

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

Call to Order: Ms. Rieve called the meeting to order at 1:10 p.m. on Thursday, April 20, 2006.

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

Guests Present: Ramona Chance, AMTA, Ohio; Jan Heppner-McConathy, L.M.T.

Staff members present: Kay Rieve, Sallie Debolt, Mike Miller, Debbie Jones, and Jean Gillman

Minutes Review and Approval – April 19, 2006

Mr. Phillips said that in the last paragraph on page 3 the word “licensee” should be changed to “license”.

Mr. Gibbons moved to approve the minutes as corrected and Mr. Greely seconded the motion.

Old Business

1. Approval of Core Curriculum document – Kay

Ms. Rieve reported that she has received approval of the core curriculum documents. She said that she presented the document approved by the Joint Curriculum Committee to the Limited Branch Committee of the State Medical Board. She said that Mr. Greely gave an overview of the work that had been done. The Board members approved the document and were happy with the work that had gone into it. Ms. Rieve said that she will work with Ms. Bates on the Medical Board staff to put the approved core curriculum on the website. She hopes to have it on the website soon along with the listing of textbooks. Ms. Rieve said that, since the Council of Schools had been working on the curriculum and textbooks, most of the schools are aware of everything.

Ms. Rieve said that the approved core curriculum will apply on the June 2007 exam. Mr. Gibbons inquired whether it that would include the books that were recommended. Ms. Rieve said that in discussions with Ms. Thompson, they felt that they did not need to identify specific chapters if it is in the curriculum. Mr. Greely said the reason that specific chapters were suggested was to fill the holes with the Kellogg text to correspond with what was being taken from Fritz. There were chapters to be taught but not tested and there were three chapters to be tested; chapters 6, 8 and 14 which are indications and contraindications,

sanitation and hygiene and hydrotherapy. He also said that Fritz will be used as a reference but will not be used for testing. The text that will be used for the definitive answers are Kellogg and Beck plus the pathology text. The Beck text was chosen because it most closely parallels language in Kellogg. Mr. Gibbons said that Lippencott will be publishing a new book soon that combines Kellogg, Beck and Fritz.

Mr. Greely said to keep in mind that this is a start. The Joint Curriculum and Testing Committee as a whole agreed that it will continue to look at curriculum and testing changes. He said they would like to see sample test questions so that the schools could understand the concepts. He said there would not be wholesale curriculum changes for a while in fairness to the schools, since the current changes are major ones. However, changes are open for discussion. He said he was pleased with how well the committee worked together. There was much more consensus than there was disagreement, and, where there was disagreement, if it was rationally explained, no one was opposed to the change. He felt they put the best interest of the profession in front of their own agendas.

Mr. Melecki inquired as to what the Board approval process was. Ms. Rieve said that the Medical Board approved the changes, not just Board staff. She felt it was necessary so that the Board recognized the work that had been accomplished.

Mr. Melecki said that the Joint Curriculum and Testing Committee had done important work and wondered if it could be an ongoing committee. Ms. Rieve said that it was a taskforce spin off of the MTAC committee, and that it would be a good thing. Mr. Greely suggested that they be scheduled to meet after exams, however, for now they should meet to develop a meeting plan and decide where they wanted to go over the course of the next few years so that it is a structured change. Mr. Gibbons suggested that they meet after the December 2006 exam to discuss curriculum. Mr. Greely said that he did not feel that it would be necessary to meet again until after the June 2007 when the new policies will be reflected on the exam. Ms. Rieve reported that there would be no changes on the June 2006 exam and probably not many changes on the December exam. Mr. Greely said that he felt they would not see the real effects of the core curriculum and the new hours for probably three test cycles after they are implemented. He felt that on the June 2008 exam there should be a significant difference.

Mr. Melecki asked about the number three item in the charge to the Core Curriculum Committee which was to develop mission statements and objectives for continuous curriculum and Board exam improvement. Mr. Greely said that that was an informal statement and that a formal mission statement needed to be developed. Mr. Melecki said that he agreed that it should be the basis of having an ongoing committee. Mr. Greely said that after developing a mission statement, the committee could then go forward with an organized plan. Mr. Melecki said that it would also help to keep the committee on track. Mr. Greely reported that Ms. Chance did a great job keeping the committee on task and allowing enough

latitude to have discussions and yet not letting the discussions to get too far a field from the topic.

