

BOARD OF MASSAGE THERAPY
FULL BOARD CONFERENCE CALL
301 S. PARK AVENUE, HELENA, MT
ROOM 439 12:30 P.M.
6/22/2010
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: 12:37 P.M.

Members Present:

Michael Eayrs, Professional Member, Chair
Nick Soloway, DC, LAC Health Care Member, Vice-Chair
Grace Bowman, Public Member
Deborah Kimmet, Professional Member
Stacy Baird, Professional Member

Staff Present:

Cheryl Brandt, Program Manager
Tyler Moss, Board Counsel
Traci Collett, Unit Supervisor
Jennifer Billman, Application Specialist

Others Present:

Susan Carlson, Rules Committee Member
Rachel Romanelli, Rules Committee Member
Lynn Anne Kogut
Teresa Thormahlem
Others present are named as they appear.

PUBLIC COMMENT STATEMENT:

In accordance with 2-3-103(1), MCA, the Board will hold a public comment period. Please note that Open Forum is the public's opportunity to address the Board on any topic not on the current agenda. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask that the issue be placed on a subsequent agenda for possible Board

action. The Chairperson of the Board will determine the amount of time allotted for public comment.

Ms. Kimmet inquired whether an Office Report would be given at this meeting. The Program Manager indicated that it would be included along with the Financial Report information

AGENDA:

The agenda was reviewed and a quorum established.

Motion: Grace Bowman moved to approve the agenda. Dr. Soloway seconded. Motion Carried.

MINUTES:

The minutes of the April 27, 2010 conference call were reviewed.

Motion: Deb Kimmet moved that the minutes be approved as distributed. Dr. Soloway seconded. Motion Carried.

FINANCIAL REPORT:

The Program Manager presented the financial report for the period covering July 1, 2009 through May 31, 2010. With 92% of the year completed, the Board has collected 42% of its projected income and expended 106% of its appropriation for the year. The Department intends to increase the Board's spending authority by \$10,000 or more and is watching this Board for possible overspending of appropriation so expenditures must be kept to a minimum. The Program Manager pulled the budget figures as of today. The Board's cash balance is of concern as it is still negative. \$49,650 in application revenue has been received to date with expenses totaling \$50,303. Four hundred forty seven applications have been received with 221 having letters of approval issued. Additional Department staff is now working on processing the applications so personal service costs will be increasing. Board staff is also working overtime hours during this busy time. In the fall, the budget situation will be evaluated to determine if fee increases are necessary. The Board costs for the new licensing database have been received. It is anticipated that the start-up cost will run between \$1,250,000 and \$1,500,000 for the database. The Board of Massage Therapy's start up cost is estimated to be between \$6,574 and \$7,889. The annual maintenance cost is estimated at \$1,578 per year. The new database is anticipated to go live in February of 2011.

ENDORSEMENT/EXAMINATION APPS:

The application by examination from Rita Forner Schulte was discussed by the members. As this is the first examination application received by the Board,

the staff requested clarification on the process. The members discussed whether an assigned school number from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) found on their website was sufficient to meet the requirements in the massage therapy law for curriculum review. Upon looking at the NCBTMB website, it was noted that this entity does review curricula for compliance prior to assigning the NCBTMB number to the school.

Motion: Grace Bowman moved that for approval of licensure by examination applications, staff will verify and print from the NCBTMB website the school's assigned number to confirm the applicant's compliance with the curriculum requirement prior to issuing a massage therapy license. Dr. Soloway seconded. Motion Carried. If questions arise on a school name change or other curriculum issues, staff will first check with NCBTMB before bringing the application to the Board.

Motion: Deb Kimmet moved to approve the application for licensure by exam from Rita Forner Schulte. Stacy Baird seconded. Motion Carried.

The application from Christine Nunn for licensure by endorsement from Connecticut was discussed.

Motion: Deb Kimmet moved that at this time Connecticut does not have equivalent statutes and rules for the purpose of endorsement to Montana. Grace Bowman seconded. Motion Carried.

Motion: Deb Kimmet moved to license Christine Nunn by examination upon receipt in the Board office of a passing score on any of the exams accepted by the Board. If a passing exam score is not received, the application will be considered again by the Board. Dr. Soloway seconded the motion. Motion Carried.

