

**AGENDA
BOARD OF MASSAGE THERAPY
FULL BOARD MEETING
301 SOUTH PARK AVENUE, HELENA, MT
LARGE CONFERENCE ROOM 439
NOVEMBER 4, 2010
10:30 AM TO CONCLUSION**

This agenda is subject to change up to 3 working days before the meeting. For the most accurate agenda, please consult the web site www.massagetherapists.mt.gov

Go to the left hand menu and click on the option for board meeting information.

Americans with Disabilities Act

The Department of Labor & 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.

Decision on whether to hold a meeting in executive session is in the discretion of the Presiding Chair pursuant to Section 2-3-203 MCA.

CALL TO ORDER:

(1) REVIEW AND APPROVE AGENDA/ESTABLISH QUORUM:

(2) PUBLIC COMMENT STATEMENT/PRIVACY 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 that is not already on the agenda for this meeting. While the Board cannot take action on the issues presented, the Board will listen to comments and may ask the issue be placed on a subsequent agenda for possible action by the Board. The Chairperson of the Board will determine the amount of time allotted for public comment.

(3) UPDATE FROM JACK KANE, ADMINISTRATOR

(4) REVIEW AND APPROVAL OF MINUTES:

9/7/2010 Full Board Meeting

(5) FINANCIAL/OFFICE REPORT:

(6) ENDORSEMENT APPLICATIONS:

Katie Anderson from ND

Jessica Powell from ND

Review of Oregon curriculum requirements

(7) NON-ROUTINE APPS:

Patricia Eberhart
Mary Adams
Dustin Davis
Jennifer Elder
Jessie Campbell
Joseph Peabody
Benjamin Warner

(8) CORRESPONDENCE:

Use of Medical Devices:

American Physical Therapy Association
Gebauer Company

Body wraps and other modalities:

Board of Barbers & Cosmetologists
Colleen Jensen
ABMP

Laura Russell:

Draft letter to BOME re use of term "medical massage"

Asian Practice

Jan Mayernik
Karen Nesbitt

Christina Skarka question regarding temporary permit for Students

Request for Board Books

NCBTMB information regarding school compliance

Letter from BLMTB regarding public comment

(9) DISCUSSION OF "ENGAGED IN THE PRACTICE OF MASSAGE THERAPY FOR 100 HOURS" PER 37-33-503, MCA

Volunteer massage count toward licensure

Massaging friends count toward licensure

Letter from Jessica Tallman

What types of documents could be produced to prove the 100 hours of practice for grandfathering

(10) DISCUSSION ITEMS:

FAQS on Board website

Inspections only done in disciplinary situation

Inspection guidelines

Address exemption issues with a rule that spells out requirements

Define unlicensed practice complaints to go to Board for non-routine rule

Address length of time known for letter of moral character

(11) REPORT FROM DEB KIMMET ON FSMTB ANNUAL MEETING:

(12) WALL CERTIFICATES:

(13) LEGISLATION

Upcoming issues in the next session

(14) NEXT MEETING:

(15) ADJOURNMENT:

**BOARD OF MASSAGE THERAPY
FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT
BASEMENT CONFERENCE ROOM 12:30 P.M.
SEPTEMBER 7, 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: 12.33 P.M.

Members Present:

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

Staff Present:

Cheryl Brandt, Program Manager (out-going)
Priscilla Bode, Program Manager
Tyler Moss, Board Counsel
Mary Tapper, Department Counsel

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

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.

APPROVAL OF MINUTES:

The minutes of the 7/27/2010 meeting were considered. Deb Kimmet asked that the minutes be revised to show that it was a meeting and not a conference call. The Board agreed.

Motion: Deb Kimmet **moved** to approve the minutes as amended. Grace Bowman seconded. **Motion Carried.**

ENDORSEMENT APPLICATIONS:

The application for licensure by endorsement from Georgia submitted by Kyle Eckman was discussed. Upon review of Georgia's licensing requirements, the Board determined that they are substantially equivalent to those of Montana.

Motion: Deb Kimmet **moved** to license Ms. Eckman. Dr. Soloway seconded. **Motion Carried.**

Tyler Moss brought to the attention of the Board equivalency provisions regarding examinations for licensure in Georgia. The Board discussed the need to review equivalency in future applications.

The application for licensure by endorsement from New York submitted by Melanie Simmerman was discussed. Ms. Simmerman joined the meeting by telephone.

The application for licensure by endorsement from New York submitted by Lee McKenna was also discussed.

The examination requirements of New York were discussed and the Board determined that those requirements were commensurate with the requirements for licensure in Montana.

Motion: Deb Kimmet **moved** to license Ms. Simmerman and Ms. McKenna upon receipt of completed applications for both applicants. Stacy Baird seconded. **Motion Carried.** Ms. Simmerman left the meeting.

ENDORSEMENT REQUIREMENTS:

The Board discussed the response received from Arizona regarding the licensure requirements in that state.

Motion: Deb Kimmet **moved** that the Board deny endorsement applications from Arizona because the examination requirements are not equivalent to Montana, and that any such applicants be encouraged to change their application method to grandfather or examination. Dr. Soloway seconded.
Motion Carried.

The Board discussed licensure requirements from Oregon and the information received from that state's Board in response to our request for details.

Motion: Grace Bowman **moved** that the Board obtain further information on the curriculum breakdown for Oregon. Dr. Soloway seconded. **Motion Carried.**

NON-ROUTINE APPLICATIONS:

The non-routine application for licensure by endorsement from George Derry was discussed. The requirement for listing work history was discussed on a general basis.

Motion: Dr. Soloway **moved** to license Mr. Derry upon receipt of a completed application. Stacy Baird seconded. **Motion Carried.**

The non-routine application for licensure by examination from Jennifer Elder was reviewed.

Motion: Deb Kimmet **moved** that further information on Ms. Elder's conviction be provided before the board makes a determination. Stacy Baird seconded. **Motion Carried.**

Michael Eayrs left the meeting and Deb Kimmet assumed the chair.

The non-routine application from Nevada Bennett applying for licensure by grandfathering was reviewed. Ms. Bennett joined the meeting by telephone.

Michael Eayrs returned to the meeting.

Motion: Michael Eayrs **moved** to approve the application from Ms. Bennett upon receipt of updated written information from her probation officer and a completed application. Dr. Soloway seconded. **Motion Carried.** Ms. Bennett left the meeting.

Michael Eayrs reassumed the Chair.

The non-routine application from Caitlyn Symons applying for licensure by grandfathering was reviewed. Ms. Symons joined the meeting in person.

Motion: Deb Kimmet **moved** to approve the application from Ms. Symons. Dr. Soloway seconded. **Motion Carried.** Ms. Symons left the meeting.

The non-routine application from Tarah Hilbrand applying for licensure by grandfathering was reviewed.

Motion: Grace Bowman **moved** to approve the application from Ms. Hilbrand. Deb Kimmet seconded. **Motion Carried.**

The non-routine application from Che Stafford applying for licensure by grandfathering was reviewed.

Motion: Dr. Soloway **moved** that further information relating to the applicant's criminal charges and conviction be requested. Deb Kimmet seconded. **Motion Carried.**

The non-routine application from Jennifer Hicks applying for licensure by grandfathering was reviewed.

Motion: Deb Kimmet **moved** to approve the application from Ms. Hicks upon receipt of a completed application. Grace Bowman seconded. **Motion Carried.**

The non-routine application from Lindsey Green applying for licensure by grandfathering was reviewed.

