

**MINUTES OF THE MASSAGE THERAPY
ADVISORY COMMITTEE
Thursday, July 20, 2006**

Call to Order: Ms. Rieve called the meeting to order at 1:00 p.m. on Thursday, July 20, 2006.

Committee Members Present: Rick Phillips, Dennis Gibbons, Rick Greely, Jeanne-Marie Hall, and Mark Melecki

Guests Present: Laura Issenmann, out-of-state massage therapist; Douglas M. Shodd, Sr., Youngstown College of Massotherapy (YCM); Angela Shodd, YCM; Stephanie Johnson, Colorado LMT; Sue Edgar, LMT Children's Hospital; and Jan Heppner-McConathy, LMT

Staff Present: Kay Rieve, Sallie Debolt, and Jean Gillman

Minutes Review and Approval – April 19, 2006

Mr. Greely said that on page 8, last paragraph, the term "Scope of Practice" should be changed to "Instructor's Rule 4731.1.17."

Ms. Heppner-McConathy said that on page 7, 4th paragraph, last line, the word "the" should be struck.

The minutes were approved as corrected.

Introduction of New Member: Kay introduced Jeanne-Marie DeMontagnac-Hall.

Old Business

Ms. Rieve reported that we have draft language for out-of-state exam and licensing. Mr. Melecki came up with proposed language. The members read the language. Mr. Shodd said that (B) (1) and (2), look good. He stated that (B) (3) isn't what we were looking for. It would open up to anyone nationally certified to come and take the exam. The problem was the hours at time of graduation. Mr. Melecki stated that part of the issue is that it would be encouraging people to go out of state, taking less hours, then taking the exam here in Ohio. Mr. Greely stated that the hours required was used to allow students to mature.

Ms. Johnson stated that in Utah, younger students who did pass the exam, did not last long in the field. Ms. Rieve suggested that we say in the statute that we require 600 hours of instruction. Mr. Melecki suggested that we phrase the rule with exact hours. Mr. Shodd said that 600 hours was enough if they graduated before January 2006. After that, it should be 750. He stated that Colorado has no education regulations. Ms. Hall stated that some states have no **state** licensure. Some states have their municipalities regulate licenses. Mr. Phillips asked that if a massage therapist is licensed in their state, but there is no state licensure agency,

could we use the National Certification to let them sit for the boards. Ms. Johnson stated that the process seems to be more complex than it needs to be to just sit for the exam. Ms. Debolt clarified that either the out-of-state student must have a certificate or education. Ms. Rieve stated that we want to contact the states to verify education or certification. However, we don't want out-of-state students who have less education than Ohio students to take the exam as it wouldn't be fair to Ohio students.

Mr. Gibbons suggested that out-of-state students take a law course. Ms. Rieve suggested that we include more laws questions on the exam. She suggested that we could direct people to where they could get information on the laws so they can prepare for the exam. Mr. Shodd asked about requiring out-of-state students to take a review course. It was agreed that if someone took a review course, it would not show up on the school's statistics.

Ms. Rieve reiterated that we want to eliminate the burden for out-of-state people. If they want to take the test, let's make sure they are qualified people and let them take it. Ms. Debolt asked if we would spell out in (B) (3) which nationally certified bodies are recognized by the board. Ms. Rieve said we should amplify specifics in rules. Mr. Melecki said that (B) (3) should be a two part clause. 1st that they should have graduated from an accredited massage school in their state with a minimum of 600 hours (prior to December 31, 2005) and 750 hours after January 1, 2006; and 2nd that they be nationally certified. Ms. Rieve stated that if they have national certification that verifies they have 500 hours. She stated that we are setting the bar higher than the national exam. Mr. Greely said that this may be a discrimination issue because we will be requiring 750 hours. Mr. Melecki mentioned that we are trying to create a door for a non-licensed person to show they have education even if not working in field. Ms. Debolt mentioned we could split the rules for cosmetic and massage therapists if there is a big difference. Ms. Hall expressed concern that we make the door open for as many people as possible. Mr. Melecki said that the way to do that is to say it as it's written on the draft. However, that is really unfair to Ohio students.

