meeting. This information will be in all our newsletters. I won't go into detail about our Fall Workshop. It can be found in this same newsletter. We are very excited to welcome Matthew Howe this fall and to share his knowledge of working with PTSD clients.

Respectfully your ND Chapter President,
Carla Anderson

Greetings,

I hope this finds all of you well and enjoying summer!

Summer began with a 26.4 mile

Triathlon. My

family raced as a team, each doing a portion of the swim, bike, and run, for a unique distance of 26.4, in honor of the bible verse, Isaiah 26:4. We were pretty happy for our first Triathlon experience and made some great family memories.

The pastors that spoke at the FOC Triathlon talked about honoring the body God gave you. On that note, I can't say enough for self-care in our profession. Taking care of our body's is vital in the roll of helping others. Be mindful, eat well, get sleep, exercise and get a MASSAGE!

We had an open slate to write about whatever we wished for this newsletter, so I wanted to touch on SB 2092, which passed this year. What I have to say is my opinion, but after visiting with many other therapists, I am finding it is a shared opinion.

The passage of this Bill was important for some safety issues that were plugged into it, but the idea of decreasing education after 15 and 25 years, I felt was a setback for our next generation of therapists. I feel it sends the wrong message and isn't in the public's best interest. I feel it also implies that maybe our Continuing Education really isn't important as we continue to practice. I couldn't disagree more. I didn't agree with the decrease prior from 32 to 24 hrs. every 2 yrs. I found after visiting with other therapists, this was a shared opinion.

I reflect on Susan Salvos class in spring of 2015. She shared with us new research and information proving that working on the SCM and Psoas, MAY be more of a risk than a benefit. She was a consultant for court cases involving work on



the SCM. My argument to those that passed this legislation and put the decrease in education into the bill is this, there is always new research at www.amtamassage.org/research, there is always something new to learn, and we need to be open to a changing industry. I was happy to hear James Waslaski talk about that as well at our Spring Convention. We need to be open to new research and adjust.

Education is what sets our industry apart and keeps us moving forward. Decreasing educational requirements sets us back. There was a great statement made by Senator Anderson on the Senate Floor Video about SB2092. I recommend taking a look. We need to change our standards back and set them high again.

With Respect,
Desiree Bourgois van Oosting

AMTA-ND Board Members

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Bodywork for PTSD

Bismarck, ND ~ Oct. 12-13, 2017 ~ 16 CE

North Dakota Heritage Center
612 East Boulevard Ave.
Bismarck, North Dakota

Hello, Everyone!

I'm honestly so excited to write you today! I hope you all have had a wonderful summer. I have the wonderful opportunity to share with you a little bit about our upcoming presenter Matthew Howe. First, my personal experience with him on two separate occasions. Once at a Spring Convention (2012) and another on a CEU Fall Cruise (2016), I had the opportunity to take this very course "Bodywork for PTSD", it changed my life. As a Veteran, I didn't realize I had things on 'lock down' until Matthew started working on me. Things opened up and I released things that I wasn't even aware needed releasing. To say that it surprised me was an understatement.

Matthew is the consummate professional, well versed in his trade, down to earth, FUNNY, and a colleague for whom I hold much respect. I hope you consider SAVING THE DATE for October 12-13, 2017 to meet the man who introduced me to a therapy I literally use daily within my own practice. I am happy to say I'll be celebrating my 20 years in private practice this August 2017. If not for my continued education and learning new, interesting, updated techniques to help not only my clients but to preserve my own body, I don't know if I'd physically still be able to do what I love... which is run my practice of Dakota Spirit Wellness & Massage.

Yours in health,
Pamela Blazek



Presenter: AMTA North Dakota Chapter Fall Workshop October 12-13, 2017 at the Bismarck, ND Heritage Center

Matthew C. Howe

matthew@touchededucation.com

“Those who know, do. Those that understand, teach.” ~ Aristotle

Matthew Howe is a Cincinnati native residing in Orlando for nearly 19 years. He has been an active participant in the massage and bodywork field since graduating from the Central Florida School of Massage Therapy in 2000. Logging over 10,000 massages spread across spa, chiropractic, and private practice he knows the labor of love that is massage therapy. Matthew knows the diversity and flexibility needed to survive and thrive in this field with his wife Nicole and two teenage boys.

With encouragement from friends and mentors, he officially launched Touch Education, LLC in 2003. Matthew took experiences from his practice and cultivated classes that balanced the art and science of touch. Using 6 simple principles of the body he breaks down the complex and shows therapists how to facilitate change across the spectrum from pathophysiology to wellness.