Motion: Deb Kimmet **moved** to approve the application from Ms. Green upon receipt of a completed application. Grace Bowman seconded. **Motion Carried.**

The non-routine application from Cheryl Schiavon applying for licensure by grandfathering was reviewed.

Motion: Deb Kimmet **moved** to approve the application from Ms. Schiavon upon receipt of a completed application. Stacy Baird seconded. **Motion Carried.**

The non-routine application from Dustin Davis applying for licensure by grandfathering was reviewed.

Motion: Deb Kimmet **moved** that further information regarding Mr. Davis' conviction for sexual assault be requested. Stacy Baird seconded. **Motion Carried.**

The non-routine application from AndraLecia McDonnell applying for licensure by grandfathering was reviewed. Ms. McDonnell joined the meeting by telephone.

Motion: Deb Kimmet **moved** to approve the application from Ms. McDonnell upon receipt of a completed application. Stacy Baird seconded. **Motion Carried.** Ms. McDonnell left the meeting.

TRAVEL TO FEDERATION ANNUAL MEETING OCTOBER 7-10, 2010:

The Board discussed whether or not members would attend this meeting. The Program Manager advised the Board on travel restrictions imposed by the State but advised that the Federation does provide for one member to attend at the Federation's expense. The Board discussed sending up to two people to attend the meeting.

Motion: Grace Bowman **moved** to approve that up to two people attend the Federation Annual Meeting October 7-10, 2010. Dr. Soloway seconded. **Motion Carried.**

LETTER FROM BOARD OF BARBERS & COSMETOLOGISTS:

This agenda item was not addressed due to a lack of time and will be brought forward at the next meeting.

MONTANA AMTA MEETING OCTOBER 2, 2010:

The Program Manager advised the Board that the AMTA has requested someone from the Board attend this meeting to answer questions. This would be at Board expense. The Board discussed the possibility of someone attending the function and decided to ask AMTA to take questions from attendees and forward them to the Board for response.

FINANCIAL/OFFICE REPORT:

The Program Manager presented a report on the Board financial situation. With 8% of the year completed the Board has collected 57% of anticipated income. The present cash balance as of the date of the meeting is \$58,784. The Board was advised that there is unlikely to be significant income until the renewal date in July of 2011. To date 1085 applications have been received

and 871 have been licensed. The remaining applications are awaiting additional information prior to approval.

ISSUE WALL CERTIFICATES FOR LICENSEES:

The Board was advised that the cost of the wall certificates would be approximately 30¢ each. A sample certificate will be forwarded to each board member for review.

Motion: Deb Kimmet **moved** to approve the issuance of wall certificates to all licensees. Grace Bowman seconded. **Motion Carried.**

Dr. Soloway left the meeting at 2.52 p.m.

DISCUSSION OF "ENGAGED IN THE PRACTICE OF MASSAGE THERAPY FOR 100 HOURS" PER 37-33-503, MCA

This agenda item was not addressed due to a lack of time and will be brought forward at the next meeting.

CORRESPONDENCE:

These agenda items were not addressed due to a lack of time and will be brought forward at the next meeting.

BOARD STAFF CHANGES:

The Program Manager introduced Priscilla Bode who will be assuming the duties of Program Manager, and also advised that Mary Hainlin will be processing applications in the future.

DISCUSSION ITEMS:

These agenda items were not addressed due to a lack of time and will be brought forward at the next meeting.

NEXT MEETING:

The next meeting will tentatively be at 10:30 P.M. on November 4, 2010.

ADJOURNMENT:

As the time allowed for the conference call was finished, the meeting adjourned without a motion being made.

SUBMITTED BY: Priscilla Bode, Program Manager

APPROVED BY: Michael Eayrs, Chair

DATE APPROVED:

DRAFT

REVENUE

Account	01 (Jul)	02 (Aug)	03 (Sep)	Grand Total
02679 Massage Therapists	37,280.00	4,460.00	5,240.00	46,980.00
500000 Licenses & Permits	37,240.00	4,410.00	5,170.00	46,820.00
508001 DLI LIC Appl Fee 01	34,710.00	2,860.00	3,770.00	41,340.00
508002 DLI LIC Appl Fee 02	840.00	840.00	980.00	2,660.00
508003 DLI LIC Appl Fee 03	1,680.00	700.00	420.00	2,800.00
508299 DLI Change Fee10	10.00	10.00		20.00
520000 Charges For Services	40.00	50.00	50.00	140.00
520938 DLI List Fee01	40.00	20.00	20.00	80.00
520939 DLI Ret Ck Fee01		30.00	30.00	60.00
550000 Sale Of Documents/Mdse/Prop			20.00	20.00
551058 DLI Dup Ver Fee			20.00	20.00
Grand Total	37,280.00	4,460.00	5,240.00	46,980.00

EXPENDITURES

Account	01 (Jul)	02 (Aug)	03 (Sep)	Grand Total
5001 BSD Admin	134.76	253.65	292.56	680.97
61000 Personal Services	116.87	214.05	199.32	530.24
61100 Salaries	85.47	153.80	144.42	383.69
61101 Regular	63.66	119.56	122.29	305.51
61103 Sick Leave	2.28	1.87	4.35	8.50
61104 Vacation	13.11	32.37	11.60	57.08
61105 Holiday	6.42		6.18	12.60
61400 Employee Benefits	31.40	60.25	54.90	146.55
61401 FICA	6.31	11.20	10.63	28.14
61402 Retirement - Other	6.06	11.07	10.35	27.48
61403 Group Insurance	17.19	34.63	30.82	82.64
61404 Workers Compensation Insur	1.62	2.97	2.74	7.33
61410 State Unemployment Tax	0.22	0.38	0.36	0.96
62000 Operating Expenses	17.89	39.60	93.24	150.73
62100 Other Services		2.65	10.12	12.77
62104 Insurance & Bonds		2.65		2.65
621B2 ITSD Server Hosting			0.02	0.02
621B5 ITSD EMail			1.42	1.42
621B8 ITSD Operational Support			0.36	0.36
621C5 ITSD Enterprise Services			8.32	8.32
62200 Supplies & Materials		0.43	9.78	10.21
62241 Office Sup/Minor Equip-NonStat		0.43	1.56	1.99
622B1 ITSD Asset Broker			8.22	8.22
62300 Communications	0.27	2.26	27.98	30.51
62307 Messenger Services - D Of A			22.88	22.88
62319 Cellular Phones	0.27	0.52	1.43	2.22
62371 Telephone Equip Crg/Non-D Of A		1.14	0.24	1.38
62374 Internet Services/Non DofA		0.60		0.60
623B0 ITSD Voice Services			0.67	0.67
623B2 ITSD Network Services			2.73	2.73
623B4 ITSD Long Distance			0.03	0.03
62500 Rent	16.30	8.15	8.15	32.60
62529 Rent/Non-State Bldgs.	16.30	8.15	8.15	32.60
62700 Repair & Maintenance	1.32			1.32
62750 Maintenance Contracts	1.32			1.32
62800 Other Expenses		26.11	37.21	63.32
62827R DLI OIT Expense			21.48	21.48
62889 Agency Indirect Cost		26.11	15.73	41.84

