



# **Business League for Massage Therapy & Bodywork (BLMTB)**

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## **Newsletter Update**

**#045 August 11, 2010**

### **Massage Therapy Board (MTB) Report: June 22 / July 27**

#### **Numbers of Applicants:**

The Massage Therapy Board (MTB) has received approximately 1000 applications.

#### **Budget:**

The MTB was operating with a large debt (approx. \$75,000) prior to the influx of applications. The MTB now has brought in enough money to pay this debt plus have enough money to operate until money from renewals come in next year in August.

Comment: The BLMTB Board expects fees to be reduced sometime in 2012 or 2013 based on the fact that there are more licensees than anticipated.

#### **New Rules:**

The MTB adopted the last set of rules concerning Continuing Ed, Unprofessional Conduct and some new definitions. The MTB made several decisions of note concerning rule-making:

- correspondence courses were re-categorized per the BLMTB Board's suggestion to be treated like other courses taken in-person or online. Thank you to everyone who wrote in supporting that change. Your comments helped!
- The MTB will look at the issues concerning inspections at a future meeting. Currently the MTB has authorized inspections as part of the disciplinary process. There were enough concerns raised about how those inspections would occur that the MTB did agree to look at the possibility of developing guidelines for the inspection process to protect the privacy of the clients. Further, there is some concern regarding whether or not the MTB has the authority to require inspections in general. The MTB is also going to look at this issue. The BLMTB Board supports finding an answer to this question and writing rules prohibiting general inspections.
- At this time, the MTB will not require license numbers to be posted in advertising.
- The MTB will consider at a future meeting a new rule requiring that licenses be posted in the place of business.

#### **Letter to Cosmetologists:**

The MTB sent a letter to the Board of Cosmetology outlining their understanding of what is permitted under the Massage Therapy License. It appears that as long as the practitioner touts the health benefits and avoids any language relating to beautification, the practitioner can perform exfoliating scrubs, wraps, paraffin, facial massage and other procedures that the massage therapist is trained to do.

#### **License Application Issues:**

The MTB also spent considerable time going through applications that staff did not know how to process or applications that were considered non-routine.

##### Issues of Note:

- The MTB has not denied licensure to any applicant with a single DUI record as long as the person completed the terms of their sentence and the drinking did not occur on the job.
- Unlicensed Practice Complaint Applicants: The MTB granted a license to a person disciplined by the Board of Medical Examiners for using the term "medical massage." At a future MTB meeting, the MTB will review a draft letter to be sent to the Board of Medical Examiners concerning this issue. The MTB also granted a license to a person disciplined by the Board of Cosmetology. The person was trained and was performing procedures now considered by the MTB to be within the scope of massage therapy. At some point, the MTB will try to come up with a rule concerning which unlicensed practice complaints will be reviewed by the MTB, and which types will be granted a license.
- Reciprocity / Endorsement: The MTB is not declaring whether a state's licensure is equivalent. What it is doing is addressing applications, and determining whether or not that application is accepted or denied on the basis of equivalent licensure. It's a fine line, but that is how the MTB is doing it. So far, applications from persons licensed in New Hampshire, Washington, and Nebraska has been accepted. Those persons basing their application on

Connecticut and Colorado licenses have been denied on the basis that those licenses are not equivalent to Montana's. Persons whose applications have been denied under these circumstances have been invited to apply for a Montana license using another method (grandfather or examination).

### Regulation of Schools:

The MTB received a letter from a person wondering whether or not a particular school will meet the requirements for licensure. The MTB does not approve schools, so it is up to the student to know whether or not the school meets the requirements of the law.

It was noted that the NCBTMB guidelines are one set of guidelines that do meet the requirements, so if the school has an NCBTMB provider number to allow its students to sit for the test, that is sufficient for the MTB to accept that school's curriculum guidelines (the NCBTMB reviews curricula for compliance prior to assigning the provider number). If the school does not have a NCBTMB provider number, then the curriculum must include:

- (a) 200 hours of in-class and instructor-supervised massage and bodywork assessment, theory, and application instruction;
- (b) 125 hours of instruction on the body systems (anatomy, physiology, and kinesiology);
- (c) 40 hours of pathology;
- (d) ten hours of business and ethics instruction (a minimum of six hours in ethics); and
- (e) 125 hours of instruction in an area or related field that completes the massage program of study.

