

**MINUTES OF THE MASSAGE THERAPY
ADVISORY COMMITTEE
Thursday, October 16, 2008
Room 336, Rhodes Office Tower 3rd Floor
30 East Broad Street, Columbus OH 43215**

Call to Order: Ms. Rieve called the meeting to order at 1:24 p.m. on Thursday, October 16, 2008.

Committee Members Present: Dennis Gibbons, Jeanne-Marie Hall, Rick Greely

Guests Present: Ramona Chance, AMTA

Medical Board Staff Present: Debby Jones, Sallie Debolt, Kay Rieve, Judy Rodriguez

Old Business

Review and Approval of Minutes – July 2008

It was decided that the July 2008 minutes need to be redone and will be reviewed at the April 2009 meeting.

New Business

There was an “off-agenda” discussion about requiring and tracking continuing education for Massage Therapists. Ms. Hall asked if this requirement was going through. Ms. Debolt stated that it hasn’t been discussed with interested parties. Ms. Chance mentioned that AMTA requires 48 hours over 4 years to retain membership. It was agreed that the requirement could be the same as the AMTA. Mr. Greely stated that this would be broken down as 24 hours every 2 years. Ms. Hall asked if the other professional organizations would have a role in this or would AMTA take the lead. Mr. Gibbons mentioned that only AMTA has an Ohio chapter. Ms. Rieve said that it would require a rule change but that wouldn’t have to go through right now. Her concern was that the new language for staggered renewal gets adopted first.

Staggered Renewal for Massage Therapists Draft Language

Ms. Rieve introduced the draft language for the staggered renewals explaining that this system would get the MT’s in the cycle with all the other licensees. (see attached page 1) She explained that this would be a temporary law because it goes away after all MT’s have been through this. After that, MT renewals would fall under the permanent law (see attached page 2). Ms. Debolt stated that the permanent law changes the language for renewal to be the same as the physicians. She explained that in order to get the MT’s into the same rotation as physicians, you have to have the temporary law.

Mr. Greely asked if we could include language to allow for renewal fee increase in the future. Ms. Rieve said that we can’t put that language in without a reason to raise the fees. She said that they will probably look at raising all the license fees during the next biennium. Ms. Debolt said that when you increase fees you do so to give yourself revenue for the future. Then you have to say that you

shouldn't have to increase the fees for a certain number of years. You have to justify it. Our agency has a nice pot of money that hasn't been spent which makes it hard to justify a fee increase.

Mr. Greely said that the AMTA has talked about increasing fees to cover more investigative activities surrounding complaints. Ms. Rieve agreed that would be a good reason to raise fees and restated that the next biennium budget talks will include a discussion about fee increases. Mr. Greely offered that the expenses are going up each year so a fee increase seems appropriate. Ms. Rieve and Ms. Debolt agreed that was so, but the Board will have to wait until the next budget cycle. Mr. Gibbons asked if we go to the Federation exam and if that would save the Board money. Ms. Rieve stated that it would. There will be some discussion about fees should the Board go to the Federation exam. She also stated that the continuing education issue could be addressed at that time.

Regarding continuing education, Mr. Greely stated that if you're going to be a professional, you need to maintain your currency. Ms. Hall asked about those MT's who have received an associate degree in massage therapy, but are not practicing. They may be in other allied professions. Mr. Greely said that they have several AS degreed MT's who are also nurses. He asked if they would have to maintain both sets of continuing education. Ms. Hall asked about those MT's doing doula work and want to be licensed that way. Mr. Greely said that was fine as long as they weren't doing massage.

Update of SB279

Ms. Debolt stated that the staggered renewal legislation will be attached to SB279 and should go through this session after the election. Ms. Rieve added that this should be ready in time for renewals in May 2009. There was some discussion that this new system may be confusing and the amount of phone calls to the Board may increase for a time. Ms. Rieve said the Board could put something on the website explaining the new system.

National Exam and Council of Schools Update

Mr. Gibbons asked if ORC 4731.18 allows for a national exam. Ms. Debolt and Ms. Rieve agreed that it does. Ms. Debolt said we would have to clean it up. She said they are trying to clean up similar language for docs. Mr. Gibbons asked how that would affect those who took the federation exam and now want to come to Ohio. Ms. Rieve said that they could apply for licensure. Mr. Gibbons asked if students would have to take both tests. Ms. Rieve said that eventually the national exam would be the only one taken. She mentioned that some instructors are already worried about what they are going to teach now.

Mr. Gibbons mentioned that Mark Malecki sent an email evidently inferring that the federation test was too easy. Mr. Greely stated that after all Mr. Malecki's years of education and practice, it should be easy. Mr. Greely reminded the group that this is an entry level test. Mr. Gibbons expressed the opinion that the schools should see no need to teach much differently than they do now.

