

**AGENDA
BOARD OF MASSAGE THERAPY
CONFERENCE CALL FULL BOARD MEETING
301 SOUTH PARK AVENUE, HELENA, MT
LARGE CONFERENCE ROOM 439
AUGUST 24, 2011
10:30 AM TO CONCLUSION**

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) REVIEW AND APPROVAL OF MINUTES:

6/22/2011 Full Board Meeting
6/22/2011 Executive Session

(4) ELECT NEW CHAIR:

(5) FINANCIAL/OFFICE REPORT:

(6) NON-ROUTINE APPLICATIONS:

Haili Anthony
Mary Nolan
Teresa Bellmore
Sharon Bonogofsky Parker

(7) FSMTB:

Report from Michael Eayrs on March 2011 meeting
Review of Deb Kimmet's report on October 2010 meeting

(8) MOTION FROM MONA JAMISON RE SCREENING PANEL MEMBERS:

(9) COMPLAINTS:

(10) DISCUSSION ITEMS:

Revisions to FAQs

(11) CORRESPONDENCE:

Linda Elliston

(12) UNLICENSED PRACTICE COMPLAINT:

Complaint #2011-012-LMT

(13) NEXT MEETING:

(14) ADJOURNMENT:

**AGENDA
BOARD OF MASSAGE THERAPY
CONFERENCE CALL FULL BOARD MEETING
301 SOUTH PARK AVENUE, HELENA, MT
LARGE CONFERENCE ROOM 439
AUGUST 24, 2011
10:30 AM TO CONCLUSION**

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) REVIEW AND APPROVAL OF MINUTES:

6/22/2011 Full Board Meeting
6/22/2011 Executive Session

(4) ELECT NEW CHAIR:

(5) FINANCIAL/OFFICE REPORT:

(6) NON-ROUTINE APPLICATIONS:

Haili Anthony
Mary Nolan
Teresa Bellmore
Sharon Bonogofsky Parker

(7) FSMTB:

Report from Michael Eayrs on March 2011 meeting
Review of Deb Kimmet's report on October 2010 meeting

(8) MOTION FROM MONA JAMISON RE SCREENING PANEL MEMBERS:

(9) COMPLAINTS:

(10) DISCUSSION ITEMS:

Revisions to FAQs

(11) CORRESPONDENCE:

Linda Elliston

(12) UNLICENSED PRACTICE COMPLAINT:

Complaint #2011-012-LMT

(13) NEXT MEETING:

(14) ADJOURNMENT:

**BOARD OF MASSAGE THERAPY
CONFERENCE CALL FULL BOARD MEETING
301 S. PARK AVENUE, HELENA, MT 59620
4TH FLOOR CONFERENCE ROOM
JUNE 22, 2011 - 2:00 P.M.
OPEN MEETING 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: 2:32 pm

Members Present:

Michael Eayrs, Chair
Nick Soloway, DC, Vice Chair, Professional Member
Grace Bowman, Public Member
Deborah Kimmet, Professional Member

Staff Present:

Tyler Moss, Board Counsel
Priscilla Bode, Board Administrator
Traci Collett, Unit Supervisor

Others Present:

Carolyn McLeod
Lynn Kogut (by telephone)
Susan Carlson (by telephone)

(1) REVIEW OF AGENDA:

The agenda was reviewed and a quorum was established.

Motion: Grace Bowman **moved** to approve the Agenda. Nick Soloway seconded. **Motion carried.**

(2) 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.

(3) REVIEW AND APPROVAL OF MINUTES:

The minutes of the 3/22/2011 full board meeting were considered.

Motion: Nick Soloway **moved** to approve the minutes as presented. Grace Bowman seconded. **Motion carried.**

(4) FINANCIAL/OFFICE REPORT:

Ms. Bode advised that the financial data included in the board book is for the current fiscal year to June 7, 2011 and reported that as of the date of the meeting revenues were at \$81,300, expenditures at \$109,752 and the current cash balance in the Board's account was negative at -\$10,323. She advised that renewal starts on July 3, 2011 at which time the Board can expect revenues of approximately \$110,000 if all the current licensees choose to renew. In addition Board staff are receiving a steady number of applicants, some from the recent graduates of the massage therapy schools, and individuals who qualify to license under the grandfather clause.