The MTB also answered questions concerning scope of practice, exemptions and what constitutes the 100 hours of practice. The MTB will discuss the 100 hour issue at a future meeting. The issue seems to center on whether or not chair massage, massaging friends and family and other situations will count toward those hours. We'll update you more as we learn more.

### Exemptions Explained:

Given the types of questions that are coming in to the MTB, there seems to be a lot of confusion about the exemptions section. While this is not an official massage therapy board answer, we thought it would be helpful to clarify this section of the law.

There are two general clarifications in the exemptions section

1. a statement that the massage therapy law won't interfere in the practice of another licensed profession, like nursing, medicine, PT, OT, etc. AND
2. listings and statements outlining who gets an exemption

- **This law won't impede another licensed profession.** The law clarifies that the massage therapy law will not impede or prevent the performance of that other profession. For example, a PT doing soft tissue work during their PT duties would not have to get a massage therapy license. The same with a nurse during the course of their nursing duties. Therefore, it is NOT really an exemption. **A person licensed in another profession CAN NOT do massage therapy outside of their duties without first getting a massage therapy license.** A nurse would need to get a massage therapy license to open a massage therapy practice.
- **Who gets an exemption?** The most important thing to remember is that individuals are licensed, not practices. Therefore, this section is about how an individual gets an exemption, not a practice, technique or modality. Therefore, practices cannot be blanketly exempted. Yes, it does talk about practices being exempt, but it is only in the context of the circumstances in which a person can gain an exemption. First, only certain practices can lead to (but not guarantee) an exemption. Then, the practices must also meet certain criteria (has an organization that represents or certifies the respective practice based on a minimum level of training, demonstration of competence, and adherence to ethical standards). Then the individual must qualify to meet the criteria to belong to that organization and finally, the person can't represent or imply that they are a massage therapist to do it. Given this, many of us do cranial-sacral therapy, but not all of us who do it can gain an exemption. The same is true for all of the exempted practices. For an individual to gain an exemption in a particular practice (such as energy work, movement, structural integration, reflexology, etc.), certain criteria must be met.
- **There is one more issue to discuss: What is an exemption? An exemption allows a person to do something normally requiring a license to do that something without getting a license. It doesn't matter whether or not the thing exempted considers itself massage therapy or not, because** in the eyes of the law, whatever that something is, is considered to fall under the definition that describes the scope of massage therapy.

(4) (a) (i) "Massage therapy" when provided by a massage therapist means the application of a system of structured touch, pressure, positioning, or holding to soft tissues of the body, Swedish massage, effleurage, petrissage, tapotement, percussion, friction, vibration, compression, passive and active stretching or movement within the normal anatomical range of motion, the external application of water, heat, cold, lubricants, salts, skin

brushing, or other topical preparations not classified as prescription drugs, providing information for self-care stress management, and the determination of whether massage is contraindicated and whether referral to another health care practitioner is recommended.

(ii) The techniques described in subsection (4)(a)(i) must be applied by the massage therapist through the use of hands, forearms, elbows, knees, or feet or through the use of hand-held tools that mimic or support the action of the hands and are primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation.

**Therefore: massage therapists can perform any exempted practice as part of their scope (provided they have the training and aren't infringing on any copyrights or trademarks).**

Because all these practices do fall under the definition of massage therapy, that's why an exemption is necessary: to allow persons who consider themselves not practicing massage therapy to not have to get a license. Otherwise, they would have to get that license. But again, please note: **the way the law is written, it does not exempt any practice from licensure, it only exempts individuals who meet certain criteria, which does discuss various practices. Practices don't get licenses, individuals do. Therefore, it's not really the practice, but the individual who gains the exemption.**

To learn more about these issues, please go to [www.blmtb.org](http://www.blmtb.org) and go to our "Licensing FAQs" page. If you have more questions we'll answer them as we can. Send them to [info@blmtb.org](mailto:info@blmtb.org)

The BLMTB has added more to the Licensing FAQs concerning scope of practice and other issues.

Thanks for Reading!

The BLMTB Board: Patty, Vianna, Deb & Lynne Ann