

**DRAFT MINUTES OF THE MASSAGE THERAPY  
ADVISORY COMMITTEE**

**Call to Order:** Ms. Rieve called the meeting to order at 1:04 p.m. on Thursday, January 19, 2006.

**Committee members present:** Dennis Gibbons, Mark Melecki, Rick Greely, and Rick Phillips.

**Guests Present:** Ramona Chance, AMTA, Ohio; Alise M. Excell and Sheri A. Pierce, MT from Sanford Brown Institute.

**Staff members present:** Kay Rieve, Debbie Jones, and Jean Gillman

**Minutes Review and Approval – October 20, 2005**

Mr. Phillips said that on page 3, second to the last paragraph there were duplicates of the word “will”.

Mr. Gibson moved to approve the minutes as amended and Mr. Greely seconded the motion. All committee members voted aye.

**Old Business**

**1. Website Update and MTAC Committee Vacancy**

Ms. Rieve reported she updated the website. She included a notice of the MTAC committee member vacancy and information regarding the position. She advised that Eileen Schmidt will be the contact person at the Board for applicants. The applications will be reviewed by the Board Executive Staff. Ms. Rieve said she would keep the current committee members updated by email.

Mr. Melecki mentioned that he did not feel the current MTAC members were gender representative of the profession. Ms. Rieve said that she would like to find someone who is an independent practitioner since all the current committee members are, or have been, associated with massage schools. She said the Board could not discriminate as far as the gender was concerned, but there would be other factors to consider in the selection process. Mr. Greely said that geographic location should also be a consideration.

Ms. Rieve said that she has the MTAC meeting calendar on the website and advised the committee that the next meeting would be in room 1960. She has also included the agenda for this meeting and will add the approved October 2005 minutes as soon as they are corrected and forwarded to her.

## **New Business**

### **1. Discussion of Joint Curriculum and Testing Committee – Rick Greely**

Mr. Greely advised that the Joint Curriculum and Testing Committee has had two meetings and a draft of the massage curriculum will be reviewed on January 20, 2006. The anatomy curriculum has already been approved by the committee. After the approval process is complete, the draft curriculums will be distributed to the MTAC Committee members. Ms. Rieve said she had already received a copy of the final draft of the Anatomy and Physiology Basic Core Curriculum. Mr. Melecki suggested that all draft documents be dated.

Ms. Chance said that the Committee is still working on the conditions for the massage curriculum. She also said that they are attempting to include everything that is now being tested with new items to be added at a later date. She reviewed the process of creating the draft curriculum for the visitors to this meeting. Ms. Rieve said that MTAC, the Ohio State Medical Board Limited Branch Committee and the Council of Schools will need to approve the guidelines. Mr. Greely suggested waiting until everything is approved so a complete packet can be mailed to the schools. Ms. Rieve advised that the new curriculum guidelines would be mailed to all the schools, and added to the Medical Board website, prior to incorporating into the exams in June 2007.

Mr. Gibbons advised that one of the questions that has come up is, if there is a consensus on the curriculum to be taught, the schools would like to receive sample questions so they know how to teach the material. They wanted to see how the questions would be worded. Ms. Rieve said that would be something to consider. Dr. Wemmerus had previously suggested that new *types* of exam questions be forwarded to schools before placing them on the exam. Mr. Greely said that by reviewing sample questions the schools may have input on the wording. Ms. Excell said that she would not be looking for exact questions that would be on the exam but rather sample questions that would show her the format, idea and structure of the question to help her prepare her students.

Mr. Greely suggested having a workshop or meeting with Dr. Wemmerus to review her goals and objectives for the exam. He reflected on the fact that the MTAC Committee was formed to open communication so that there is discussion among all the stakeholders in the test. Ms. Rieve said that most other types of exams have sample questions or study guides, which would be a lot to prepare at this point, but some sample questions could go a long way. Ms. Chance suggested that Dr. Wemmerus also write an article for the AMTA-Ohio Newsletter. Mr. Melecki suggested that a notice for the committee vacancy be included in the article.