“I know that no single approach or modality is the right one for every client, that is why my practice and classes are engineered to be integrative in nature.” Matthew states. “Each client and student has a story to tell and the ability to reach the goals they set. My job is to foster an ecosystem that promotes change.”

Matthew's education is heavily influenced by the spectrum of CranioSacral Therapy, both mechanical and dynamic. He keeps rooted by teaching at his alma mater as well as the Costa Rica School of Massage Therapy. He nurtures learning from others with a quest to connect information to advance the field of massage and bodywork.



**I WILL DO MY BEST
AND IT WILL BE ENOUGH.**

Matthew in his own words:

The meat and potatoes of me:
I started the massage therapy profession as a way to deepen my understanding of healing. I was in the middle of recovery from losing my Dad to cancer when a car accident lead to two broken arms. My attending physician suggested I go heal myself instead of using traditional recovery methods (PT or OT) I ended up moving to Orlando in search of a more opportunistic ecosystem, which lead me to visit a massage school. It felt like visiting a home away from home. So I went into the massage profession at the turn of the century. I would say the 'why' of me is that I wanted to have a positive impact on the world around me; massage gave me a vehicle to impact people in real ways. Since day 1, my goal was to make the world a better place by helping people achieve goals to improve their awareness, get out of pain, or feel hope again. My call to teach was fostered by the owner of the school I went to. He opened the door and mentored me in this creative science.

**Watch for more information
about Fall Workshop 2017 in
the Fall 2017 newsletter –
coming to this site September 8**

**Join us at AMTA 2017 National
Convention Pasadena CA,
September 14-16, 2017**

Attend the Largest Event in the Massage Therapy Profession

Register Online for the AMTA 2017 National Convention by August 17

Don't miss out on the largest conference in the massage therapy profession! Earn 18+ CE credits, network and explore new products for your massage practice.

[Register for the AMTA 2017 National Convention »](#)

https://www.amtamassage.org/index.html?utm_source=bing&utm_medium=cpc&utm_campaign=AMTA_Branded%20General_BMM&utm_term=%2Bamta&utm_content=Branded%20General_BMM

3 Self Care Tips from Shaun T

Shaun T is an internationally recognized fitness expert and the AMTA 2017 National Convention keynote speaker. Watch as he shares three of his tips to live your best life, and [register](#) to see him live on September 14 in Pasadena!



https://www.amtamassage.org/index.html?utm_source=bing&utm_medium=cpc&utm_campaign=AMTA_Branded%20General_BMM&utm_term=%2Bamta&utm_content=Branded%20General_BMM%23#

Refer a Friend Program

<https://www.amtamassage.org/forms/referafriend.html>

Protect Yourself from Scam Emails & Calls

Protect your massage therapy practice from both scams and the potential for viruses to enter your computers via scam emails.

Scam Emails

AMTA is aware of the emails massage therapists are receiving from those who claim they got the person's information from our website. Some spammers collect contact information from our website, but they often just use AMTA's name to imply legitimacy. We have heard from massage therapists who are not AMTA members and received the same e-mails.

The scam usually takes the form of a request to schedule several massages on an upcoming trip to the U.S. In a series of communications, the massage therapist indicates their fee, the scammer sends a check for much more than the fee and asks the massage therapist to return the overage. The checks massage therapists receive are fake, but may initially be accepted by their banks. Weeks later, the therapist is told by the bank the check was fraudulent and the massage therapist must cover the amount of the check with the bank and also loses the amount sent to the scammer.

These email scams are a major international problem that affect professionals in many fields. International, national and local law enforcement officials are seriously challenged in trying to stop these crimes. AMTA cannot control or police this type of activity, but is proactive in



maintaining security measures on our website.

Scam Phone Calls

Scammers have added phone calls to their email tactics—don't be fooled. If someone calls you to book several appointments and pay upfront, you can be pretty sure it is a scam. Most likely any credit card they give is stolen, and they want your account number to continue their theft. It's a good business practice to not accept this type of prepayment. If they mention paying a driver, you can be certain it is a scam. Call local police if you receive these calls. However, the caller may not be in the U.S.

Guidance to Massage Therapists

When a massage therapist receives an e-mail from outside the country, from someone they do not know, who wants to arrange for several massages during a U.S. trip, it's probably a scam.

- The best defense is to delete the e-mail immediately, without responding.
- Scammers often embed viruses in the e-mails to pull personal information from the computer of the recipient. They also harvest email addresses to sell to other scammers.
- If the email uses AMTA's name, it does not guarantee the e-mail is legitimate.
- Legitimate emails through [AMTA's Find a Massage Therapist locator service](#) indicate they have come directly through AMTA. This is the only way for someone to email a member through the locator service.