5001IT BSD Admin IT	66.83	91.93	118.55	277.31
61000 Personal Services	57.31	76.47	91.04	224.82
61100 Salaries	43.63	57.85	68.77	170.25
61101 Regular	37.38	49.08	63.78	150.24
61103 Sick Leave	0.18	0.36	0.33	0.87
61104 Vacation	3.70	3.51	2.29	9.50
61105 Holiday	2.37		2.37	4.74
61158 Compensatory Time Taken		4.90		4.90
61400 Employee Benefits	13.68	18.62	22.27	54.57
61401 FICA	3.09	4.17	4.97	12.23
61402 Retirement - Other	3.14	4.20	4.93	12.27
61403 Group Insurance	6.13	8.46	10.27	24.86
61404 Workers Compensation Insur	1.19	1.61	1.90	4.70
61410 State Unemployment Tax	0.13	0.18	0.20	0.51
62000 Operating Expenses	9.52	15.46	27.51	52.49
62200 Supplies & Materials		0.14		0.14
62241 Office Sup/Minor Equip-NonStat		0.14		0.14
62250 Procurement Card-Misc Supplies		0.00		0.00
62300 Communications			2.48	2.48
623B0 ITSD Voice Services			0.18	0.18
623B2 ITSD Network Services			2.29	2.29
623B4 ITSD Long Distance			0.01	0.01
62500 Rent	9.52	4.76	4.76	19.04
62529 Rent/Non-State Bldgs.	9.52	4.76	4.76	19.04
62700 Repair & Maintenance			0.76	0.76
62701 Buildings & Grounds			0.76	0.76
62800 Other Expenses		10.56	19.51	30.07
62827R DLI OIT Expense			12.33	12.33
62889 Agency Indirect Cost		10.56	7.18	17.74

5002CU BSD Compliance Unit	64.88	217.42	350.63	632.93
61000 Personal Services	64.88	196.78	300.52	562.18
61100 Salaries	45.39	138.71	210.33	394.43
61101 Regular	29.10	50.85	193.47	273.42
61103 Sick Leave	6.98	77.39	5.81	90.18
61104 Vacation		10.47	1.74	12.21
61105 Holiday	9.31		9.31	18.62
61400 Employee Benefits	19.49	58.07	90.19	167.75
61401 FICA	3.44	10.48	15.93	29.85
61402 Retirement - Other	3.25	9.95	15.08	28.28
61403 Group Insurance	12.00	35.05	55.43	102.48
61404 Workers Compensation Insur	0.69	2.23	3.22	6.14
61410 State Unemployment Tax	0.11	0.36	0.53	1.00
62000 Operating Expenses		20.64	50.11	70.75
62300 Communications			6.15	6.15
623B0 ITSD Voice Services			0.89	0.89
623B2 ITSD Network Services			5.25	5.25
623B4 ITSD Long Distance			0.01	0.01
62800 Other Expenses		20.64	43.96	64.60
62827R DLI OIT Expense			20.24	20.24
62889 Agency Indirect Cost		20.64	23.72	44.36

5100 BSD Healthcare Lic Bureau	528.07	494.64	1,558.10	2,580.81
61000 Personal Services	122.19	210.47	210.47	543.13
61100 Salaries	95.73	163.78	163.79	423.30
61101 Regular	62.97	130.00	147.92	340.89
61104 Vacation	24.57	32.76	3.07	60.40
61105 Holiday	8.19		8.19	16.38
61158 Compensatory Time Taken		1.02	4.61	5.63
61400 Employee Benefits	26.46	46.69	46.68	119.83
61401 FICA	7.21	12.31	12.30	31.82
61402 Retirement - Other	6.86	11.75	11.75	30.36
61403 Group Insurance	10.66	19.67	19.67	50.00
61404 Workers Compensation Insur	1.47	2.50	2.50	6.47
61410 State Unemployment Tax	0.26	0.46	0.46	1.18
62000 Operating Expenses	405.88	284.17	1,347.63	2,037.68
62100 Other Services		18.73	400.36	419.09
62104 Insurance & Bonds		10.37		10.37
62136 IT Consult & Prof Services			1.09	1.09
62165 Temporary Services			173.10	173.10
62186 Waste Disposal		1.74	1.74	3.48
62190 Printing/Pub & Graphics			1.36	1.36
62193 Photocopy Pool Services		6.62	6.62	13.24
621B2 ITSD Server Hosting			0.21	0.21
621B4 ITSD Application Hosting			84.66	84.66
621B5 ITSD EMail			18.48	18.48
621B8 ITSD Operational Support			4.62	4.62
621C5 ITSD Enterprise Services			108.48	108.48
62200 Supplies & Materials		34.67	168.41	203.08
62209 Medical & Hosp Supp/Equip		4.77		4.77
62210 Minor Tools, Instrum., & Equip		8.31	6.18	14.49
62233 Paper/Non-State Provider		0.86	18.56	19.42
62236 Ofc Supplies/Central Stores			0.17	0.17
62241 Office Sup/Minor Equip-NonStat		20.73		20.73
622B1 ITSD Asset Broker			143.50	143.50
62300 Communications		1.58	95.59	97.17
62304 Postage & Mailing			0.59	0.59
62319 Cellular Phones		1.58	1.57	3.15
623B0 ITSD Voice Services			15.20	15.20
623B2 ITSD Network Services			78.11	78.11
623B4 ITSD Long Distance			0.12	0.12
62500 Rent	405.88	202.94	202.94	811.76
62529 Rent/Non-State Bldgs.	405.88	202.94	202.94	811.76

62700 Repair & Maintenance		84.10	84.10
62704 Office Equipment		84.10	84.10
62800 Other Expenses	26.25	396.23	422.48
62827R DLI OIT Expense		379.63	379.63
62889 Agency Indirect Cost	26.25	16.60	42.85

5103 Massage Therapists	4,553.68	11,823.72	8,629.74	25,007.14
61000 Personal Services	4,488.68	7,532.71	5,025.37	17,046.76
61100 Salaries	3,445.14	5,378.51	3,489.88	12,313.53
61101 Regular	2,298.33	4,262.21	3,174.80	9,735.34
61102 Overtime	661.57	888.75		1,550.32
61103 Sick Leave	12.21	11.45	50.32	73.98
61104 Vacation	354.16	14.11	104.84	473.11
61105 Holiday	104.59		159.92	264.51
61136 FSLA Comp Time Payout	14.28			14.28
61158 Compensatory Time Taken		201.99		201.99
61300 Other Compensation		250.00	200.00	450.00
61301 Per Diem		250.00	200.00	450.00
61400 Employee Benefits	1,043.54	1,904.20	1,335.49	4,283.23
61401 FICA	249.22	399.73	254.29	903.24
61402 Retirement - Other	238.35	385.63	250.24	874.22
61403 Group Insurance	490.38	1,018.12	760.51	2,269.01
61404 Workers Compensation Insur	57.18	87.26	61.64	206.08
61410 State Unemployment Tax	8.41	13.46	8.81	30.68
62000 Operating Expenses	65.00	4,291.01	3,604.37	7,960.38
62100 Other Services	65.00	41.93	316.42	423.35
62127 Other Legal Costs	65.00			65.00
62136 IT Consult & Prof Services		41.93	316.42	358.35
62200 Supplies & Materials		516.62	726.01	1,242.63
62241 Office Sup/Minor Equip-NonStat		225.12	189.51	414.63
62245 Minor Equip - Comp Hardware			536.50	536.50
62249 Minor Software.		291.50		291.50
62300 Communications		0.05	977.08	977.13
62304 Postage & Mailing			774.84	774.84
62374 Internet Services/Non DofA		0.05		0.05
623B0 ITSD Voice Services			202.24	202.24
62400 Travel		521.15	0.64	521.79
62412 Out-Of-State Commercial Trans		1.02	0.15	1.17
62418 Out-Of-State Lodging		7.74		7.74
62430 Out-Of-State Meals-Overnight		1.21	0.49	1.70
62489 Non-Employee In State Mileage		361.00		361.00
62490 Non-Employee In State Meals		70.00		70.00
62497 Non-Employee In-State Lodging		80.18		80.18
62800 Other Expenses		3,211.26	1,584.22	4,795.48
62827T DLI Legal Expense		2,282.50	1,203.50	3,486.00
62889 Agency Indirect Cost		928.76	380.72	1,309.48
GRAND TOTAL	5,348.22	12,881.36	10,949.58	29,179.16