Ms. Rieve said that she is very pleased with the MTAC committee. It has evolved into a purposeful group.

## 2. New Executive Staff Members

Ms. Rieve informed the committee that Mike Miller is the Board's new Policy and Government Affairs Officer. He worked for the legislature in the past, and he is currently trying to grasp all the issues involved with massage therapy. She said he may be available for the next meeting to help give guidance for rule changes and out-of-state applicants. She said it may involve a rule or statute change and he will be able to advise the committee on the issue.

Ms. Rieve also advised that Sallie Debolt is the new Executive Staff Attorney. She used to be an Enforcement Attorney, and she will be writing Administrative Rules. She will also do scope questions and will answer the scope questions that MTAC members are now receiving. She and Mr. Miller will be working together. Ms. Rieve suggested putting a paragraph on the website redirecting the scope questions to Ms. Debolt.

Mr. Melecki said that Ms. Debolt should not be put on the "front line" with just legal knowledge. Mr. Greely suggested that she bring some of the questions to an MTAC meeting for discussion so she becomes aware of the differences in the licensees. Mr. Phillips also suggested that Ms. Debolt forward some of the questions to the MTAC members for their response to give her some assistance.

Mr. Melecki suggested that she attend the next MTAC Meeting. Mr. Greely said there is some history to why the scope is written as it is, and they could help Ms. Debolt with that and also help her determine the language to be used in writing rules and statutes. Mr. Melecki said it might be good for Ms. Debolt to be aware that committee members feel that continuing education should be a part of renewal. Ms. Jones said that she gets that question frequently. Mr. Melecki felt the main thing that would distinguish them from other non-licensed massage practitioners is their quality. He asked how they can continue to have quality without continuing education. Ms. Jones agreed. Ms. Chance said that, if the statutes were going to be opened for other issues, that would be the time to address continuing education.

Mr. Melecki said that one of the biggest challenges to the profession in comparison with other states, is that there are a lot of people who practice massage even though they do not have a license because there is no enforceable law saying otherwise. He said that the position of the attorney general was that you could not regulate the provision of massage in Ohio, but you can regulate the provision of a health care service. Mr. Phillips said some licensees are leaving their LMT licensee in view even though their licenses are expired. Ms. Rieve said there is no organization, such as hospitals for doctors, that check to make sure the practitioner's license is still active. Mr. Phillips said that some that he had made aware that their license was expired were completely unaware of it.

Ms. Jones inquired as to whether the licensees had to have continuing education through the association. She was told that the association requires 48 hours every four years. Mr. Phillips pointed out, however, that licensees were not required to be members of an association. Mr. Melecki said that the national average nationwide of continuing education units for the various organizations is 24 hours every two years. Some require a certain amount of those hours to be ethics courses. Ms. Rieve summed up by stating that serious practitioners were already doing continuing education to keep their certifications or association memberships active. Mr. Melecki said that of the 38 states who license massage therapists, Ohio was one of five who did not have a continuing education requirement.

Ms. Rieve said that Ms. Jones was with the Medical Board when continuing education became a requirement for the physicians and she is experienced at setting up Board staff to handle that type of new requirement. Ms. Rieve said this would be something that Mr. Miller would work with MTAC on as to how to accomplish this goal through the legislative process.

Ms. Chance reported that June 24, 2006 there will be a memorial day for Agnes P. Forbes, the first licensed massage therapist in the nation, who is buried in the Dayton area.. She was licensed in 1916. AMTA paid her funeral expenses, which had never been paid, and John Fred Spack, LMT, initiated getting a tombstone placed on her grave. Ms. Rieve said that she would add the information to the website.

### **3. Results from December, 2005 LMT Exam**

Ms. Rieve said that she attached the draft exam results, by school, to the agenda. The results still need to be verified. Approximately 54% passed both parts of the exam of the 594 first-time exam takers. There were 159 who failed both parts of the exams, 24 who passed basic science but failed limited branch, and 94 who passed limited branch but failed basic science. There were 290 who passed both parts out of the 567 first time takers.