**Trust yourself.
You know more
than you think
you do.**

- Benjamin Spock

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- Enable privacy settings on social media. Only connect with people you know and trust, and privatize your personal and contact information. [Learn more](#) about privacy controls and social media.
- If before seeing a client you receive a check for more than the amount, assume it's a fake check and never send money back to the person sending the check.
- Alert the FBI office immediately by filling out the form at [IC3.gov](https://www.ic3.gov). Report the scam to the Federal Trade Commission (FTC) at [FTC.gov](https://www.ftc.gov). https://www.amtamassage.org/career_guidance/detail/209?typeld=1

AMTA is constantly upgrading its online security to protect your information and transactions through AMTA's website. However, scammers are always looking for ways to get around our security measures and attempting to get your attention.

[Reminder: Watch for Scam Emails — American Massage Therapy Association](#)

Massage Employee vs. Independent Contractor

Establishing the correct business relationship between massage therapy businesses and the massage therapists who actually perform the work presents important legal and taxation choices for both the business owners and the massage therapists. It involves regulation at the federal, state and, sometimes, local levels, and potential large negative impacts for making the wrong decision.

More often than not, the business owners and massage therapists seeking to ensure compliance with federal and state laws are likely to find that the relevant factors point toward characterizing their relationship as employer-employee, not employer-independent contractor, say CPAs and attorneys who counsel in this area.

(Con't on next pg)

AMTA Member Anniversaries

Lisa Wittstruck	Granville	5
Michelle Austin	Bismarck	5
Bernard Krebs	Dickinson	5
Karen Wojahn	Beach	5
Maryah Enlow	West Fargo	5
Heather Gerding	Fargo	5
Kari Haabala	Fargo	5
Kaysi Jochim	Mandan	5
Joshua Karey	Dickinson	5
David Peterson	West Fargo	5
Colette Broe	Bottineau	10
Danielle Gagne	Minot	10
Valarie Kemper	Minot	10
Donna Scott	Golden Valley	10
Karena Velo	Bismarck	10

Thomas Knodle	Williston	10
Alyssa Kraft	Minot	10
Arica Meyer	Bismarck	10
Nancy Moilanen	Bismarck	10
Sandra Schmidt	Napoleon	15
Zita Dietz	Bismarck	15
Valerie Hanson	Fargo	15
Cindy Iglehart	Garrison	15
Shannon Hoffman	Bismarck	20
Judy Jacobson	Fargo	20
Virgil Vetter	Bismarck	20
Gail Gebhardt	Oakes	25
Gertrude Massine	Fargo	25

Graduate Members

Alaina Gunderson	Fargo
Andrea Stevens	Medora

Employee vs. Independent Contractor

At a high level, federal and state regulators generally deem there to be an employer-employee relationship if the business owner controls many of the aspects of a massage therapist's activities.

The IRS has a 33-question form, Form SS-8, that a business owner can submit to the IRS for an official determination of whether a business relationship is between a business and an employee or an independent contractor.

Among the factors that the IRS scrutinizes are behavioral control factors, such as:

- How the worker receives assignments
- Financial control, such as who pays for supplies and materials used by the worker and benefits provided under the relationship
- Relationship control issues, such as whether the arrangement can be readily terminated.

In addition, states are free to make the employer-employee classification even more demanding, and many have their own statutory definitions for certain professions, tests for determining between the two, and/or provide examples online to help guide business owners and workers.

Cynthia Pasciuto, an Arlington, Massachusetts-based attorney and insurance advisor who owns TrueNorth Business Consulting, LLC, and has a practice focused on health and wellness providers, including massage therapists, says almost none of her massage therapy business owner clients can properly classify those who provide massage services for them as independent contractors. "Massage therapy business owners generally provide the hours they want the therapists to work, provide them with materials like tables, sheets, cream and other supplies, and then most of the time they provide the clientele," says Pasciuto. "Because they are controlling where they work, the hours they work

and their tools, that equates to their workers being employees."

Pasciuto says that in Massachusetts, the scrutiny applied to the distinction is so great that the relationship between business owners and workers can only be highly limited in order to claim an independent contractor status. This would essentially involve an individual subletting space from the business owner, arranging all of their own clients, and providing all of their own equipment and supplies, among other factors, Pasciuto says. At that point, the benefits to both sides of the relationship may become very limited.