Ms. Rieve asked Mr. Melecki what the next step is. Mr. Melecki said that if we approve this language as is, then we need to run it by the cosmetic therapy advisory committee. He thinks they would be supportive because it opens it up for them too. Then, he said, we need to get a sponsor and take it to the legislature. Mr. Miller noted that there is only a few months left of this cycle so we probably won't be able to get it until next year. He said that the legislature said they aren't dealing with anything that repeals taxes. So this may sit awhile. Ms Debolt mentioned that when you get a statute changed and then signed by the governor, you have 90 days for it to take effect. At that point, you have to draft rules. So it will be at least a year. Mr. Greely asked Mr. Miller what the liabilities are of opening up the statute, politically speaking. Mr. Miller stated that if you open chapter 4731, anyone can make changes. But you need to find a good sponsor that won't allow that to happen. Find someone strong who will limit the changes

to this area. Ms. Rieve stated that we might be able to put this in with the budget that has been done by June. These changes are budget neutral so it might go through.

Mr. Greely suggested that someone from the board go to the Council of Schools meeting to get their support. The meeting is scheduled for the 1st Monday in August. Ms. Rieve volunteered to go and present the draft. Ms. Issenman asked if there are people who come to Ohio and transfer into a school, take extra hours and then take the exam. There was consensus that there probably were some who do. However, Mr. Greely stated that schools don't like to do that because if the person doesn't pass, it reflects badly on their statistics. There are rules in place to shut them down if scores are not good enough. Mr. Melecki stated that we should talk about it with the Council of Schools and CTAC and then report on the issue at the next meeting.

CEU Issues

Mr. Melecki wanted to create language at the same time and add a CEU requirement. Ms. Rieve said we can review the statute for the cosmetic therapists and then audit credits. She stated that we could add that to the same bill. Ms. Debolt said we first have to get the authority to require CEU's, then we can set up the specifics.

Federation of State Massage Therapy Boards membership

Ms. Rieve stated that the Medical Board has approved joining the FSMTB. She has the invoice and will proceed with the membership process.

Mr. Greely said that the FSMTB had a meeting about setting up a standard for curriculum and national testing. They hired a company to help with the test. They will have 10 topics modeled after the nursing boards. 23 states were represented. Ms. Hall asked if Ohio would adopt this test. Mr. Rieve said we would have to see. Ohio came up with its own originally because it felt the national exam wasn't adequate enough. Mr. Greely stated that all state boards would have to accept the exam before it would be given. They are hoping to have something ready by December 2007. Ms. Rieve said we are going to join for a year and if it doesn't meet our needs we won't pursue membership. Mr. Greely stated there is a website.

Correspondence

Page 12 – Ms. Debolt stated that there is no statute. Mr. Greely will check with AMTA to see if they have any guidelines.

Page 13 – Ms. Rieve said that this is just a sample of questions the Board gets.

Pages 15-18 – Ms. Debolt has not drafted a response yet. Mr. Melecki stated that the key information is on page 16 about the power. It falls within the massage therapy scope because it is within the frequency range allowed. He stated that

more research is needed. If it involves administering electrical current then it would be out of scope.

Page 19 – Sallie asked if the Facelift Facial Massage was in the scope of massage therapy. Mr. Greely stated it was not out-of-scope.

Mr. Greely did have a question from someone who got a massage at a spa from a licensed massage therapist. There were no medical forms filed. Mr. Melecki stated that there are no regulations regarding paperwork unless referred by physicians. He also stated that it was good practice to file medical forms before therapy to avoid any complications or lawsuits.

Page 23 – Ms. Debolt stated that Mr. Whitehouse already responded to the person earlier. They were looking for an answer they liked. Mr. Phillips stated that we need a disclaimer paragraph on the website to say that MTAC doesn't handle the emails but give them a board email. He felt it should also say that MTAC is an advisory to the board. Mr. Melecki stated that all responses should be copied to all MTAC members, Ms. Rieve and Ms. Debolt. Mr. Greely felt we should have a massage therapy ombudsman on the board. Ms. Issenmann stated that it was nice having MTAC to answer questions when you cannot get satisfaction from the board. It was nice having a group of massage therapists around to get more specifics. Mr. Greely commented that we do appreciate the emails to bring issues to the board.