Of the 358 who retook the exam, 275 passed and 83 failed the individual parts of the exam they were taking, which gave a 72% failure rate on limited branch and 79.6% failure rate on basic science. Ms. Rieve felt that if the exams were more frequent, those who were retaking the exam might have a better chance of passing.

Ms. Pierce asked as to whether the Board had thought about bringing back the hands-on exam. Mr. Greely said that had been discussed in the past and concluded that the cost of doing that is prohibitive. He added that the schools are required to have a student do a massage on a licensed therapist so that there is a hands-on evaluation for the students. It is up to the schools to test the competency of the practitioner before they certify the student to take the state exam. Mr.

Melecki said that schools have more time with the student to evaluate their hands-on skills, than possibly a 30 minute evaluation done by the Board. He added that the market place will take care of therapists who do not do well.

Ms. Pierce then asked about giving the exam up to four times a year. Mr. Phillips replied renewal fees would need to be raised, or raise the cost of the exam, to cover the cost of giving it more frequently.

Ms. Chance said that the associations are going to work with townships who allow unlicensed therapists, and relaxation therapists, to work. Mr. Melecki said that therapists licensed in other states are frustrated when they move to Ohio as to what it takes to get an Ohio license. They sometimes practice under the township laws rather than going through the licensing process. He said that they have been trying to determine how to adjust the licensing law to allow out-of-state practitioners to sit for the exam. Mr. Phillips said that it is the job of licensed therapists to educate the public as to the differences of licensed and unlicensed practitioners.

Ms. Pierce had other questions concerning regulation of spas/salons by the Cosmetology Board and Ms. Rieve responded that the Medical Board is in discussions with that board about different overlapping issues. The Cosmetology Board has a different method of licensee identification and do not always recognize identification used by the Medical Board licensees for purposes of showing current licensure status.

Mr. Gibbons asked if the Board said anything about the exam test results. Ms. Rieve reported that she will soon be meeting with the Limited Branch Committee. They want reports from the last three exams, however, she advised that she had not forwarded the information to the schools as yet, so she would not have a report for the committee until after that was finished. The Limited Branch Committee wants a high quality practitioner, and they are concerned by the low test results, especially the schools that have the low test results. Mr. Greely suggested that the Board members attend an MTAC or Joint Committee on Curriculum meeting. Ms. Rieve said that she and Dr. Wemmerus will be meeting with Dr. Buchan, Chair of the Limited Branch Committee. She said the schools will have to be notified well in advance prior to any changes.

#### **4. Out-of-State Massage applicant eligibility requirement changes**

Ms. Rieve stated that by statute the Medical Board could dispense with examination of applicants for certificates if there were a national test. The Board could recognize any national examining boards of the limited branches of medicine as it has the authority to do it, but it has not recognized any national exams up to now. Ms. Chance said that the Federation of Massage Therapy wants a private entities to have the tests. Ms. Rieve said it would be much the same idea as is done with physicians with a national exam given by the Federation of State

Medical Boards. Currently, an applicant may sit for the Ohio exam if their out-of-state school is approved by the Ohio Board. The applicant may request approval of the school but that school must have the same curriculum requirements as the schools in Ohio to obtain approval. The rules, and possibly the statute, may have to be changed to allow any variations, such as allowing those who have many years of experience, to sit for the Ohio exam without going back to school. An individual rule can be opened for change without opening the rest of the rules.

Ms. Rieve said that applications for approval still need to be mailed to the massage schools that are currently approved by the Board. She said that some of the schools may no longer meet the requirements and would no longer be on the approved list. Unlike the current curriculum, in the past there was not a breakdown of hours per topic; i.e., anatomy, etc.