Mellinda Abbott, a Lexington, Massachusetts-based CPA at Abbott & Co., says her experience has been the same. And every client of hers that has submitted a Form SS-8 to the IRS has resulted in the relationship being deemed employer-employee rather than employer-independent contractor, she says. "Less than half of one percent of individuals in these industries could be classified as independent contractors under the IRS rules," Abbott adds.

The Implications of Each Form

There are important considerations for both the business owner and the massage therapist for the classification of their relationship. From the business owner side, classifying individual practitioners as employees means that they must pay half of the workers' Social Security, federal unemployment and Medicare taxes at the federal level and pay additional charges at the state level, sometimes including unemployment insurance, workers' compensation and disability insurance.

Business owners are also required to withhold federal income taxes for their employees, unless the employee claims on their IRS Form W-4 that they're exempt from withholding, notes

accountant Robert Decker, president of Tucson, Arizona-based Robert Decker CPA, P.C.

Certain federal and state laws also govern employment practices, such as fair labor codes that require overtime, breaks and minimum wages or prohibit certain types of discrimination.

Generally, engaging in an independent contractor relationship avoids many of these financial expenses for the business owner and shifts them onto the massage therapist, who will also usually want to pay federal and state taxes on a quarterly basis to minimize the risk of underpayment penalties. “The Social Security and Medicare costs alone are \$1.53 of every \$10 you make, even before state and federal taxes,” Abbott says. “Suddenly, your \$15-per-hour rate is down to \$12.70 per hour. When they realize this, many independent contractors become upset and say their greater independence was not worth it.”

There are some additional benefits offered from each classification. Independent contractors are free to pursue their own clients and other business relationships, for example, whereas employees may be required to sign non-compete clauses that could hobble their ability to transition from employees to running their own businesses, Pasciuto notes.

A benefit for business owners of the employer-employee relationship and for individual practitioners who are independent contractors is that they can enjoy tax deductions related to their expenses. Such expenses could include mileage to visit clients, tables, oils and lotions, notes Abbott. Employees can also deduct expenses they pay for and for which they are not reimbursed, but are subject to a 2 percent adjusted gross income threshold before deductions are permitted, notes Warren W. Warner, Jr. a partner at St. Helena, California-based accounting firm Blyth Warner & Associates, LLP.

The Consequences of Getting It Wrong

For business owners who have misclassified their workers, the trouble can begin after the individual practitioner leaves and files a state unemployment claim or a claim for other state benefits. In such cases, the state regulatory body will seek to determine what type of relationship was in effect.

If an employer misclassified the relationship, they generally will have to pay the back contributions owed toward the various employer taxes, plus associated penalties and interest. Some states, such as California through its 2012 California Independent Contractor Law, have enacted state legislation imposing heftier fines for willful misclassification of employees.

The IRS penalties for misclassifying workers or unintentionally failing to withhold federal income tax include a penalty of 1.5 percent of the wages paid. The penalty is doubled to 3 percent if the employer did not file a Form 1099-MISC for the worker with the IRS. The penalty for unintentionally failing to withhold the employee's share of Social Security and Medicare taxes is 20 percent of the employee's share of the tax, or 40 percent if the employer did not file a Form 1099-MISC for the worker with the IRS.

It is worth noting that in filing a claim for back benefits, there is some risk to the misclassified massage therapist, too, as it potentially can open up their business relationships and practices to scrutiny, such as whether they had properly reported their income to federal and state regulators and followed applicable professional practice requirements.

Consequences for either the business owner or the massage therapist of misclassification could also include the loss of one's business license and difficulty in getting a new one in states that require licensure.

Some states are cracking down on misclassification, reducing the space for massage therapy businesses to argue ambiguity in the form of classification. In 2008, California labor inspectors conducted a sweep of 108 spas and salons and found that many massage therapists who were working as independent contractors were actually employees, leading to fines for many spa owners. According to Richard Rybicki, a principal at Rybicki & Associates, P.C., Sonoma, California, while no similar crackdowns have since occurred, aggressive California state tax auditing related to that issue continues.

Individual practitioners who think that they have been misclassified as independent contractors should first try to resolve it with their employer, says Michael Singer, managing partner of San Diego-based law firm Cohelan, Khory and Singer, that has represented workers in class action lawsuits based upon employer misclassifications of the workers as independent contractors. “They should speak to their employers about a reclassification to employee status,” Singer says. “They would then be entitled to overtime benefits, minimum wage for time spent between appointments when they are required to remain on premises and/or perform other duties, and reimbursement of business-related expenses.”