ACCOUNT BALANCE

Cash in Bank	7/1/2009	0.00
FY 2010 Revenue		98,217.57
FY 2010 Expenditures		-62,930.29
Cash in Bank	7/1/2010	35,287.28
FY 2011 1st qtr Revenue		46,980.00
FY 2011 1st qtr Expenditures		-29,179.16
Cash in bank	9/30/2010	53,088.12



American Physical Therapy Association
Montana Chapter

PO Box 8575 • Missoula MT 59807 • Ph/Fx: 406-543-1823 • www.mapta.com • maptaed@mapta.com

9/3/10

Cheryl Brandt, Administrative Specialist
Board of Massage Therapists
P.O. Box 200513
Helena, MT 59620-0513
Fax (406) 841-2305

RE: FDA Class 1 Medical Device (Gebauer's Spray and Stretch)
Agenda item for Sept. 7th Board of Massage Therapists

Dear Ms. Brandt,

I am writing in response to a letter from Betsy Giltinan (Gebauer Company) directed to the Board of Massage Therapists which I understand will be discussed at the September 7, 2010 Board of Massage Therapists meeting. The Gebauer Company would like to know if Montana statutes allow massage therapists to use Gebauer's Spray and Stretch. Gebauer's product is a topical aerosol refrigerant (vapocoolant spray) applied directly to the skin. It is our position that Montana law does not allow massage therapists to use, or write orders for this prescription product. We have four points:

(1) The Gebauer letter identifies their product as a medical device. However, three Montana healthcare providers already use "Spray and Stretch," and statute identifies it as a prescription anesthetic medication. In each case, Montana statute specifically authorizes its use. The oldest statute is the physical therapy law, Section 37-11-106 (2)(c), MCA, enacted in 1991. The newer laws, Occupational Therapy, Section 37-24-108(2)(c), MCA [enacted in 2003], and Athletic Trainers, Section 37-36-204(2)(c), MCA [enacted in 2007], contain nearly identical language. There is nothing similar in the 2009 massage therapist statute, indicating that the legislature does not want massage therapists to use prescription anesthetic medications.

(2) The Massage Therapy Licensing Act also prohibits use of Gebauer's prescription spray. Section 37-33-403(4)(a)(i), MCA defines massage therapy as "...the external application of water, heat, cold, lubricants, salts, skin brushing, or other topical preparations not classified as prescription drugs...[emphasis added] Gebauer's products are topical prescription medications, and thus are not part of massage therapy.

(3) Section 37-33-403(4)(a)(ii), MCA, also notes that "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..." Gebauer's products require the clinician to hold a bottle, and spray their medication directly on the skin. This does not

involve the manual techniques described in the licensing statute. Thus, we believe that the application of Gebauer's Spray and Stretch is outside the scope of massage therapy.

(4) Application of "Spray and Stretch" also involves passive stretching beyond the normal anatomical range of motion. Massage therapists are limited to working within the anatomical range of motion, and thus cannot use "Spray and Stretch." See Section 37-33-403(4)(a)(i), MCA.

Based on the four points above, we anticipate that the Massage Board of Examiners will come to the same conclusion as we did; that Montana statute does not allow massage therapists to use Gebauer's topical prescription products. We hope that the response to Gebauer Company's inquiry reflects this opinion.

Sincerely,

Elizabeth Ikeda, PT, DPT, MS, OCS, CMT
President, Montana Chapter of the American Physical Therapy Association
3036 Queen St
Missoula, MT 59801
406-728-6858



GEBAUER COMPANY

Betsy Giltinan
4444 East 153rd Street
Cleveland OH 44128-2955
216-581-3030, ext. 182

Dear Montana Board of Massage Therapy,

Thank-you so much for your response and help regarding my question about the ability of your state's massage therapists to legally utilize prescription medical devices. The prescription medical device in question is a product called Spray and Stretch, which is produced by Gebauer Company of Cleveland, Ohio. Due to the product's designation as a prescription medical device, massage therapists must be licensed as Licensed Healthcare Practitioners (LHPs) in order to be able to use the product. Under federal law, as instructed by the Food and Drug Administration (FDA), LHPs may order and use this product. Additionally under federal law, a Licensed Massage Therapist (LMT) who is not an LHP may use the product if they obtain an order from an LHP. The complexity in this issue has arisen due to variation among states in their interpretation of federal law, and in their state practice laws which govern massage therapists. This difference has created the need for us to reach out to each state's Massage Therapy Board to definitively determine the ability of massage therapists to use Spray and Stretch within their state. To remain compliant with state regulations we would like to know:

- A. Are massage therapists licensed as licensed healthcare practitioners in your state?
- B. Can massage therapists in your state use and/or write orders for prescription medical devices?

Gebauer's Spray and Stretch is a topical aerosol refrigerant (vapocoolant) that is delivered in the form of a fine stream spray. The product is non-flammable and non-ozone depleting. Upon contact with the target area (muscle or muscle group) the product evaporates immediately without leaving a residue. Spray and Stretch can be used in combination with the Spray and Stretch technique in trigger point therapy. Spray and Stretch helps healthcare practitioners relieve patient pain as explained by Janet Travell and David Simmons, "Application of Gebauer's Spray and Stretch creates sensory input to the skin that turns off the central nervous system feedback mechanism, which sustains the trigger point activity."

In light of the uniqueness of this product I am including all relevant information in order to provide you, and your fellow board members, with a sound understanding of the product ahead of your review discussion. Attached to this email you can find the product sheet for Spray and Stretch which provides a quick summary of the product on the first page, and greater details for use on the second page. I have selected and listed below the indications for use of Spray and Stretch.

Indications for Use:

- Trigger Point Therapy
- Myofascial Pain Syndromes
- Muscle spasms
- Restricted motion
- Minor sports injuries

Thank-you for your time. Please contact me with any further questions, as well as with your final determination regarding your state's massage therapists' ability to use Spray and Stretch.

Sincerely,
Betsy Giltinan

The Most Trusted Name in Skin Refrigerants for Over 100 Years!

4444 EAST 153RD STREET • CLEVELAND, OHIO 44128 USA
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Brandt, Cheryl

From: Betsy Giltinan [Betsy.Giltinan@gebauer.com]
Sent: Wednesday, June 23, 2010 7:36 AM
To: DLI BSD Massage Therapists
Subject: Montana State Licensure of Massage Therapists

Hi,

In light of the upcoming state regulation of massage therapists I would like to inquire whether massage therapists will be licensed and legally allowed to use medical devices (unclassified prescription medical devices, denoted Class 1 by FDA regulation), such as vapocoolants that are applied topically to the skin and which provide a general anesthetic, numbing sensation which allows for greater muscle stretching and the release of trigger points. Such devices can be used in the treatment of myofascial pain.

Thank-you.