Ms. Rieve said that out-of-state applicants are required to meet the current curriculum of 750 hours and not less than nine months to complete their education. Ms. Thompson advised her that the statute would have to be changed if the Board wishes to change the to approve a school. In 1990 the Board allowed ten out-of-state applicants to take the test prior to the rules being developed, however, all other applicants would have to follow the Administrative Rules, by attending an approved school and meeting the curriculum requirements. The rules can be changed which is not as hard as changing the statutes. Mr. Greely said that if a statute had to be opened, rather just a rule change, everyone outside the Medical Board, such as the Physical Therapy and/or the Cosmetology Boards, could lobby for changes to any of the statutes. He said that the Chiropractic Board has long had an interest in regulating massage therapy.

Mr. Greely distributed a list of suggestions drafted by MTAC members of proposed changes to the rules that would allow out-of-state applicants to apply to take the exam but still be fair to Ohio educated students. It suggested they become eligible if they are licensed in another state or had passed that national certification exam or had completed a course of study with the minimum number of hours required. Ms. Chance said that if total number of hours in an educational program were the only criteria, it would put the applicant at a disadvantage in taking the Ohio exam because they may not have studied extensively in areas, such as anatomy and physiology, and they would not pass the exam. Mr. Greely said there remains a problem of quality people who have years of experience who do not have access to the test. Mr. Gibbons said that they receive emails from out-of-state practitioners, who seem to have a better understanding of what the exam covers once they receive a copy of the rules on curriculum requirements in Ohio.

Mr. Greely said that the list of proposed changes is not an extensive list but a starting point. He said that he brought it up at the Council of Schools and they do not care. Ms. Rieve said that it is easy to verify licenses with other states and also test scores and certifications but did not feel she could verify years in practice.

Mr. Melecki said that their practice could be checked on tax returns. Ms. Rieve was not certain the Board could request tax returns. She suggested taking the draft ideas to Ms. Debolt and Mr. Miller for their review. She was still concerned as to how to prove they were in practice, whose going to make the decision that it is similar, or equivalent qualifications, etc. Mr. Greely said that if they could not prove they are licensed, such as practicing in a state that does not issue massage therapy licenses, they would be required to do everything required of Ohio residents. Mr. Gibbons felt that the Board would be unable to prove that an applicant practiced, only that they were licensed.

Mr. Greely said that the Board could require that any out-of-state applicant prove they had the same education as Ohio students, and Ms. Rieve said that that is what they do now. She said the process includes a large application from the school being reviewed, and then the school being approved by the Board.

Mr. Melecki said that it has been the consensus for some time that there needs to be some alternative for out-of-state trained therapist to sit for the Ohio exam. Mr. Phillips said that it could be recommended that the applicant obtain a Certificate of Competency, which would also be a source of revenue for the Ohio schools. Mr. Gibbons agreed that they should be required to take competency test to make the applicant more aware of what they would need to pass the exam.

Mr. Melecki suggested a simple two step criteria; they can apply for and take the Ohio exam if they can prove they were licensed in another state, and, if they are from a state that does not have licensure, they would have to prove that they graduated from a massage school with a total hours requirement equal to Ohio at the time they graduated, and National Certification.

Ms. Rieve said by having simpler rules for admission to the exam it would allow the exam to act as the gatekeeper. She said no matter how the process is set up, not everyone would be satisfied. Mr. Melecki also said the out-of-state applicant should only be allowed to take the exam two times and then be required to obtain a competency certification. If they fail the exam again, they should be required to go to an Ohio school.

After discussion, the following are suggested requirements for out-of-state practitioners to take the Ohio exam:

1. Prove they are they currently licensed, registered or certified by another state;
2. Or, they must prove graduation from a massage school with hours equivalent to the hours in Ohio at the time they graduated, but to be no less than 600 hours, and they must currently be Nationally Certified;

3. Or graduation from an out of state Ohio Medical Board approved school.

Mr. Melecki said the importance of current National Certification would assure the Board that the practitioner is current with their continuing education and are committed to their profession.

Ms. Rieve said that she felt that she could amend a massage therapy rule, or create a new one, without the requiring a change in the statute. She said that the new executive staff that will be at the next meeting will discuss the possibility of rule changes.