Mr. Melecki said what that he liked about the committee was the interaction between the stakeholders on the committee. He said that he would like to see that process to continue and to expand. He also said that in the future MTAC may need to be re-formed in a different way, by region or schools, etc. Mr. Greely said that the committee has changed over time as well as the situations of members on the committee. He said that geographic regions are the least important but he felt that it is important to get the best representatives of professions that they can regardless of geographic location or affiliation.

Mr. Melecki summed up by saying that the Joint Curriculum and Testing Committee would continue as a subcommittee of MTAC and that one of the things to be done at the next meeting will be develop in writing a mission statement and objectives for continuous curriculum improvement and the Board exam. They would also develop a meeting schedule and plan to continue curriculum and Board exam improvement.

Ms. Rieve suggested a meeting for the Curriculum Committee in August, when Ms. Chance would have time available. Mr. Melecki suggested drafting a statement in advance of the meeting to be modified or changed by the members. Mr. Greely asked if it would be an open meeting. Ms. Debolt said that any meeting at which there will be discussion of issues that will lead to a change, whether or not it is required to be, it is best to treat as though it is a public meeting. Mr. Greely added that even if it was a public meeting, it does not mean that the public is allowed to speak. Mr. Gibbons suggested that they have the meeting at the Council of Schools. Ms. Rieve said that they did have representation from the Council at the meeting so that everyone was represented.

Mr. Melecki said that the Curriculum as conceptualized was to be a joint committee, a conference committee for taking the raw information that comes in from Council of Schools on curriculum proposals and putting it together with the staff at the Board that writes the exam. The committee is where the impetus created by the schools meets the Board's mandate to provide supervision and oversight and legal protection to protect the public.

Ms. Rieve said that there should be a meeting for the Joint Curriculum and Testing Committee set for August at which time they would draft a written mission statement and a meeting plan.

2. MTAC vacancy – review resumes – committee

Ms. Rieve said that included in the meeting packet for today's meeting were four resumes with names and identifying information removed to be reviewed by MTAC members to fill the MTAC vacancy. At this time she introduced Mike

Miller, Policy and Governmental Affairs Officer. They worked together to pick the resumes to be reviewed and they were not put in any order in the packet. She said they were trying to find someone who was not affiliated with a school and that the un-affiliated applicants seemed to be from the central Ohio area. She said that they also reviewed how the representatives for MTAC were chosen in the past. They found that in the past the resumes were given to the committee and they were to rank them as 1, 2, 3, 4. The votes were tallied to find who was chosen for the position.

Mr. Gibbons suggested they review the resumes and then forward their votes by email. Ms. Rieve said she would like to receive their emails within a week. She will then tally the votes and notify the MTAC members of the person who was chosen. She will then present the same information to the Board at the May meeting for confirmation.

Mr. Melecki asked about how the number of MTAC members was set. Ms. Rieve said that the number was set at five; two school stakeholders, two independent private practitioners and one association member. The resumes they have chosen are independent practitioners and fairly newly licensed who they thought would possibly give some new prospective to the committee. Ms. Rieve said the voting deadline would be April 25, 2006.

New Business

1. Council of Schools update – Rick Greely

Mr. Greely reported that when the final curriculum was presented at the Council of Schools they were glad to have it to work with.

2. AMTA-Ohio update – Ramona Chance

Ms. Chance reported that AMTA-Ohio is going to work with the Council of Schools on public education concerning massage therapy. They are going to talk to a public relations firm about the project. Mr. Phillips said that he had already heard from people who had heard the ads on public radio and said they were impressive.

Mr. Greely also said that the Council of Schools has discussed going to township trustee meetings concerning the implementation of massage therapy regulations advising them about what should, and should not, be included. They thought they might be able to help educate them about massage therapy, and that there is a regulatory distinction between massage therapy and massage.

