

BOARD OF MASSAGE THERAPY
RULES COMMITTEE MEETING
301 S. PARK AVENUE, HELENA, MT
ROOM B-7 10:00 A.M.
1/25/2010
OPEN SESSION MINUTES

AMERICANS WITH DISABILITIES ACT:

The Department of Labor and Industry is committed to providing meeting access through reasonable accommodation under the Americans with Disabilities Act. Please contact the Board office prior to the proposed meeting date for further information.

EXECUTIVE SESSION: The decision on whether to hold a meeting in executive session is at the discretion of the Presiding Officer pursuant to Section 2-3-203 MCA.

CALL TO ORDER: 10:04 P.M.

Members Present:

Rachel Romanelli, Chair
Michael Eayrs
Nick Soloway, DC
Grace Bowman
Deborah Kimmet
Stacy Baird
Susan Carlson

Staff Present:

Cheryl Brandt, Program Manager
Tyler Moss, Board Counsel
Traci Collett, Unit 1 Supervisor

Others Present:

Kerrick Murray

REVIEW OF AGENDA: The agenda was reviewed and a quorum established.

Motion: Grace Bowman moved to approve the agenda. Michael Eayrs seconded. Motion Carried.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Committee will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Committee on any topic not on the current agenda. While the

Committee cannot take action on the issues presented, the Committee will listen to comments and may ask that the issue be placed on a subsequent agenda for possible Committee action. The Chairperson of the Committee will determine the amount of time allotted for public comment.

No issues were raised during Open Forum.

MINUTES: The minutes from the December 7, 2009 Rule Committee Meeting were reviewed. Deb Kimmet had corrections to the minutes.

Motion: Dr. Soloway moved to approve the minutes as amended. Grace Bowman seconded. Motion Carried.

The Chair proposed moving to the beginning of the agenda the item on letters regarding good moral character. The January 20, 2009 letter from Pam Bucy, Chief Legal Counsel, and Deborah Kimmet's response letter dated January 23, 2010 were reviewed. Ms. Kimmet suggested that in the future the Rules Committee and Board state clearly any requests of the Department or Legal Counsel. The members concurred.

ENDORSEMENT RULE:

Board Counsel explained that due to the rush at the end of the January 5, 2010 conference call, the endorsement rule is now being brought back to the Committee for more discussion. The Board had voted during the conference call to require an examination for all endorsement candidates. Ms. Kimmet had raised the issue that it had been previously decided that the endorsement rule should state that the current licensing requirements of the endorsement state must require the minimum 500 hours of study and a passing score on an examination prescribed by the Board. Under this interpretation, if an applicant was licensed without an examination, they would still be eligible for licensure by endorsement if the current requirements from the endorsement state met the minimum 500 hours of study and an appropriate examination. A new draft of the endorsement rule is before the Committee for discussion.

Motion: Deb Kimmet moved that the Board reconsider their decision on this issue to accept the new endorsement rule draft with the language including the two letters attesting to the good moral character of the applicant submitted directly to the board office by individuals who are not the applicant's family members. Dr. Soloway seconded the motion. Motion Carried. This item will be forwarded to the Board for approval at the Board meeting.

BOARD-APPROVED PROGRAMS:

Revised language for Board-approved program curriculum was discussed. The Committee discussed adding the word "guideline" or "guidelines" after the word curriculum wherever it is used in the rule. After reviewing the website for the National Certification Board for Therapeutic Massage and Bodywork, the members determined that only the 200 hours of massage and bodywork must be in class and instructor supervised.

Motion: Dr. Soloway moved to recommend to the full Board the rule on curriculum guidelines with the changes discussed. Stacy Baird seconded. Motion Carried.

SCHOOL-SANCTIONED ACTIVITIES AND SUPERVISION:

The members considered the types of activities that could be school-sanctioned such as homework and logs, field trips, required volunteer work, etc. The idea of compensation for students was addressed. A school-sanctioned activity was discussed as one that a school provides for the purpose of a student's education to allow the student the opportunity to practice their skills but that prevents them from setting up a massage therapy practice and avoiding licensure.

The Student Supervision Guidelines for Physical Therapy Students at the University of Montana were reviewed. Various types of supervision were discussed.

Board Counsel will draft rule language around the concepts discussed for school-sanctioned activities over the lunch break for the Committee's review.

Motion: Deb Kimmet moved recess for lunch. Grace Bowman seconded. Motion Carried.

RECESSED: The meeting was recessed for lunch at 11:39 a.m.

RECONVENED: The meeting was reconvened at 12:40 p.m.

Board Counsel's draft definition of school-sanctioned activities was reviewed.

Motion: Deb Kimmet moved to accept the definition as drafted. Michael Eayrs seconded. Motion Carried.

There was continued discussion of supervision used in 37-33-404, MCA as being available by telecommunication or on-site supervision. There was also discussion regarding who was responsible for proper student supervision. It was noted that it was the responsibility of the licensed massage therapist and

the school to ensure appropriate student supervision at school-sanctioned activities. The level of supervision, telecommunication or on-site, will be at the discretion of the supervising licensed massage therapist.

Motion: Deb Kimmet moved that Board Counsel draft a definition of supervision based on the discussed criteria for the Full Board to consider. Dr. Soloway seconded. Motion Carried.

A member of the public, Kerrick Murray, had two issues that he requested the Board discuss on a future agenda. The issues were: addressing that the listings in the phone book yellow pages under a certain category should be limited to licensed massage therapists and addressing the technical note in the fiscal note attached to HB662. Mr. Murray left the meeting after stating his requests.

CONTINUING EDUCATION:

The audit process for continuing education (CE) used by all boards was briefly described. The Massage Therapy Board should specify a percentage of licensees to be audited for CE each even-numbered year.

Motion: Deb Kimmet moved to audit between 2% to 5% of the licensees every even-numbered year. Grace Bowman seconded. Motion Carried.

The members discussed subsection 5 of the rule.

Motion: Deb Kimmet moved to leave 5(a) as written, to strike the last sentence of subsection 5 and to have the first sentence of subsection 5 read "A licensed massage therapist must earn at least 12 continuing education credits every two consecutive calendar years." Susan Carlson seconded. Motion Carried.

The rest of the CE rule was reviewed and the various continuing education activities that would be acceptable were discussed.

Motion: Deb Kimmet moved to have the continuing education rule redrafted and reviewed at the next Rules Committee meeting. Dr. Soloway seconded. Motion Carried.

NEXT MEETING:

The next Rule Committee meeting will be in Helena on February 22, 2010 beginning at 1:00 p.m.

ADJOURNMENT:

As time for the meeting had come to an end, Stacy Baird moved to adjourn the meeting at 2:14 p.m. Dr. Soloway seconded. Motion Carried.

SUBMITTED BY: Cheryl Brandt, Program Manager

APPROVED BY: Rachel Romanelli, Chair

DATE APPROVED: 2/22/2010