



Business League for Massage Therapy & Bodywork (BLMTB)

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Newsletter Update

#039 February 25, 2010

BLMBT New Board Member Lynne Ann Kogut

The BLMTB Board is very pleased to welcome Lynne. We are very grateful to Lynne for stepping up to participate and are looking forward to working with Lynne for a very long time.

About Lynne:

Lynne Ann Kogut (Kila, MT) joined the BLMTB Board of Directors on February 5, 2010.

Lynne has been a massage & bodywork therapist since 1987. She completed her massage training with the Connecticut Center for Massage Therapy, which at the time was a 500 hour program. She has continued her studies in Polarity Therapy & Craniosacral Therapy. Lynne is a Registered Polarity Practitioner (RPP), a Certified Polarity Educator and a Biodynamic Craniosacral Therapist (BCST).

Lynne moved to Montana in 2003. She is the Director of Dancing Bear Center for Polarity Therapy & Energy Studies, which is an APP level of Polarity Training recognized by the American Polarity Therapy Association (APTA). This is the first recognized school by APTA for Polarity Therapy in the state of Montana. Prior to her career in massage & bodywork she managed various Health & Fitness facilities in the New York area.

Lynne has joined the BLMTB board because she has felt that the BLMTB has provided a very valuable service to Montana. She has felt that the organization has safeguarded our field of practice in massage & bodywork therapies. Lynne writes: "Not only has it been instrumental in informing us of important issues around protecting our right to practice, but the organization has helped in understanding the legislative process, keeping the language appropriate for practicing, & having a watchful eye on over-regulating the field of practice." Lynne has appreciated the BLMTB's effort and knowledge offered to the community of bodywork therapists. She has joined the organization as another voice for freedom to practice and for a fair and just regulatory system that not only accepts education and professionalism but also protects the intuitive nature of the practice of massage & bodywork which keeps it fresh and exciting as the field evolves.

Lynne feels that: "Less is more when it comes to regulating a system that has an excellent track record for exceptional practitioners. This is the inherent nature of massage & bodywork therapists and you cannot put that in a box or on a piece of paper."

Update for the 2/22 Rules Committee & Board Meeting

Two of our board members (Lynne and Patty) attended the meeting. There were approximately 6 or 7 persons attending as observers.

We were very pleased, relieved and comfortable with the unprofessional conduct rules that the board has formulated so far. Most of the items in the working draft were stricken. Here is what has been agreed upon so far:

- (l) The following conduct is unprofessional conduct justifying disciplinary action against a licensee:
- (a) incompetence, negligence, or use of any modality procedure in the practice of a profession which results in an unreasonable risk of physical injury to the client;
 - (b) accepting and performing massage therapy responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
 - (c) engaging in or soliciting sexual contact, or sexual intercourse, as defined in 45-2-101, MCA, with a client when such act or solicitation is related to the practice of massage therapy;
 - (d) failing to adequately supervise auxiliary staff and massage therapy students to the extent that the consumer's health or safety is at risk;
 - (e) failing to comply with continuing education requirements set forth in ARM Title 24, chapter 155, or failing to supply continuing education documentation as requested by the audit procedure set forth in ARM 24.1 55.XXX, or supplying misleading, incomplete, or false information relative to continuing education taken by the licensee;
 - (f) failing to cooperate with an investigation that is the result of a complaint.

- (2) Upon a finding of unprofessional conduct as defined in (1) and determined in accordance with the Montana Administrative Procedure Act, the board may impose sanctions, including but not limited to those allowed pursuant to 37-1-136 and 37-1-312, MCA; any additional cost or expense incurred by a licensee as a result of a sanction is the burden of the licensee. As additional forms of sanction, and without limiting the availability of any other sanction, the board may;
- (a) require supervision, inspections, reports, additional continuing education or other training;
 - (b) limit the licensee's scope of practice in any reasonable manner considering the circumstances; and
 - (c) any other condition of licensure, probation, reinstatement, or re-licensure the board deems necessary or appropriate to protect the health, safety, or welfare of the public or to rehabilitate the licensee.

We also want to point out that the provisions in (2) ONLY apply to those who have been found “guilty” of unprofessional conduct. These things give the board the ability to monitor the person to ensure that they come into compliance. So, the only inspection that can occur is if the person has been sanctioned by the board. We know that people, including us, are uncomfortable with the idea of boards allowing inspections even in this instance. Practitioners have voiced a concern that inspectors would come in while they are performing massage.

Recommendation: We request that the Board set out guidelines as to how inspections would be performed so as to protect the privacy of the client.

The Continuing Education rules seem reasonable, including pro-rating the number of hours needed based on when the person gets licensed. For example, no CE hours are due if licensed less than a year before the continuing education date. There are a variety of ways to meet the 12 hours of continuing education: in-person, online or correspondence courses, writing articles, teaching courses, etc. Continuing education courses can include business courses, and as long as the person “demonstrates that the activity is substantially related to his or her role as a massage therapist” the course would probably be accepted.

If you have a concern about whether or not what you are taking for CE meets the requirements, you can ask the board for a declaration. This is a specific process and time consuming. During the discussion the sense we had was that the committee/ board seemed likely to leave the CE requirements very open-ended.

Where we are in the Process Now:

February 26 – 5pm – Comment period for the first set of rules closes.

March 9 – 1pm Conference Call for the Board

The board will review the comments from the first set of rules (and the hearing), respond to them and **adopt the final rules put forward in this first round.**

You can attend over the phone or go to the meeting in Helena (301 South Park). To attend by phone, you must contact the board office by MARCH 5th to reserve your phone line.

We're not exactly sure when the rules developed on January 25th and February 22nd will be noticed and moved through the process. We will keep you posted.