Ms. Rieve said that she received a call from a city attorney who was looking at their licensing rules on massage therapy. They were interested because of all the spas who have employees who only have certificates from the city with no

educational requirements. Mr. Greely asked where a city regulation falls in comparison to a state law. Ms. Debolt said that they are different. If someone is only doing relaxation massage, a state license is not required. Mr. Greely said the City of Columbus has licensed massage technicians, and they can use the initials "LMT". He said the scope of practice for massage therapy clearly states that no unlicensed person shall use those initials. Ms. Debolt said that the problem is enforcement.

Mr. Greely said that he is on the AMTA National Government Committee and they are working on these very issues. He said they would be interested in talking to someone in government about it. Mr. Melecki said that working at the local level, individual prosecutors and individual regulatory bodies, is the way to begin to be known in the state. Mr. Greely said that in Columbus there used to be a regulation that someone had to have 160 hours of training from a Medical Board approved school to do massage. However, it was found to be unconstitutional because none of the Board approved schools would do only 160 hours of training.

Ms. Debolt said that state and local regulators of massage are co-equal; the state cannot automatically override local regulations. If their regulations are in direct conflict with one another, they need to have some conversation between the two levels. As far as the city prosecutors, Mr. Greely suggested giving them John Fred Spack's phone number as he has a lot of experience working with AMTA government relations committees and he could provide good insight into the issue.

Ms. Chance advised that she is working with the Federation of State Massage Therapy Boards on their policy and procedure committee. Mr. Whitehouse said that the Ohio Board would join the Federation, however, Ms. Rieve said that it has not been presented to the Board as yet. He is waiting for Ms. Thompson to review the information from the Federation. Ms. Chance said that when the states join they are waving the first year membership fees.

Ms. Chance said that the federation would like to try to develop a national exam, and that they would like to have Ohio involved in the process. She said that the Federation approached NCTMB about buying the massage exam from them, however, they have also contacted four other test companies for proposals on exam preparation.

Ms. Chance also reported there is a core curriculum committee, and she asked Mr. Greely to send a copy of DACUM to them. Ms. Rieve said she will also send a copy of the core curriculum to them. Ms. Chance said that being a Federation member does not automatically give therapists reciprocity in other member states.

Ms. Chance said that the next Federation meeting will be September 22-23, 2006 in Excelsior Springs, MO and she plans to attend. She said that she could represent the state of Ohio, or someone from the Board could do it. She said they

still have a space for a consumer member on their Board also. She said they would like to get a member of the Ohio Medical Board to attend.

Ms. Chance reported that the Agnes Forbes Memorial will be June 24, 2006. There will be a memorial service at the graveside and a reception in Dayton.

3. Discussion of possible change in eligibility requirements for Out-of-State Massage applicants – Mike Miller

Ms. Rieve said that she and Mr. Miller have been reviewing the proposal concerning eligibility requirements, and they feel it will require a change of the statute.

Mr. Miller requested an overview of what, and why, the committee is trying to change the eligibility requirements.

Mr. Melecki said that it is an ongoing topic of conversation concerning unlicensed therapy practitioners in the state of Ohio. The consensus is that it is a serious problem because of practitioners who come into the state and practice without being licensed. He said that MTAC members receive emails from competently trained practitioners from other states who cannot become licensed in Ohio because of the way the laws are written. He said they are currently given the options of giving up their practice or practicing outside the law. He felt that Ohio could offer an option for those licensed in other states to allow them to sit for the Ohio Board Exam. This would not be reciprocity but it would be revising the statute, or rule, to enable a competently trained therapist from out of state to qualify to sit for the Board exam.

The three possible qualifiers discussed at the previous meeting are:

1. They must be licensed, registered or certified in another state.
2. They are a graduate from an accredited massage school in another state with a total number of training hours that are equivalent to Ohio requirements at the time they graduated, and that they have National Certification.
3. They graduated from a school that has been approved by Ohio.