The application for licensure by endorsement from the states of New Hampshire and Maine from Carolyn Dewey was reviewed. It was noted that the application has not been signed and the high school transcript was missing.

Motion: Deb Kimmet moved to approve the application of Carolyn Dewey for licensure by endorsement from the State of New Hampshire pending receipt of the missing items. Dr. Soloway seconded. Motion Carried.

The application from Cheryl Goodman for licensure by examination was reviewed.

Motion: Deb Kimmet moved to approve Ms. Goodman's application by examination upon receipt of all necessary documents. Grace Bowman seconded. Motion Carried.

The application for licensure by examination from Shandi Hertz was considered by the Board.

Motion: Deb Kimmet moved to approve the application from Ms. Hertz by examination upon receipt of all necessary documents. Dr. Soloway seconded. Motion Carried.

Stephanie Olsonawski submitted an application for licensure by endorsement from the State of Washington. Upon review of the statutes and rules there were questions on whether the Washington State exams were equivalent. The Program Manager will ask for information from the Washington Massage Therapy Board on the type of examinations they accept as well as a specific breakdown of areas covered on their written exam.

Motion: Grace Bowman moved that Ms. Olsonawski's application for licensure by endorsement be considered pending and that she may apply by examination upon receipt of approved curriculum and exam scores. If a passing exam score and appropriate curriculum are not received, the application will be considered again by the Board. Deb Kimmet seconded the motion. Motion Carried.

Valerie Knapp submitted an application for licensure by endorsement from the State of Washington.

Motion: Deb Kimmet moved that Ms. Knapp's application for licensure by endorsement be considered pending and that she may apply by examination upon receipt of approved curriculum, exam scores, and all necessary documents. If a passing exam score and appropriate curriculum are not received, the application will be considered again by the Board. Dr. Soloway seconded the motion. Motion Carried.

The members considered the application from Christy Mosman who is applying for licensure by examination.

Motion: Deb Kimmet moved to approve the application for licensure by exam from Christy Mosman. Stacy Baird seconded. Motion Carried.

Terri Ashment is applying by for licensure by examination.

Motion: Grace Bowman moved to approve Ms. Ashment for licensure by examination conditioned on the receipt of the Utah license verification and the completed moral character letter. Dr. Soloway seconded. Motion Carried.

Cara Barbee is applying for licensure by endorsement from the State of Colorado. The members reviewed the statutes and rule supplied by Ms. Barbee and did not find them equivalent.

Motion: Deb Kimmet moved to license Cara Barbee by examination upon receipt in the Board office of a passing score on any of the exams accepted by the Board and a completed application. If an appropriate passing exam score and required application documents are not received, the application will be considered again by the Board. Grace Bowman seconded the motion. Motion Carried.

Allison Merideth had applied for licensure by endorsement from New Jersey but did not have a license from that State. She has requested to instead apply by the grandfathering method.

Motion: Grace Bowman moved to approve Ms. Merideth to substitute an application for licensure by grandfathering conditioned on the receipt of the required application documents. Dr. Soloway seconded. Motion Carried.

The Board discussed the motions where the Board was considering an application by endorsement under the rules applicable to an application by examination or grandfathering, whichever method appeared most fitting. In each instance, the applicant must indicate his or her desire to amend the pending application to the suggested, alternative method of licensure. The Board has not unilaterally changed any application, but is allowing for the amendments to help the applicants through the process. If no action to amend is taken by the applicant, then the Board will render its decision based on the application as it was submitted.

NON-ROUTINE APPLICATIONS:

The draft rule defining non-routine applications based on the Board's motion from the last meeting was included for use in addressing the non-routine applications on this agenda. Staff had inquired whether unlicensed practice complaints should be added to the non-routine rule. The members determined they will try to come up with a category defining the type of unlicensed practice complaints to be included in the non-routine application rule for discussion at a future meeting. Staff will bring applications with unlicensed practice complaints to the Board for review until a decision is reached by the Board.