Page 27 – Members commented that it was a good letter.

Page 30 – Ms. Johnson stated that she was satisfied with her response.

Page 32 – Mr. Melecki read his response to this letter, which the committee agreed was a good response. Ms. Debolt said to call it a law change and not a rule change.

Ms. Hall said that this is a good example of what we were discussing before. We need to come up with a way that those who are eligible can get through the pipeline easier. She expressed frustration about her experience transferring from New York. The committee assured her that the new statute is aimed at making that process easier. Mr. Greely asked about a provisional license for those coming in. Ms. Rieve said that we have no authority to do that. It would be difficult handling these on a case-by-case basis. Ms. Debolt said that we have to have criteria to accept on an individual basis. Mr. Greely stated that we can't make it easier for someone coming in than for those who are already here.

Other Business

Ms. Rieve stated that the next board meeting is August 9 and 10 – exam results will be available on the 11th. If approved, we will license them on August 11th.

The stats for the exam will be available after the August board meeting. Ms. Rieve also said that she will put a banner on the website regarding the email issue.

Ms. Hall asked if there is an official review course available for out-of-state people to get approved. Ms. Rieve said that the board doesn't drive that. It is up to the schools. Mr. Melecki said that his school is offering one in September. Ms. Johnson stated that some individuals offer a review course on their own. Mr. Melecki said that the reason you don't see schools allowing out-of-state students to come in, if they provide certification, is that if a student fails under their pass/fail statistics, it may threaten their accreditation. He stated the best thing to do would be to look at the list of accredited schools on the website and start calling schools. Ms. Rieve stated that if we can come up with a list of schools who offer review classes for out of state people, she would put on web site.

Ms. Hall asked about how schools get reaccredited. Ms. Rieve said that all schools have to reapply for accreditation with increase of hours. There is no money involved. It's done on a school by school basis as it comes up. The new law will approve students, not schools.

Ms. Hall also had a question about topical preparation. The committee advised her that anything that mimics what a massage therapist does is allowed, but not if it gives an electric stimulation. She asked for clarification that massage therapists can use topical preparations.

Mr. Greely asked about a school who wants to put a course on-line. Do they have to get it approved by the board? Mr. Greely said you can use online classes without separate accreditation up to 49% of your curriculum. 50% or more on-line must have separate accreditation. Ms. Rieve noted that more schools are going to it.

Council of Schools

Mr. Greely said that there is a question of starting their own board. He said it requires a budget, staff, testing, lobbyist, etc. and would be too expensive. Ms. Rieve said that there is a move toward small boards consolidation.

Other Business

Mr. Greely said there is some concern about whether the new exam is June 2007 or December 2007. Ms. Rieve said that the new exam is scheduled for December 2007 and we need to make it official. Ms. Hall asked about who the core curriculum committee was. The committee told her the names and said Ms. Chance chaired the committee. Ms. Rieve also explained who the Council of Schools is. They handle approval of secondary and proprietary schools.

Mr. Greely said that relaxation massage keeps coming up. He asked if it would serve us at all to, either in statute or rule, define relaxation massage or at least get a position statement from the board as to what constitutes relaxation massage. Ms.

Debolt said that we don't regulate it so we don't have to define it. She asked if we could ask the Attorney General for an opinion. She also stated that statues in the township section of the Revised Code say that townships can regulate massage and any practitioner of massage. Ms. Debolt said that opinion has no legal weight. Discussion ensued as to the definition of massage therapy versus relaxation therapy.

Mr. Phillips asked about the externship rule. Is there a way to increase the number from 10%? Mr. Greely said that others do it, but it is a part of their curriculum and the instructors were there. Ms. Rieve noted that part of the rule says that there has to be a written agreement. Ms. Edgar said that she would like to increase hours so they can use students at Children's Hospital. Ms. Rieve said that we'd have to change the rule then. Mr. Melecki said that you could divide the students up so no one goes over that 10%.

The meeting was adjourned.

Respectfully submitted,
Jean Gillman/Judy Rodriguez