Mr. Miller responded that there would have to be a distinction between in-state and out-of-state schools to begin with. Ms. Rieve said that currently all schools in Ohio must be approved at 750 hours of schooling along with other requirements. Mr. Miller said the current suggestions would create a two-tier system and possibly encourage Ohio students to go to out-of-state schools and then apply to sit for the Ohio exam. Then, if they do not pass the exam, they may still set up an unlicensed practice which would not solve the problem. Mr. Melecki said that, even if a student decides to attend an out-of-state school, they may not be able to pass the Ohio exam.

Mr. Greely asked if there is a way to allow an out-of-state practitioner who had been practicing for 20 years to apply to be licensed in Ohio? The goal of the licensure exam is to protect the citizens of Ohio and insure a minimum level of competency. If they can pass the exam, does that not do the same thing regardless of where they were trained? Is there a way to facilitate those practitioners?

Mr. Greely said that another issue is that some out-of-state applicants may have as much as 1200 hours of training but not over the time specified in Ohio, and it was from a non-approved school. He said that practitioners that have many years of experience are not granted access to the exam and have no other means of getting licensed in this state. He added there are 37 states, plus the District of Columbia, who now license massage therapists.

Ms. Debolt suggested that, instead of having to meet the requirements, maybe it should be that they have a diploma from a school in good standing and there is a process in the statutes of how to determine a school of good standing. They would be required to submit their curriculum to determine if they met Ohio requirements. It would be approving an individual, not a school. Ms. Rieve said she would like to see a rule as to what the equivalency would be so it would be an easier process for the licensure staff; a checklist.

Mr. Melecki said that what they are trying to do now is create a window so that legitimately qualified people can take the Board exam and get their license. As it stands now, there is no way for an out-of-state practitioner to get a license, so they automatically work outside the law. Ms. Debolt said that a number of other licensing boards have had the same problem so there are a lot of examples to draw information from as to how they handled it.

Ms. Rieve said that she felt the criteria presented by the MTAC committee was workable. Mr. Greely said that he felt that taking a course in Ohio law should be added into the criteria. Mr. Gibbons asked how many schools would offer a course in just one subject. It was the opinion of various committee members that it could be offered as a one day continuing education course. Mr. Greely said that he did not feel someone should be able to come into the state and practice without knowing the law. Ms. Debolt said that that would be one thing to consider if it goes to having a national exam for licensure, would there be a necessity for the applicants to take an Ohio exam for law. She said that statutorily the Board can only give the two exams that are now given. Mr. Melecki said that it could be an online exam.

Mr. Melecki said that the best way to clear the way for out-of-state applicants to take the exam is to keep it simple. The more documentation that is required, the more work the applicants have to go to and the more time the board staff has to work to review it. He did feel it was important to make some type of threshold to make sure they get additional training in Ohio laws. He felt that eight hours of

law training would be adequate. He said to keep in mind, what they are discussing is not qualifications for licensure in Ohio, it is qualifications to sit for the Ohio Board Exam. Mr. Phillips said that qualified applicants should be allowed to sit for the exam two times, and, if they are unable to pass the exam after two tries, they should be required to obtain a Certificate of Competency after taking a review course. Since Ohio students are allowed to take the exam three times, Mr. Gibbons felt that other applicants should have the same requirements.

Ms. Debolt stated that the currently out-of-state schools approved by Ohio are required to teach business and law courses. However, they are not required to teach “Ohio” law, therefore, she does not feel the Board can require out-of-state applicants to take an Ohio law exam. If the Rule is changed to state that the schools teach Ohio law, then all the previously approved out-of-state schools will need to re-apply for certification.

Mr. Melecki again stated that the goal is to create a mechanism to allow appropriately trained therapists from out of state to come to Ohio and sit for the exam. Ms. Debolt said that the easiest thing to do would be to change the statute to have it say exactly what the Board requires. Mr. Melecki suggested that if the statute was going to be opened, to add a continuing education requirement.

Mr. Greely said that he would like to see language developed for changes to the statute. Ms. Rieve suggested having a paragraph in the statutes for Ohio and a paragraph for the out-of-state applicants, and then define each in the Rules. Mr. Greely said that by requiring current National Certification, it assures the Board that, even if a licensed/certified person from out of state has not had an active practice, they have been required to keep up their continuing education.