Mr. Greely stated that there was some concern from the students who took the federation exam that there wasn't the amount of pathology that we see. But they also felt that what they saw on the federation test is more of what they see in practice. No one thought it was a terrible test. Ms. Rieve said that she had the grades from those tests. Mr. Greely said that the grades weren't much different from the Ohio test. He said that one person passed the federation exam and didn't pass the Ohio exam. But he only missed passing by one question. Mr. Greely asked one of the students if the test in content was easier or was it easier because there was no pressure and it was taken in a relaxed environment. The student said that the content probably wasn't as strong but it was better because it was quiet and no distractions. The one person who didn't pass has test anxiety. He took the national certification

exam, then the Ohio test, then the federation exam. The student stated that the federation exam was easier but he wasn't sure if it wasn't because he had already tested. There was some discussion about the MBLEx test for national certification containing more critical thinking-type questions.

Ms. Hall asked about the make-up of this last test group. Ms. Rieve stated that it was supposed to be middle-of-the-road performers but there really was a mixture. Mr. Greely said there was a gentleman at the feedback session who took the test a while ago. This man said that some of the questions he really had to think about. One of the other students agreed that with some questions, they had to think back and draw from all of their education to answer. Ms. Rieve said that Director Whitehouse is attending the FSMTB this weekend and is prepared to talk about the test. She said it will be interesting to see what he comes back with. Ms. Rieve said she doesn't want to change that much to fit Ohio students. Ms. Debolt said that an Ohio addendum would be appropriate. Mr. Greely said that it would affect reciprocity. Ms. Debolt said that those coming to Ohio could just be required to take the Ohio addendum part of the test. There was agreement that the Ohio part of the exam be separate from the rest of the exam to more easily accommodate reciprocity.

Mr. Gibbons stated that we should look at how New York does it. Ohio and New York both have strict guidelines. Ms. Chance added that New York governs its MT's through the Board of Education. Ms. Rieve said that they should wait and see what Rick's impression was and include his findings in the next discussion.

Ms. Hall asked how they plan to analyze the information gained from the 20 students who took the federation test as it relates to acceptance of the federation exam for licensure. Ms. Rieve said that they will continue to study the feedback. The students seem to have the same experiences no matter which group they are in. The security is very good at the testing site which is important. They also liked taking the exam in a quiet cubicle. Ms. Rieve stated that she was impressed by the way the exam is handled.

Mr. Gibbons said that the limited branch portion of the exam is more comprehensive than what our schools have been required to teach. Ms. Hall asked about the difference between the federation exam and the NCBTMB exam. Mr. Greely said that he worked with both organizations during the last year. He said that his experience was much more positive with the federation exam. He stated that the NCBTMB does not "have their stuff together." He explained that they couldn't have possibly revamped the test based on the job task analysis that was done. They don't differentiate between "having knowledge of" and "knowing." He said that he could have knowledge of brain surgery but not be able to do it. That's where the job task analysis comes in. He said that the NCBTMB has been through 5 executive directors in the last 4 years. There are major issues there beyond the test.

Ms. Hall asked if the federation test was a combination of both national tests. Mr. Greely said they are opposed at this point. He added that NCBTMB had applications sitting around for months. The federation had them turned around in 2 weeks. There was also some discussion that there isn't an education requirement to take the test itself. The test is only one part of getting a license. Ohio also requires a certain amount of hours of education as well. Ms. Debolt offered that Ohio could say that you have to be approved to take the exam by proving that you've had the required amount of hours. She explained that doctors can take their exam in any state; however licensure still is based on other Ohio requirements. There was discussion about current Ohio hours requirements.

Ms. Hall asked about the possibility of MT's having taken the national exam but not being Ohio licensed setting up shop competing with those who have been licensed. Ms. Rieve offered that this is

what the complaint system of the Board is set up for. Mr. Gibbons quipped that we could just raise the fees and hire more investigators. Ms. Debolt stated that when unlicensed practice is discovered, it needs to be reported to the Board so an investigation can be launched. She added that if no one tells the Board, they won't know about it.

Mr. Gibbons expressed his concern that some of the students/schools are confused about the national test. They don't realize that you still have to have the required hours for licensure. Mr. Greely offered that these schools come to Council of Schools meeting because this issue is discussed every time. Ms. Hall said that she's been approached by several people coming from other states who asked her about Ohio licensure. Mr. Gibbons stated that those people and others who have questions or are confused need to act like the professionals they are and search out the answers by calling the Board or coming to MTAC or CoS meetings. Mr. Greely stated that he's amazed at the number of people who come to them asking about the process and then get mad because of what it is. Mr. Gibbons said that there is also some confusion out there about what to teach now.

Mr. Greely stated that there are some people who graduate but don't take the test right away and fail when they finally do. He stated it would be nice to have a study guide.

Ms. Rieve suggested that a joint meeting take place with MTAC, Council of Schools, and the Limited Branch Committee to discuss the federation exam. Mr. Greely added that Director Whitehouse's attendance at FSMTB meeting will help guide where this is going. Ms. Rieve said it would also be helpful to talk to other states who have similar high standards.