Ms. Rieve also advised MTAC committee members that they no longer need to answer emails/calls regarding scope of practice. The questions should be forwarded to Joan Wehrle in the Board offices. Mr. Melecki suggested that the Board staff person who answers the question copy them with their response. Mr. Gibbons added that unless they are copied on the response, they don't know that the person ever got an answer to their question. Ms. Rieve said she would review the process with Ms. Wehrle and email the committee members as to how the questions would be handled.

## **5. Website Upgrade**

Ms. Rieve informed the committee that the Medical Board is going to revamp the current website. The Board is working with a consultant for the revision. Phase one will be to verify that what we have on the current website is correct and revise what is not correct. The same information will still be on the site but organized slightly different with different visuals. Phase two will be adding more accessibility; a site map and assistance in navigating the website. She asked the committee members to be thinking about what changes or additions would be helpful for massage therapy. She said she would like to add more questions to the FAQ's.

Mr. Greely said that he felt the current website is easy to navigate. Ms. Rieve said that the goal is to make the website user friendly and make it so that people can get the information they need.

Mr. Phillips suggested posting a notice that exam results would be available "no sooner" than a specified date. Ms. Rieve said that it might be good for applicants to have information on the status of their application online also.

Mr. Greely asked if the revised scope and curriculum rule been updated from the draft form. Ms. Rieve said that it has not been but that she has one copy that has been updated which she uses in mailouts.

## 6. Correspondence

Ms. Chance wanted to know if the Board is sending out letters concerning complaints they have received. Ms. Rieve said the Board does not release information about incoming complaints.

Ms. Chance asked who verifies the qualifications of the school instructors? Ms. Rieve said that that is on the applications for re-certification. It asks the school to list all their instructors and their educational background. She explained that Rule 4731-1-17 is the Instructor Rule and is in the instructions for re-certification. If the school is using instructors who are not qualified, the school would be put on probation.

Mr. Melecki asked about in-office sales. Ms. Rieve said she would forward the question to Ms. Debolt. Mr. Melecki said there should be some guidelines about multiple means of income for licensees. In his own practice he said that if he does not feel that selling an item falls within his training, he does not feel they should sell it in the office. Mr. Gibbons said that he checked with the county, and they said that anybody can sell vitamins as long as they have their vendor's license and pay their sales tax. Mr. Greely felt that ethically they shouldn't do it. Ms. Rieve said that she would also forward that question to Ms. Debolt.

Mr. Greely asked a question about Reike. Ms. Rieve said that was a scope question and, again, would be forwarded to Ms. Debolt.

Ms. Chance said that AMTA-Ohio is having a reception in the State House. All members of the House and the Senate will be invited. She will email committee members as to the exact date of the reception.

Ms. Chance ask the MTAC Committee Members for their biographies for the AMTA-Ohio's website. Most committee members responded that their biographies were available on their websites.

Ms. Pierce inquired as to when students who failed the exam would be allowed to review their exams. Ms. Rieve said there would be three review dates, which she did not have available at this time. She said the students would receive a letter and then they could schedule a review date.

Ms Pierce said their school has found students applying for the massage program who have felony convictions. She wanted to know who to contact to find out if they are considered minor felonies. Ms. Rieve said there is no rule that says if you have a felony conviction, you cannot obtain a license. However, the Board has a right to deny a license for moral and ethical character. What they look at is how long ago the felony occurred and what the felony was. Also, they consider was it any kind of assault, sexual boundary issues, rape, or sexual imposition as they are not going to look favorably on granting a license due to the intimacy of

the profession. The schools allow them in because they do not have a policy to do otherwise. Mr. Greely said that this issue would be one to discuss with township authorities concerning public safety.

Mr. Greely moved to adjourn the meeting and Mr. Gibbons seconded the motion. The meeting adjourned at 3:55 p.m.

Respectfully submitted,  
Jean Gillman