The non-routine application for licensure by grandfathering from Honani Polequaptewa was discussed. At Ms. Kimmet's request, the Program Manager checked with the Montana Board of Physical Therapy to determine if they had restricted his license when he applied to Montana and whether he had reported the discipline. The Physical Therapy Board reported that Mr. Honani had reported the discipline to them and that they issued an unrestricted license to Mr. Honani.

Motion: Dr. Soloway moved to license the applicant. Deb Kimmet seconded. Motion Carried.

Board member, Stacy Baird, recused herself from the following discussion.

The licensure application from Stacy Baird was considered.

Motion: Deb Kimmet moved to approve Ms. Baird's application for licensure. Grace Bowman seconded. There were four votes in favor. Stacy Baird did not vote. Motion Carried.

The non-routine application for licensure by grandfathering from Sonia Kinzy was reviewed.

Motion: Dr. Soloway moved to approve the application conditioned upon receipt of a completed application as one reference letter was missing. Grace Bowman seconded. Motion Carried.

Faylene He Does It joined the meeting for discussion of her application.

The members reviewed her application.

Motion: Deb Kimmet moved to license the applicant upon receipt of a completed application. Dr. Soloway seconded. Motion Carried.

Deb Kimmet requested that the Board discuss drafting a letter to the Board of Medical Examiners concerning the use of the term "medical" massage therapist at a future Board meeting. Board Counsel will prepare a working draft letter.

Faylene He Does It left the meeting at the conclusion of the discussion.

The non-routine application from Amanda Marlin applying for licensure by examination was reviewed.

Motion: Deb Kimmet moved to approve the application from Ms. Marlin. Dr. Soloway seconded. Motion Carried.

The non-routine application for licensure by examination from Kirsten Kovash was considered.

Motion: Stacy Baird moved to approve the application conditioned upon receipt of a completed application as the high school transcript and exam scores are missing. Grace Bowman seconded. Motion Carried.

Amber Maccarone joined the conference call for discussion of her non-routine application.

Motion: Stacy Baird moved to approve the application for licensure by grandfathering. Dr. Soloway seconded. Motion Carried.

Ms. Maccarone left the meeting at this time.

PRESS RELEASE RE LICENSING:

The members discussed issuing a press release to advise massage therapists of the upcoming licensing deadline. Deb Kimmet made some suggested clarifications and will email these to Board Counsel.

Motion: Dr. Soloway moved to approve the press release with Deb Kimmet's changes. Stacy Baird seconded. Motion Carried.

A request from Massage Magazine for licensing information to be posted on a website was discussed. The members reviewed the proposed answers.

Motion: Dr. Soloway moved to approve the answers to Massage Magazine as discussed. Grace Bowman seconded. Motion Carried.

A request for Board staff to review the Business League for Massage Therapy and Bodywork (BLMTB) website was received. Staff workload is assigned by the Board and the Department not outside associations. Managing four boards and their websites often leaves little time for additional work assignments with quick turn-around times as was the case here. Board Counsel also commented that in addition to the cost to the Board and workload issues, there is a legal issue of approving information for organizations. Endorsing some information on a website may imply approval of all information, some of which the Board has not seen.

Staff and Board Member Travel to larger cities or a webinar to answer licensing questions was requested by Representative Elsie Arntzen. The

members discussed the request and indicated that it strongly encourages the public's participation in the licensing process.

Motion: Grace Bowman moved that due to the Board's current financial position, the availability of the Board's website and staff to answer questions, and the ability to use media releases, that the Board revisit this request in the fall. Dr. Soloway seconded. Motion Carried.

The draft letter to the Board of Barbers and Cosmetology (BAR/COS) was discussed and wording was suggested concerning exfoliation and facial massage. It is hoped that the BAR/COS Board would address this letter at its July 19, 2010 meeting.

Motion: Stacy Baird moved to send the letter to the Board of Barbers and Cosmetology as discussed. Dr. Soloway seconded. Motion Carried.

NEXT MEETING:

The next meeting will tentatively be at 10:00 A.M. on July 27, 2010.

ADJOURNMENT:

As the time for the meeting had concluded, the meeting was adjourned at 3:55 P.M.

SUBMITTED BY: Cheryl Brandt, Program Manager

APPROVED BY: Michael Eayrs, Chair

DATE APPROVED: 7/27/2010