Betsy Giltinan
Gebauer Company
4444 East 153rd Street
Cleveland OH 44128-2955
216-581-3030, ext. 182
Betsy.Giltinan@Gebauer.com



Montana
Department of Labor and Industry
Office of Legal Services

Governor Brian Schweitzer

PHONE: (406) 841-2300
FAX: (406) 841-2313
TDD: (406) 444-0532

P.O. BOX 200513
HELENA, MT 59620-0513

August 5, 2010

Board of Massage Therapy
301 South Park, 4th Floor
PO Box 200513
Helena, MT 59620-0513

Re: Response to June 24, 2010 letter

Dear Board of Massage Therapy,

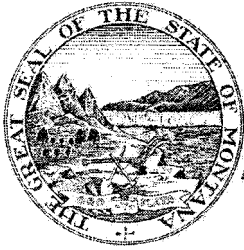
Please let this letter serve as a response to your letter addressed to the Board of Barbers & Cosmetologists (BARCOS Board) on June 24, 2010. The BARCOS Board was able to review this letter at their last full board meeting on July 19, 2010. The Board did not have any specific objections to the scope of practice statute currently in place for the Board of Massage Therapy or with facial massages, body wraps, paraffin wax, exfoliating scrubs, or other topical applications falling within that scope of practice. The Board did think they may be able to assist with any rules that are drafted regarding curriculum for Licensees. They did make a motion to form a committee of 2 members of the BARCOS Board to be available to meet with the Massage Therapy Board whenever their rules are discussed, in particular with respect to the establishment of curriculum.

This committee wants the Massage Therapy Board to know that it is available for assistance should it be needed.

Sincerely,

A handwritten signature in cursive script that reads "Anjeanette C. Lindle".

Anjeanette C. Lindle
Board Counsel
Barbers & Cosmetologists



Montana
Department of Labor and Industry
Office of Legal Services

Governor Brian Schweitzer

PHONE: (406) 841-2300
FAX: (406) 841-2313
TDD: (406) 444-0532

P.O. BOX 200513
HELENA, MT 59620-0513

June 24, 2010

Board of Barbers and Cosmetologists
301 South Park, 4th Floor
P.O. Box 200513
Helena, MT 59620-0513

Re: Scope of Practice

To the Board of Barbers and Cosmetologists (BAR-COS):

I am writing on behalf of the Montana Board of Massage Therapy (BMT) regarding the following practice question, which was recently posed to the BMT:

May a massage therapist perform facial massage and apply body wraps, paraffin wax, exfoliating scrubs, and other topical applications as part of the practice of massage therapy?

Essentially, the BMT has been asked whether certain practices are within the definition of massage therapy. The definition of massage therapy is provided in the Massage Therapy Practice Act, § 37-33-403(4)(a), MCA, as follows:

(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.**


First, it is understood that a massage therapist may not apply preparations classified as prescription drugs, and a massage therapist must use hands, forearms, elbows, knees, feet, or the use of hand-held tools that mimic or support the action of the hands. That aside, the BMT is of the opinion that facial massage and the application of body wraps, paraffin wax, exfoliating scrubs, and any other topical application may be used as part of the practice of massage therapy, as long as it is primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation. Procedures or applications that are not primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation are not part of the practice of massage therapy. The question of whether the use of a particular procedure is within the definition of massage therapy is one that must be answered on a case-by-case basis.

The BMT recognizes that certain BAR-COS licensees may also, within the scope of their practice as defined by statute, apply body wraps, paraffin wax, exfoliating scrubs, and other applications. However, § 37-31-102, MCA, says: "The provisions of this chapter do not prohibit: . . . services by persons authorized under the laws of this state to practice . . . the healing arts . . ." Because massage therapy is a healing art, the practice of massage therapy is not restricted by Title 37, chapter 31, MCA.

This letter is respectfully directed to you for informational purposes only, because the issue was raised to the BMT. The hope is that any differences of opinion between our boards might be worked out in a joint meeting as provided in § 37-1-107, MCA, if necessary. Until then, the opinion of the BMT as outlined in this letter will be the direction given by the BMT when approached with this issue.

Sincerely,

Michael Eayrs, Chairman
Board of Massage Therapy

By: 
Tyler G. Moss, Legal Counsel
Department of Labor and Industry

Brandt, Cheryl

From: Rachel Romanelli [rachelnwsm@hotmail.com]
Sent: Thursday, June 10, 2010 9:13 AM
To: Brandt, Cheryl
Subject: rules for the June 22nd meeting

Hi Cheryl,

I have permission from Colleen to forward this to you.

Take care,

Rachel

Board Members,

I see among the things to be discussed at the upcoming board meeting are spa services and I would like to speak to this issue. Throughout history and around the world spa services such as wraps, hydro therapies, scrubs, paraffin treatments and many newer therapies have been conducted primarily by the massage therapist. These types of therapies are inherent to massage and a integral part of our heritage and scope of practice. Some salons/spas have persons doing these therapies that do nothing else and maybe are not licensed in any profession.

I hope there are not any other professions in Montana that are going to take issue with massage therapists performing any and all spa services.

I refer to Montana Code Annotated
Title 37 Professions and Occupations
Chapter 31 Barbering, cosmetology, electrology, esthetics and manicuring
37-31-102 Exemptions

#2 services by persons authorized under the laws of this state to practice dentistry, *the healing arts* (italics my own) or mortuary science;

I see that reasonable rules need to be spelled out but please do not inhibit the work of massage therapist in their endeavor to treat the whole body for the health and well being of the client.

Sincerely,
Colleen Jensen
Massage Therapist

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [See how.](#)



Associated Bodywork & Massage Professionals

25188 Genesee Trail Road
Golden, CO 80401
800-458-2267
fax 800-667-8260
www.abmp.com

June 11, 2010

Board of Massage Therapy
301 South Park Avenue
PO Box 200513
Helena, MT 59620-0513

Dear Board Members:

I'm writing to commend the board for its thoughtful and progressive proposal regarding continuing education regulations. ABMP supports the board's inclusiveness to allow courses related to business, ethics, and massage skills. We support the board's inclination to allow licensees some freedom in selecting the courses they feel are beneficial to them and the ability for them to be completed in a variety of settings, including online. We also agree that the 12 hours of continuing education every two years is a reasonable standard. All in all we feel this rule is fair to licensees.

ABMP member Jill Scoggins attended the meeting in May and was concerned about the discussion the board had about spa techniques being within the scope of practice for massage therapists. This is a very common debate that occurs with new boards. It is sometimes confusing when there is an overlap in professional scope of practice issues and massage therapy overlaps with several professions. When it comes to "spa techniques" such as salt scrubs, body wraps, paraffin use, and facial massage, it is all about intent. Estheticians and cosmetologists provide these services with the intent of beautification. Massage therapists provide these services with therapeutic intent. Both provide the service.

As you know, the use of topical preparations is clearly included in the definition of massage therapy in the Montana statute as long as the preparations are not classified as prescription drugs. None of the forty-three states or territories that regulate massage therapy excludes the use of topical preparations from the scope of practice and neither should Montana; there is absolutely no reason to do so. Copied below is text from the Montana statute that reinforces this stance.

(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.

(b) The term does not include providing examinations for the purpose of diagnosis, providing treatments that are outside the scope of massage therapy, attempts to adjust, manipulate, or mobilize any articulations of the body or spine by the use of high-velocity, low-amplitude thrusting force, exercise, exercise instruction or prescription, or the use of tape when applied to restrict joint movement, manual or mechanical traction when applied to the spine or extremities for the purposes of joint mobilization or manipulation, injection therapy, laser therapy, microwave diathermy, electrical stimulation, ultrasound, iontophoresis, or phonophoresis.