(6) ENDORSEMENT APPLICATIONS:

Tammy Renaud

The Board reviewed Ms. Renaud's application for licensure by endorsement from Wisconsin and determined that the curriculum requirements are not equivalent to or greater than those in Montana. Specifically Deb Kimmet noted that the study of pathology was included in the 125 hours dedicated to anatomy and physiology, and is not allotted 40 additional hours of separate study as required in Montana.

Motion: Nick Soloway **moved** to request that Tammy Renaud apply for licensure by examination. Deb Kimmet seconded. **Motion carried.**

Theresa Manzone

The Board reviewed Ms. Manzone's application for licensure by endorsement from Nevada, and determined that since the curriculum requirements for licensure in that state are not described in sufficient detail for the Board to compare to those in Montana, they would not approve her application.

Motion: Nick Soloway **moved** to request that Theresa Manzone apply for licensure by examination. Stacy Baird seconded. **Motion carried.**

(7) NON-ROUTINE APPLICATIONS:

Allie Sinclair

The Board reviewed Ms. Sinclair's application.

Motion: Deb Kimmet **moved** to license Allie Sinclair upon receipt of a completed application. Grace Bowman seconded. **Motion carried.**

Maria Foy

The Board reviewed Ms. Foy's application.

Motion: Deb Kimmet **moved** to license Maria Foy upon receipt of a completed application. Grace Bowman seconded. **Motion carried.**

Teresa Inscoe

The Board reviewed Ms. Inscoe's application.

Motion: Deb Kimmet **moved** to license Theresa Inscoe upon receipt of a completed application. Stacy Baird seconded. **Motion carried.**

Zachary Tanner

The Board reviewed Mr. Tanner's application.

AN EXECUTIVE SESSION WAS CALLED FOR THE PURPOSE OF DISCUSSING ISSUES PERTAINING TO INDIVIDUAL PRIVACY RIGHTS. MINUTES OF THE EXECUTIVE SESSION ARE SUBJECT TO THE INDIVIDUAL'S RIGHT TO PRIVACY.

The open meeting reconvened at 3:39 pm.

Motion: Deb Kimmet **moved** to license Zachary Tanner upon confirmation that all conditions imposed by the court had been met, and upon receipt of a completed application. Nick Soloway seconded. **Motion carried.**

(8) DISCUSSION ITEMS:

Cranial Sacral Therapy

The Board reviewed the written requests from Carolyn McLeod and Lynn Kogut regarding cranial sacral therapy.

Carolyn McLeod explained to the Board that she has been practicing cranial sacral therapy for several years, although she has no formal certification. She expressed her concern that if she does not apply for a massage therapy license under the grandfather clause, there is a possibility that in the future she might be subject to an unlicensed practice complaint.

Deb Kimmet stated that cranial sacral therapy would be included in the definition of structured touch as defined by statute, and therefore subject to licensure under the Board of Massage Therapy.

Mr. Moss advised the Board that it is the individual who is licensed, not the practice, and that if an individual who practices cranial sacral therapy wants to be exempted from licensure they will need to prove to the Board how they would meet the exemption requirements. He suggested that any cranial sacral therapy practitioner who wishes to be exempted from licensure make application to the Board for such exemption.

Lynn Kogut asked why the Board would be concerned with the practice of cranial sacral therapy and Deb Kimmet responded that the Board cannot make a decision to exempt the practice. Mr. Moss asked the Board if there is any reason why they would not state that a certain practice is exempt. Deb Kimmet stated that the practice falls within the general definition of massage therapy.

Nick Soloway raised the issue of advertising the practice of cranial sacral therapy and pointed out that the only place in the telephone book would be under massage therapy, and therefore it would be in the best business interests of a practitioner to obtain a massage therapy license so they could advertise there.