Scope

Ms. Debolt stated that she had received a lot of questions about what MT's can do if they work for a PT or a Chiropractor. She wondered why the rise in the number of these types of questions. Mr. Gibbons said that more PT's are using MT's to do ultrasounds under the PT rules of delegation. Chiropractors are doing the same thing with E-stim, and the Chiropractic Board says that's ok. He added that there is a lot of confusion out there. Ms. Debolt said that her response to these questions is if you are a LMT, you can do only what an LMT can do in whatever setting you're working in. However if you are working for a PT or a Chiro and they want you to do things that are not within the practice of an LMT, you might be able to do them as an unlicensed individual but you have to be sure that it's clear you are not doing it as a massage therapist. You don't want to mislead the patient. She advises MT's to check with the OT PT AT board or Chiro board on what unlicensed individuals are allowed to do under their delegation rules. Mr. Gibbons offered that LMT's should get patients to sign a paper that verifies they are not being treated by an MT. He said MT's may start getting into trouble over this and need to protect themselves.

Ms. Debolt stated that another question came from an orthopedic practice that wanted to use an MT to do exercise instruction and we said no because that falls under the scope of a PT. The debate over this went on for months. She said what they were doing was using the MT for massage therapy and then saying they were unlicensed and using them for exercise instruction on the same patient. And they billed it as massage therapy. We said they couldn't do that because if they are unlicensed, they are unlicensed. She said that docs can't put their MT's in that situation. They may possibly lose their license. Mr. Gibbons said there is a move in the orthopedic community to have MT's go get licensed as PT's. Ms. Hall added that it would be ok to move from massage therapy to exercise instruction if they had both licenses. Ms. Debolt said that you have to differentiate which license you are working under.

Ms. Debolt said she was asked if an MT can sell supplements. She said that you couldn't do that in the MT realm. You have to distinguish between what you're doing as an MT and what you're not. Mr. Greely stated that this question comes up often. Can an MT tell a client to drink more water after massage? He said that he usually tells the MT that it could seem prescriptive if you are telling them to do it. And there is no research that validates any benefit to doing that. He says that he tells them to offer the client a bottle of water and leave it at that. He asked if he is right in his direction. Mr. Greely's reasoning behind this answer is that if a person is on a fluid-restrictive diet, they could say, well, the MT told me to do it. Ms. Debolt said you don't want to come across that you know more than you know. Mr. Gibbons says that where he works there is retail product being sold. He totally separates himself from that to avoid trouble.

Mr. Greely said that if you have a client on a table who asks you about the supplements being sold in the lobby, you have to say nothing. Ms. Debolt added that an MT could say, "As an MT I don't have any education or training concerning supplements but you could read the label and find out what it says." Ms. Debolt said that all anyone is allowed to say anyway is what's on the label.

Ms. Debolt then asked the committee about "Lymph Star Pro". Mr. Greely explained that it is supposedly a machine that stimulates lymph nodes. Ms. Debolt said she couldn't find anything to say it is FDA approved. Mr. Greely said that a vibrator or percusser is not FDA approved either but meets the criteria in scope. Ms. Debolt explained that devices have to be FDA approved unless they are class one. Then they have to be made by an approved manufacturer. Mr. Gibbons said that would probably fall under Underwriters Laboratories (UL). There was brief discussion concerning other such devices.

Ms. Hall asked about the scope of cosmetologists and estheticians. Ms. Debolt said that they can do relaxation massage under their license. Ms. Hall also asked about a gym changing its name from "gym" to a "wellness center" and offering reflexology. She said she went in wanting to be an MT, they wanted to pay her as an unlicensed person. Ms. Debolt said she should file a complaint. She said that when you see the law being broken, you have a duty to report it. Mr. Greely asked if we have an investigator checking out Craig's List. Ms. Rieve said the board has received a couple complaints from ads on Craig's List. Mr. Greely said he saw one that said "I'm not a massage therapist, but I can give you the best treatment of your life." It was reiterated that when you see these things, you should file a complaint.

Mr. Greely stated he had a couple questions. In their review class, this question came up. "Which one of the following can I legally say? 1. My practice is limited only to women. 2. This mole looks suspicious and you might want to see your doctor." Mr. Greely opined that an MT could say the first one but not the second because by calling it a mole, you are being diagnostic. Ms. Debolt disagreed. She felt an MT could say both. Ms. Chance said that #1 might be discriminatory. Mr. Greely said and Ms. Chance agreed that you can refuse to work on anyone you don't want to. Mr. Greely said that in faculty discussions they agreed that using the word "mole" is the problem. You could say "skin lesion". Ms. Debolt opined that she thinks of "mole" as more of a generic term. Mr. Greely said it's more of a diagnostic term. It was agreed that you could use the word "spot" instead.

Mr. Greely then said that it's been rumored that Everest has shut down their program. He asked for clarification. Ms. Rieve said she didn't know because they applied for certification last year.

Mr. Greely then asked if the Board was about to start a rules review process. Ms. Debolt said that yes, it's due. Mr. Gibbons said that those come up every 5 years and the MT rules should come up for

review next year. Ms. Rieve said that there is a lot going on with MT's right now and she wasn't sure when the process would start.

Mr. Greely moved, Ms. Hall seconded and the meeting was adjourned at 3:20 p.m. The next meeting will be held on Thursday, April 16, 2009.