I also understand from Ms. Scoggins that the board will be allowing breast massage, but there will be no requirement for the licensee to obtain signed consent from the client prior to providing the service. Most states do require an informed consent form be signed prior to provided breast massage simply to avoid misunderstandings. I would encourage Montana to do the same, or at the very least, strongly advise licensees to obtain informed consent. It would

provide everyone with the peace of mind that the treatment was discussed and agreed to and such a process would help avoid consumer complaints down the line.

Thank you for your consideration of ABMP's concerns. Please contact me with any questions at 800-458-2267 extension 645, or jean@abmp.com.

Sincerely,



Jean Robinson
Government Relations Director

Collett, Traci

From: Brandt, Cheryl
Sent: Thursday, September 16, 2010 2:58 PM
To: Bode, Priscilla; Collett, Traci
Subject: FW: Board of Massage Therapy Meeting 9-7-10 foot Soaks & Child massage
Attachments: goyenMEETcorr9-7-10email.doc

From: Spa Town [mailto:spa@pawsup.com]
Sent: Thursday, September 16, 2010 2:04 PM
To: Brandt, Cheryl
Subject: FW: Board of Massage Therapy Meeting 9-7-10 foot Soaks & Child massage

Dear Ms Brandt:

I just wanted to check in with you to see were we are about doing Scrubs, body wraps and Paraffin?

Will that be under our scope of practice and when we would be able to start providing services?

Also, if you have a response from the Board re: children massages.

Please let me know.

Thank you.

Laura Russell | Spa and Wellness Manager
THE RESORT AT PAWS UP®
40060 Paws Up Road | Greenough | Montana | 59823
tel: 406-244-7324 | fax: 406-244-5242
spa@pawsup.com or l Russell@pawsup.com | www.pawsup.com

From: Brandt, Cheryl [mailto:cbrandt@mt.gov]
Sent: Monday, August 30, 2010 1:37 PM
To: Spa Town
Subject: Board of Massage Therapy Meeting 9-7-10 foot Soaks & Child massage

Ms. Russell: Your questions on foot soaks and child massage are on the agenda for the upcoming meeting.

Brandt, Cheryl

From: Spa Town [spa@pawsup.com]
Sent: Thursday, May 27, 2010 3:17 PM
To: Brandt, Cheryl
Cc: Scott Randall - The Resort at Paws Up
Subject: Paraffin/Foot Soaks and Child Massage

Hi Ms Brandt:

Just wanted to see if there was an answer about doing Paraffin treatments?

Also, can you ask if we will be able to do Foot Soaks and Child massage?

Can you please let me know?

Thanks,

Laura Russell | Spa and Wellness Manager
THE RESORT AT PAWS UP®
40060 Paws Up Road | Greenough | Montana | 59823
tel: 406-244-7324 | fax: 406-244-5242
spa@pawsup.com or lrussell@pawsup.com | www.pawsup.com

July 18, 2010

Board of Medical Examiners
301 South Park , 4th Floor
P.O. Box 200513
Helena, MT 59620-0513

Re: Scope of Practice

To the Board of Medical Examiners (BOME):

I am writing on behalf of the Montana Board of Massage Therapy (BMT) regarding the following practice question, which was recently posed to the BMT:

May a massage therapist use the term "medical massage"?

The BMT has been asked whether certain practices are within the definition of massage therapy. The definition of massage therapy is provided in the Massage Therapy Practice Act, § 37-33-403(4)(a), MCA, as follows:

(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.

The 2009 Montana Legislature enacted chapter 451, laws of 2009 (House Bill 662), creating the BMT and setting forth the requirements for the licensure and regulation of massage

therapists in Montana. With the passage of that law, massage therapy became a limited field of healing arts exempted from regulation by the BOME pursuant to § 37-3-103(2), MCA, which says:

Licensees . . . who are licensed to practice a limited field of healing arts shall confine themselves to the field for which they are licensed or registered and to the scope of their respective licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D.", "D.O.", or any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind **except to the extent and under the conditions expressly provided by the law under which they are licensed.**

The BMT recognizes that its licensees may **not** represent themselves as doctors of medicine without first obtaining a medical degree. However, within the scope of his or her license, a massage therapist may use the term "medical massage" to describe his or her practice of massage therapy so long as that description is **not** a misrepresentation of the licensee's particular practice. It is expected that not every massage therapist could accurately describe his or her practice as one of "medical massage," and a misrepresentation of one's practice is unprofessional conduct that may justify disciplinary proceedings under the jurisdiction of the BMT. Notwithstanding, the use of the term "medical massage," proscribed by the BOME prior to passage of the Massage Therapy Licensing Act, is a term that licensees of the BMT are now able to use under the exemptions provided in § 37-3-103(2), subject to the requirement that the representation be an accurate description of the licensee's practice.

The question was directed to the BMT, and this letter is respectfully provided to you for informational purposes, only. The **hope** is that any differences of opinion between our boards might be worked out in a joint meeting as provided in § 37-1-107, MCA, if necessary. Until then, the opinion of the BMT as outlined in this letter will be the direction given by the BMT when approached with this question.

Sincerely,

Michael Eayrs, Chairman
Board of Massage Therapy

By: _____
Tyler G. Moss, Legal Counsel
Department of Labor and Industry

Brandt, Cheryl

From: DLI BSD Massage Therapists
To: Jan Mayernik
Subject: RE: massage practice question

Ms. Mayernik: I'll put your question on a Board agenda for its response.

Cheryl Brandt, Program Manager
Bd of Massage Therapy

From: Jan Mayernik [mailto:jmnaj@yahoo.com]
Sent: Monday, August 09, 2010 9:19 AM
To: DLI BSD Massage Therapists
Subject: massage practice question

Hi I just became a LMT and I was wondering as a massage therapist and also an Asian Healing Arts Practitioner what is the best way to practice the Asian work in my massage office so the lines do not get crossed?

Thanks
Jan Mayernik

Bode, Priscilla

From: Karen Nesbitt [info@dancingdreamers.com]
Sent: Wednesday, September 29, 2010 2:39 AM
To: DLI BSD Massage Therapists
Subject: NCCAOM Asian Bodywork Therapy

Importance: High

Hello Priscilla,

I am writing this email in reference to the current status of the State of Montana's position on the National Certification Commission for Acupuncture and Oriental Medicine's (NCCAOM) licensure for Asian Bodywork Therapy. NCCAOM offers certification in Acupuncture, Doctor of Oriental Medicine, Chinese Herbal Medicine and Asian Bodywork Therapy. They are the only ones in the US that provide national certification in Asian Bodywork Therapy. It includes Asian Bodywork treatment modalities such as Tuina, Shiatsu, Moxibustion, Cupping, as well as therapeutic movement practices based in Traditional Chinese Medicine like medical qigong and tai chi.

I am a trained massage therapist in a recognized massage therapy program in the state of Montana and have completed a program in Asian Bodywork Therapy (1300 hours) and was recently accepted as a candidate with NCCAOM to take the national exams for Asian Bodywork Therapy.

While these two programs share some commonality, i.e.: practice management, anatomy and physiology, and ethics, their assessment (Asian Bodywork Therapy uses Traditional Chinese Medicine diagnostic techniques and methods to determine physiological status, pathologies, and patterns of disharmony, analysis of differentiation of Syndromes/Patterns), treatment principles, evaluation/adjustment of treatment, and client education, are completely different as one is based in the Western medicine perspective and the other is based in Traditional Chinese Medicine.