Carolyn McLeod stated she would be applying for a license under the grandfather clause, but would change the Affidavit of Practice to state that she has 100 hours of practice in cranial sacral therapy.

Lynn Kogut expressed her concern that the Board would not exempt the practice of cranial sacral therapy from licensure, and stated that her interpretation of "structured touch" was different from that of Deb Kimmet. Ms. Kimmet stated that the Board is required to comply with the legislation as written.

Lynn Kogut advised that the Frequently Asked Questions regarding exemptions on the website were confusing and Deb Kimmet and Mr. Moss agreed to work on amending them to clarify the issue.

Ms. Bode asked the Board to clarify the issue so that she can provide specific instructions to practitioners calling for advice.

Motion: Grace Bowman **moved** that Deb Kimmet and Mr. Moss collaborate on more specific wording for the website. Nick Soloway seconded. **Motion carried.**

FSMTB

The Board reviewed the request from the Federation of State Massage Therapy Boards for a board member to attend the Massage & Bodywork Licensing Examination (MBLEx) Exam Development Committee meeting on July 22th – 24th, 2011 in Chicago, Illinois. The full cost of a member to attend will be borne by the Federation. Michael Eayrs indicated he would like to attend and the Board requested Ms. Bode to complete the necessary application for out of state travel.

Motion: Deb Kimmet **moved** that Michael Eayrs attend the MBLEx Exam Development Committee meeting. Nick Soloway seconded. **Motion carried.**

(9) NEXT MEETING:

Ms. Bode suggested to the Board that they schedule regular meetings every three months and that suggestion was accepted. The next meeting was scheduled for August 24, 2011.

(10) ADJOURNMENT:

There being no further business before the Board:

Motion: Deb Kimmet **moved** to adjourn the meeting. Stacy Baird seconded. **Motion carried.**

FY 2012 REVENUE

Fund	Acct Lvl 1	Account	01 (Jul)	02 (Aug)	Grand Total
02679	Massage Therapists		27,270.00	6,830.00	34,100.00
	500000 Licenses & Permits		27,230.00	6,830.00	34,060.00
		508001 DLI LIC Application Fee 01 Grandfather	1,430.00	390.00	1,820.00
		508002 DLI LIC Application Fee 02 Endorsement	140.00		140.00
		508003 DLI LIC Appl Fee 03 Examination	1,540.00	140.00	1,680.00
		508200 DLI Renewal Lic Fee01	24,120.00	6,300.00	30,420.00
	520000 Charges For Services		40.00		40.00
		520938 DLI List Fee01	40.00		40.00
Grand Total			27,270.00	6,830.00	34,100.00

FY 2012 EXPENDITURES

Amount				Month		Grand Total
Org	Acct Lvl	Acct Lvl 2	Account	01 (Jul)	02 (Aug)	
5001	BSD	Admin		395.65	28.00	423.65
		61000	Personal Services	340.44		340.44
		61100	Salaries	250.95		250.95
			61101 Regular	199.00		199.00
			61103 Sick Leave	15.23		15.23
			61104 Vacation	11.97		11.97
			61105 Holiday	23.59		23.59
			61158 Compensatory Time Taken	1.16		1.16
		61400	Employee Benefits	89.49		89.49
			61401 FICA	18.41		18.41
			61402 Retirement - Other	17.98		17.98
			61403 Group Insurance	48.88		48.88
			61404 Workers Compensation Insur	3.61		3.61
			61410 State Unemployment Tax	0.61		0.61
		62000	Operating Expenses	55.21	28.00	83.21
		62100	Other Services		0.28	0.28
			62104 Insurance & Bonds		0.28	0.28
		62200	Supplies & Materials	0.08	0.42	0.50
			62236 Ofc Supplies/Central Stores		0.42	0.42
			62241 Office Sup/Minor Equip-NonStat	0.08		0.08
		62400	Travel	0.89		0.89
			62401 In-State Personal Car Mileage	0.33		0.33
			62408 In-State Lodging	0.47		0.47
			62410 In-State Meals Overnight	0.09		0.09
		62500	Rent	54.16		54.16
			62529 Rent/Non-State Bldgs.	54.16		54.16
		62800	Other Expenses	0.08	27.30	27.38
			62801 Dues		27.30	27.30
			62809 Education/Training Costs	0.08		0.08