Mr. Melecki said that part of the discussion about continuing education has not just been about not being able to get laws passed in Ohio that limits the practice of massage to licensed massage therapists. So the market place distinction could be that licensed therapists take continuing educations whereas massage technicians don't. In the last Rules revisions there was a requirement that a licensed therapist must have their license hanging in their primary place of practice.

4. Correspondence – Sallie Debolt

Mr. Greely said he had a call from one of the schools concerning faculty requirements to teach the sciences. Rule 4731-1-17 states that instructors must have a bachelor's degree with a concentration in the discipline. So would an RN diploma qualify to teach the basic sciences? Mr. Melecki asked if a physical therapist with a bachelor's degree qualify someone to teach anatomy? Ms. Rieve said that an RN who has a bachelor's degree and has had training in anatomy could teach that course. Although the RN may not have had everything in his/her training that is required by the core curriculum, they have enough to enable them to educate themselves in the necessary areas to be taught in the course. She said

that, when they review school applications, they make sure the instructors have bachelor's degrees, and it appears that they have had anatomy and physiology.

Mr. Greely inquired about light-based therapy, which by Rule, LMT's do not qualify to do. Mr. Melecki asked, if a massage therapist, in the course of doing a massage, uses an infrared light, would be practicing outside the scope? Ms. Debolt explained that the Board would need to address that question when a case came before them to review. Ms. Rieve said that the parameters are listed in Rule 4731-18-02. Ms. Debolt said that cold lasers fall within the Rule also. Mr. Melecki suggested that a FAQ be added to the website on this topic. He said that his answer to someone was that they weren't trained to do it. There is no training nor adequate physiology in massage therapy practice to do it and claim that you are doing something as a massage therapist. It's outside the scope of practice.

Mr. Greely said that he was on the conference call with the National AMTA Government Relations Committee and the Pennsylvania chapter has been asked by the state legislature to find expert witnesses as to whether massage is healthcare. He was wondering if anyone from the State Medical Board of Ohio would be willing to testify in front of their state legislature. The physical therapists have challenged the fact that massage is healthcare in relation to them being licensed. After a short discussion, it was determined that Mr. Whitehouse, Executive Director of the Ohio State Medical Board, would be the appropriate person to contact.

Ms. Rieve had a question regarding whether a person with a felony conviction could be licensed as a massage therapist. The Rules state they must be of good moral and ethical standing. Mr. Greely said that the Board cannot review the case until the person has passed the exam and at that time the Board can deny licensure. Private schools may have it in their bylaws to restrict students from entering a program, however, community colleges cannot. Ms. Rieve suggested that prior to starting a program at a community college the student be given a copy of the application they will need to complete prior to taking the Board exam, asking if they have had any legal convictions.

Mr. Phillips said he has been getting questions from students asking where they can file a complaint about their school. Ms. Rieve said they can send complaints to the Medical Board, however, it may be referred to the Proprietary Board. A student could submit a complaint to both boards if they so choose. She said it depends upon the type complaint as to which board would handle the complaint.

Ms. Debolt asked about jin shin jitsu which her research said was a method designed to heal the body by harmonizing its flow of energy; a non-massage of shiatsu. Mr. Melecki said that shiatsu is a form of pressing on pressure points in the body. Mr. Greely added that shiatsu is done on a mat or low table as opposed to an elevated table. Mr. Gibbons said that it is similar to reiki, but instead of doing the whole body energy release, they do the spine. It is not massage. Mr.

Melecki said when issues came up of this nature in the past, their criteria was; 1) whether they involved manual contact with the body, and 2) is it put forth to remediate some disorder of the body. If the answer to both questions is yes, then it falls within the scope of massage therapy.

The MTAC Committee discussed a letter received from Burt Jones, L.M.T. Ms. Debolt said that she would respond to the letter, and Mr. Melecki volunteered to give technical assistance for the letter.

Mr. Gibbons made a motion to adjourn the meeting and Mr. Phillips seconded the motion.

The meeting adjourned at 3:55 p.m.

Respectfully submitted,
Jean Gillman