Both programs offer a "perspective" and brief overview of the other, but certainly not adequate training to merit practicing both under one licensure as it stands now. Personally, I would like to advocate for the State of Montana to recognize the NCCAOM Asian Bodywork Therapy national licensure as a beginning step toward defining these completely different practice modalities. I do understand that some massage therapy schools offer training in areas like shiatsu and Tuina, that may meet the current criteria of massage therapy licensure, but to have a complete understanding of these therapies, one has to have a well defined background in Traditional Chinese Medicine, which should include an in depth training process with accredited programs recognized by NCCAOM.

It is my understanding that there is a board meeting coming up with some of these concerns on the agenda. I am currently not in the state of Montana, but would like to attend by phone. I am a resident in the state of Montana and own a home in Eureka.

Thank you for your consideration,

Karen Nesbitt

808-756-1510 (cell phone)

Brandt, Cheryl

From: DLI BSD Massage Therapists
To: newskarka@yahoo.com
Subject: RE: Temporary Licensure

Ms. Skarka: I will put your correspondence on the Board's next Board meeting agenda which is September 7, 2010.

Cheryl Brandt, Program Manager
Bd of Massage Therapy

-----Original Message-----

From: newskarka@yahoo.com [mailto:newskarka@yahoo.com]
Sent: Friday, July 30, 2010 4:59 PM
To: DLI BSD Massage Therapists
Subject: Temporary Licensure

Name: Christina Skarka
email: newskarka@yahoo.com
subject: Temporary Licensure
message: To the Massage Board:

I am going to graduate from massage school in the end of August. It greatly concerns me that I will not be able to apply for jobs or go into practice as a massage therapist until I get my license. As I understand it, the NCBTMB is backed up due to the large number of applications going through, which could refrain me from getting a license to practice for months.

I am also CNA in the State of Montana. When I took the course in 2007, I was granted temporary certification until passing the CNA exam. I also understand that LPN's and RN's receive temporary licensure until they pass their exams.

I would be so grateful if this same privilege were to be granted to graduating students of massage around the state. I have put a tremendous amount of time, effort, and money into becoming a massage therapist and would like to practice as soon as I graduate.

I did not see a provision for this in the new licensing laws. If this is something I missed, please let me know!

Thank you,

Christina Skarka

19 May 2010

To BSD Legal, Bureau Chiefs:

Recently it came to the attention of Legal that the department had received a standing request for copies of a board's open meeting board books. Following a discussion in the Legal unit, we are providing direction for department/board staff to follow when such a request is received for either hard copy or electronic versions of the board books. Please note that this procedure does not apply to closed board books, i.e., books for Screening Panel meetings or other meetings held in executive session, which are not released to the public.

1. We will require a written request for release of open meeting board book(s).

It has been decided that we are not required to grant "standing" requests for all future open board books. If such a perpetual request is made, please consult with appropriate board counsel to determine whether to grant a standing request or to require a separate request for each board book.

2. Board books are created to facilitate the work of board members and not as a way to distribute information to the public. *Board member should be educated on this if necessary.* Some of the information contained in open meeting board books is definitely public information, but not the board books in their entirety. Therefore, upon receipt of a request, an appropriately redacted version of the board book must be created. It is agreed that this need not be done by an attorney, but that staff must be adequately trained (and consistently between the bureaus) on what is public, what is not, and what needs to be redacted.

3. Maggie and Jeannie. As Bureau Chiefs, Maggie and Jeannie will determine how these requests will be funneled through the bureaus and which staff will prepare the redacted board books. Guidelines to be used in training staff to prepare the books should be jointly created by the bureau chiefs with final review by Gene and Darcee.

4. Reasonable fee. Because this process creates additional work for department staff, the department may charge the requester a reasonable administrative fee, pursuant to 2-6-110, MCA.

Bode, Priscilla

From: Collett, Traci
Sent: Friday, September 10, 2010 10:15 AM
To: Brandt, Cheryl; Moss, Tyler; Bode, Priscilla; Potter, Lavelle
Subject: RE: NCBTMB Sept. School & Certificant Sanctions/Revocations

Lavelle,

Please see the request from NCBTMB below asking us to send sanction information to them. Is this something you can do? I know we don't have anything to send yet but I assume we will someday.

Thanks,
Traci

From: Brandt, Cheryl
Sent: Friday, September 10, 2010 8:47 AM
To: Moss, Tyler; Bode, Priscilla; Collett, Traci
Subject: FW: NCBTMB Sept. School & Certificant Sanctions/Revocations

Tyler: What could we do if an applicant has had their national certificate revoked or their school listing with NCBTMB Is suspended or revoked? Cheryl

From: Marsha Hrach [mailto:MHrach@ncbtmb.org]
Sent: Thursday, September 09, 2010 1:22 PM
Subject: NCBTMB Sept. School & Certificant Sanctions/Revocations

To: State regulators, Legal departments and Law enforcement agencies:

Attached are two documents: the September 1, 2010 NCBTMB School Compliance, Suspensions and Revocations and the NCBTMB Certificant Revocations.

If you have any questions, please contact:

Marsha Hrach, Executive Assistant to the CEO
(630) 652-0454 or mhrach@ncbtmb.org

Lori Ohlmann, Government Relations
(937) 474-4886 or lori@ponweb.com

Please remember to send your reciprocal state sanction information to:

Lauren Dziuban, Director of Ethics & Discipline
(630) 652-0469 or ldziuban@ncbtmb.org

Monica Green, Compliance Manager
(630) 652-0476 or mgreen@ncbtmb.org

Kind regards,

Marsha Hrach
Executive Assistant to Paul Lindamood

Bode, Priscilla

From: Collett, Traci
Sent: Friday, September 10, 2010 10:11 AM
To: Bode, Priscilla; Moss, Tyler; Brandt, Cheryl
Subject: RE: NCBTMB Sept. School & Certificant Sanctions/Revocations

Priscilla,

I would take the below email correspondence to the next board meeting so they can discuss the issue. The Board may decide to develop a rule as Tyler suggested or they may leave it in the hands of the staff.

From: Bode, Priscilla
Sent: Friday, September 10, 2010 9:19 AM
To: Moss, Tyler; Brandt, Cheryl; Collett, Traci
Subject: RE: NCBTMB Sept. School & Certificant Sanctions/Revocations

I assume this would entail us putting an extra step into the application review process. If so does it need to be formalized in any way?

Priscilla

From: Moss, Tyler
Sent: Friday, September 10, 2010 9:02 AM
To: Brandt, Cheryl; Bode, Priscilla
Subject: RE: NCBTMB Sept. School & Certificant Sanctions/Revocations

Motions to approve applicants should be conditioned on their school's certificate not being suspended or revoked as of the date of the motion. If a person is licensed or approved by motion for a license (routine or non-routine) based on the school's certificate prior to the effective date of the suspension or revocation, then the license could not be challenged. If a person is licensed (routine or non-routine) based on the school's certificate on or after the effective date of the suspension or revocation, we would likely have a problem attempting to revoke it.

Here are two (not the only two) ways that this could be handled:

A rule would be adequate notice to license applicants that a license granted based upon a certificate that is suspended or revoked as of the license issuance date would not be valid – notice and a hearing would still be required to revoke the license.

Alternatively, staff can take on the responsibility of assuring each applicant's school certificate will not be suspended or revoked as of the date of license issuance. If staff makes a mistake, then the license could not be challenged.