5001IT BSD Admin IT	146.69	146.69
61000 Personal Services	146.69	146.69
61100 Salaries	113.23	113.23
61101 Regular	62.07	62.07
61103 Sick Leave	0.80	0.80
61104 Vacation	23.06	23.06
61105 Holiday	16.14	16.14
61158 Compensatory Time Taken	11.16	11.16
61400 Employee Benefits	33.46	33.46
61401 FICA	8.30	8.30
61402 Retirement - Other	8.12	8.12
61403 Group Insurance	14.59	14.59
61404 Workers Compensation Insur	2.18	2.18
61410 State Unemployment Tax	0.27	0.27
5002CU BSD Compliance Unit	162.61	162.61
61000 Personal Services	141.49	141.49
61100 Salaries	102.48	102.48
61101 Regular	89.77	89.77
61103 Sick Leave	2.42	2.42
61104 Vacation	6.17	6.17
61105 Holiday	4.12	4.12
61400 Employee Benefits	39.01	39.01
61401 FICA	7.33	7.33
61402 Retirement - Other	7.36	7.36
61403 Group Insurance	22.85	22.85
61404 Workers Compensation Insur	1.22	1.22
61410 State Unemployment Tax	0.25	0.25
62000 Operating Expenses	21.12	21.12
62300 Communications	0.34	0.34
62319 Cellular Phones	0.34	0.34
62500 Rent	20.78	20.78
62529 Rent/Non-State Bldgs.	20.78	20.78

5100 BSD Healthcare Lic Bureau	962.21	39.27	1,001.48
61000 Personal Services	128.08		128.08
61100 Salaries	100.89		100.89
61101 Regular	92.24		92.24
61105 Holiday	8.65		8.65
61400 Employee Benefits	27.19		27.19
61401 FICA	7.57		7.57
61402 Retirement - Other	7.23		7.23
61403 Group Insurance	10.97		10.97
61404 Workers Compensation Insur	1.16		1.16
61410 State Unemployment Tax	0.26		0.26
62000 Operating Expenses	834.13	39.27	873.40
62100 Other Services	36.65	32.27	68.92
62104 Insurance & Bonds		2.86	2.86
62165 Temporary Services	36.65	29.41	66.06
62200 Supplies & Materials		7.00	7.00
62236 Ofc Supplies/Central Stores		7.00	7.00
62500 Rent	797.48		797.48
62529 Rent/Non-State Bldgs.	797.48		797.48
5103 Massage Therapists	1,500.44		1,500.44
61000 Personal Services	1,395.13		1,395.13
61100 Salaries	1,003.59		1,003.59
61101 Regular	737.19		737.19
61103 Sick Leave	60.73		60.73
61104 Vacation	98.87		98.87
61105 Holiday	106.80		106.80
61400 Employee Benefits	391.54		391.54
61401 FICA	73.60		73.60
61402 Retirement - Other	71.95		71.95
61403 Group Insurance	228.55		228.55
61404 Workers Compensation Insur	14.83		14.83
61410 State Unemployment Tax	2.61		2.61
62000 Operating Expenses	105.31		105.31
62300 Communications	1.56		1.56
62304 Postage & Mailing	1.56		1.56
62800 Other Expenses	103.75		103.75
62827T DLI Legal Expense	103.75		103.75
Grand Total	3,167.60	67.27	3,234.87