Fighting the Good Fight

For business owners and individual practitioners who do wish to try to establish an employer-independent contractor relationship, Pasciuto says that it can be helpful to draft a contract establishing what the relationship is and that both contractual parties understand the independent contractor truly will be independent and will not be receiving the benefits to which they would be entitled if they were employees.

“If a business owner wants to say they are independent contractors, the best thing you can do is subtlety, if you own the property or your lease

allows that. That way they are building their own client base and doing their own marketing and it means you are really hands off,” Pasciuto says. “But then you have to make sure the relationship doesn’t get blurred and they start acting like an employee, such as if they start making calls for you or provide other services like doing your bookkeeping or staffing the desk. If they are an independent contractor, you can’t tell them to do those things. They and you have stepped over the line.”

There are also sometimes routes to reduce the costs of classifying individual practitioners as employees, such as paying them on a project rather than hourly basis, notes Rybicki. However, in 2016, California state legislation will take effect that will reduce the advantages of doing so by requiring employers paying on a per assignment “piece” rate to also pay for rest periods and other non-productive time, Rybicki adds.

What To Do If You Are Audited

Richard Rybicki, a principal at Sonoma, California-based law firm Rybicki & Associates, P.C., who counsels numerous business owners with massage therapy practices, offers the following advice to address the risk of negative repercussions from a massage therapy business owner or practitioner audit:

Don't be defensive about worker classification. If you can, show that the business considered classification in advance. Realize that under federal and state law, the business owner bears the burden to demonstrate that the individual practitioner is an independent contractor rather than an employee.

Be cooperative when an auditor or investigator walks on site, but be aware they cannot require you to allow them to review all the books or non-public areas at your place of business immediately.

Ask the auditor to make an appointment to view the records and contact counsel.

Prepare for an audit and be as compliant as you can be. “Clients who can show they thought about how to classify workers and figured out in advance how to be compliant are more likely to come out ahead in an audit,” says Rybicki. “There is a lot of flexibility in the auditor’s use of classification factors. If you can show that you thought about it in advance and were trying to do the right thing, you stand a much better chance of coming out ahead.”

Make sure that your efforts are tailored to the legal requirements of the state where you are located.

https://www.amtamassage.org/career_guidance/detail/128?typeld=3

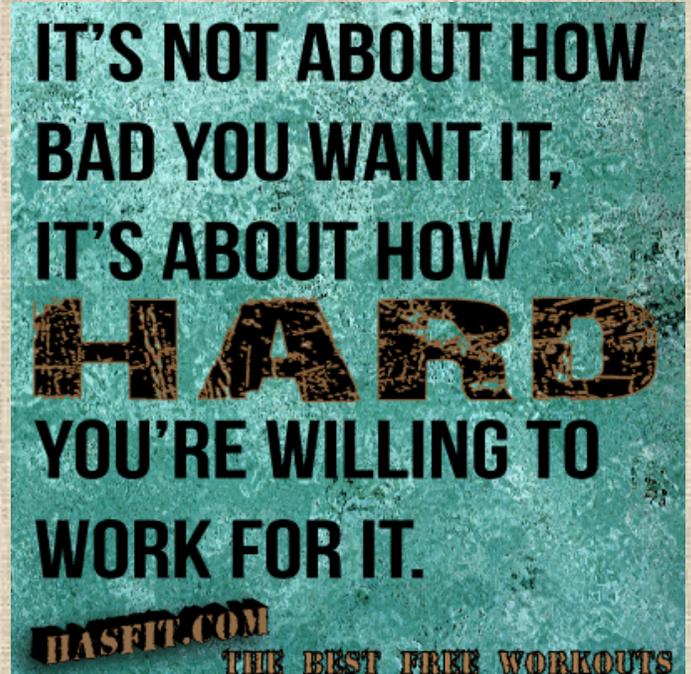
North Dakota guidelines related to Independent Contractor status can be found:

<http://www.nd.gov/labor/contractor/index/html>

If you want to check with the definition from the IRS, you may click on:

<https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-defined>

Join us at AMTA 2017 National Convention Pasadena CA, September 14-16, 2017



Newsletter editor:

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Don't Get Sidelined: Self-Care for Massage Therapists

May 15, 2012

Massage therapy is physically demanding. But that doesn't mean you can't enjoy a nice long career, even if you've been practicing massage therapy for many years. Learn what this panel of massage experts has to say on the subject of keeping yourself in peak condition—both physically and emotionally. Click below to learn more and enjoy your career fully.

<https://www.amtamassage.org/articles/3/MTJ/detail/2593>