From: Brandt, Cheryl
Sent: Friday, September 10, 2010 8:47 AM
To: Moss, Tyler; Bode, Priscilla; Collett, Traci
Subject: FW: NCBTMB Sept. School & Certificant Sanctions/Revocations

Tyler: What could we do if an applicant has had their national certificate revoked or their school listing with NCBTMB is suspended or revoked? Cheryl

From: Marsha Hrach [mailto:MHrach@ncbtmb.org]
Sent: Thursday, September 09, 2010 1:22 PM
Subject: NCBTMB Sept. School & Certificant Sanctions/Revocations

To: State regulators, Legal departments and Law enforcement agencies:

Attached are two documents: the September 1, 2010 NCBTMB School Compliance, Suspensions and Revocations and the NCBTMB Certificant Revocations.

If you have any questions, please contact:

Marsha Hrach, Executive Assistant to the CEO
(630) 652-0454 or mhrach@ncbtmb.org

Lori Ohlmann, Government Relations
(937) 474-4886 or lori@ponweb.com

Please remember to send your reciprocal state sanction information to:

Lauren Dziuban, Director of Ethics & Discipline
(630) 652-0469 or ldziuban@ncbtmb.org

Monica Green, Compliance Manager
(630) 652-0476 or mgreen@ncbtmb.org

Kind regards,

Marsha Hrach
Executive Assistant to Paul Lindamood

NCBTMB
1901 S. Meyers Rd, Suite #240
Oakbrook Terrace, IL 60181
Phone: 630-652-0454 (direct)
Fax: 866-511-2805 (direct)
Email: mhrach@ncbtmb.org

Bode, Priscilla

From: info@blmtb.org
Sent: Thursday, October 14, 2010 1:27 PM
To: DLI BSD Massage Therapists
Subject: Correspondence to Board

Dear Montana Massage Therapy Board,

We respectfully are writing concerning an issue that has been frustrating to Lynne Ann Kogut (BLMTB Board Member) that concerns the public comment portion of the meetings.

In the past it was our understanding that the chair would leave time for public comment at the end of the meeting. At the last meeting Ms. Kogut attended, it occurred at the beginning of the meeting and the board did not leave room for comments at the end. In her opinion, it went by so quickly that she was confused, and she didn't realize that it was the time to speak.

The other issue concerns how the public may participate during the meeting to provide input on items that are on the agenda. There was no mention of an avenue for public participation, and Ms. Kogut wanted to participate in the cranio-sacral therapy discussion at the meeting she attended.

We are requesting that the board, at each and every meeting,

1. To please have the public comment portion occur at the same time for every meeting, and if it is at the beginning of the meeting that the statement be read after all persons participating in the meeting (e.g. by phone) are present. Also please make it clearer with an additional statement that this is the time for the public to speak up. Please allow some space (30 seconds to a minute) for persons to respond, so as not to rush through this time.
2. To please provide a statement of how the public can participate in the discussion of items on the agenda for that meeting and how they may be recognized by the chair.

We thank the Board for hearing our request, and we appreciate a Board that serves the public and makes it easier to for the public to participate in this process.

Sincerely,

Lynne Ann Kogut

Vianna R. Myles

Patricia Murphy

Deborah A. Kimmet

Brandt, Cheryl

From: DLI BSD Massage Therapists
To: SusanVuke@gmail.com; DLI BSD Massage Therapists
Subject: FW: Volunteer massage therapist

Ms. Vuke: I will forward your question to the Board for its response.
Cheryl Brandt, Program Manager
Bd of Massage Therapy

-----Original Message-----

From: SusanVuke@gmail.com [mailto:SusanVuke@gmail.com]
Sent: Saturday, June 26, 2010 6:48 AM
To: DLI BSD Web Help
Subject: Volunteer massage therapist

Name: Susan Vuke

email: SusanVuke@gmail.com

subject: Volunteer massage therapist

message: I have over 500 hours of massage therapy training from the Asten Center in Whitehall, and various workshops including Daybreak Geriatric Massage Institute, but I have never had a business. I have provided massage therapy and manual lymph drainage regularly on a volunteer basis since 2003 for a man paralyzed with ALS and for a woman with lymphedema from chemotherapy. Should I apply for a license or does the lack of a business automatically disqualify me?

Thank you.

Brandt, Cheryl

From: DLI BSD Massage Therapists
To: mariebackstrokes@hotmail.com
Subject: RE: message

Marie: I will put your question on the Board's agenda for the next meeting.

Cheryl Brandt, Program Manager
Bd of Massage Therapy

-----Original Message-----

From: mariebackstrokes@hotmail.com [mailto:mariebackstrokes@hotmail.com]
Sent: Tuesday, June 29, 2010 1:49 PM
To: DLI BSD Massage Therapists
Subject: message

Name: Marie

email: mariebackstrokes@hotmail.com

subject: message

message: I have been massaging friends and family for the past 2 1/2 years and not charging them....would I be able to count my massagages with them as time towards being grandfathered in by the state?

Thank you

message: I have been studying under a masseur (by trading massages) who is licensed under New York with over 1000 hours of massage time logged. I also have a regular client that I see as well for massage. I have been doing massage for over 4 years. I just found out about the grandfathering rule. I was wondering if I could submit proof of trade as well as proof of professional massage experience in order to qualify. If you could give me a call that would be helpful as well 406 281 7856

Jessica Tallman
724 N. 22nd Ave. #C
Bozeman MT 59718

July 1, 2010

Montana Board of Massage Therapy
PO Box 200513
301 South Park, 4th Floor
Helena MT, 59620-0513
406-841-2331

To Whom it may concern,

My name is Jessica Tallman, and I have been practicing massage since I was very young. I recently graduated from a 780 hour massage training program from Health Works Institute on May 29, 2010. I have not established a business of massage therapy. However I am looking for a job as a massage therapist. I have been volunteering massage to attain the 100 hours requirement to gain a license by the grandfathering clause to licensure.

I have applied for the National Certification Exam. Due to the lengthy nature of the process, I am applying by grandfathering to secure my family finically by securing a job doing massage. I can assure you that I am determined to gain certification by examination, however I have a family depending on me.

The purpose of this letter was to establish that I have not been practicing under a business, but volunteering the massages to attain the requirement to licensure.

Thank you for taking the time to review my application. I look forward to hearing from your office regarding my application.

Sincerely,

A handwritten signature in black ink that reads "Jessica Tallman". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Jessica Tallman

Enclosure: Diplomas, Transcript, CPR Certification, Copy of
Drivers License

Any license or registration issued by a state or province **you hold or have ever held** must be verified directly to Montana from the issuing state or province. If no state-issued licenses, write N/A.

Question 12 on the application: If I have an expired license and the board that issued that license does not exist currently, how do I verify the expired license, do I provide a photocopy?

If a state or province issued a license, they would likely still be in existence or have transferred records to an identifiable location. Call the Montana Board of Massage Therapy for contact information. 406-841-2394

Do the letters of reference need to be sent or faxed by the person writing the reference?

The administrative rules and cover letters read: Provide two letters attesting to the good moral character of the applicant sent directly to the board office by individuals who are not family members.

If a massage therapy student graduates just before July 1, 2010, does this person apply by education or can they apply by grandfather application and count their clinic hours?

If an individual qualifies for multiple methods of licensure, it is up to them to evaluate which works best for them. The Board has determined that, for a student, the 100 hours may include logged hours and clinic hours but not classroom training hours.

Why does it cost less to apply by grandfather application than it does by endorsement or education?

Processing/staff time is generally less for a grandfathering application.