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
FY 2011 2nd qtr Revenue		\$11,830.00
FY 2011 2nd qtr Expenditures		-\$34,850.09
Cash in bank	12/31/2010	\$30,068.03
FY 2011 3rd qtr Revenue to 2/28/2011		\$7,630.00
FY 2011 3rd qtr Expenditures to 2/28/2011		-\$20,539.00
Cash in Bank	3/31/2011	\$17,159.03
FY 2011 4th qtr Revenue to 6/7/2011		\$9,970.00
FY 2011 4th qtr Expenditures to 6/7/2011		<u>-\$16,449.89</u>
Cash in bank	6/7/2011	\$10,679.14

ACCOUNT BALANCE FY 2010 and FY 2011

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 Revenue		\$85,142.87
FY 2011 Expenditures		-\$123,667.38
Cash in bank	7/1/2011	-\$3,237.23



Governor Brian Schweitzer

Montana

Department of Labor and Industry
Business Standards Division

Montana Board of Massage Therapy

www.massagetherapists.mt.gov dlibsdlmt@mt.gov

APPLICATION REPORT

Prepared for the June 22, 2011 Board Meeting

This report addresses the applications received from March 15, 2011 through June 9, 2011.

Total Applications Received:	89
Total Applications Pending:	51
Total Applications Withdrawn:	1
Total Licenses Approved	39
Total Licenses Issued:	68
(for time period 3/15/11-6/9/11)	
Total Licenses Current Through 8/31/2011:	1,216



NEW LICENSE REPORT

Prepared for the August 24, 2011 Board Meeting

Individuals licensed from June 22, 2011 to August 9, 2011 - 84

License No	Last Name	First Name	Method	School
1297	ESCHENKO	CHRISTINA	Grandfathered	BIG SKY SOMATIC INSTITUTE
1276	STANSKY	SUSAN	Grandfathered	CENTRAL HIGH SCHOOL
1234	BRADLEY	LORA	Grandfathered	Northwest School of Massage
1291	KUBLY	BETH	Grandfathered	THERAPEUTIC MASSAGE WORKS
1299	PISANI	CHELSEA	Examination	LANE COMMUNITY COLLEGE
1292	MIZE	ELIZABETH	Endorsement	SARASOTA SCHOOL OF MASSAGE THERAPY
1271	MULLEY	SHERRIE	Grandfathered	UCC
1231	VALENTINE	RANDI	Grandfathered	MONTANA INSTITUTE OF MASSAGE
1245	MEIER	SHELLEY	Grandfathered	COLORADO INSTITUTE OF MASSAGE
1267	STURGIS ZOOK	CRYSTAL	Grandfathered	ASTEN CENTER OF MASSAGE
1239	DELEONARDO	JESSICA	Grandfathered	MONTANA INSTITUTE OF MASSAGE THERAPY
1242	GEERTZ	NANCY	Grandfathered	INTERNATIONAL INSTITUTE OF REFLEXOLOGY
1243	GRECH	SUK	Grandfathered	PUSAM HIGH SCHOOL
1250	SCHLOTHAUER	KIMBERLY	Grandfathered	DAHON SCHOOL OF MASSAGE THERAPY
1275	ANDERSON	SHELBY	Examination	SHERIDAN COMMUNITY COLLEGE
1306	STEVENS	KAMRON	Examination	HEALTHWORKS INSTITUTE
1298	NELSON	NICHOLE	Grandfathered	DAHLS BEAUTY SCHOOL
1302	OLSEN	LUCINDA	Grandfathered	SEATED MASSAGE DISTANT LEARNING
1288	SULLIVAN	LORI	Grandfathered	CARROLL COLLEGE
1228	ROGERS	SHELYNNE	Grandfathered	PHX THERAPEUTIC MASSAGE COLLEGE
1226	OHARA	JOY	Grandfathered	HEALING ARTS INBSTITUTE
1278	LARSON	CHRISTINE	Grandfathered	STARFIRE MASSAGE SCHOOL
1295	SCHACHTEL	DEBORAH	Grandfathered	BIG SKY SOMATICS
1272	MCLEOD	CAROLYN	Grandfathered	EASTERN MONTANA COLLEGE
1274	MCPMAHON	ERIN	Grandfathered	MONTANA SCHOOL OF MASSAGE
1251	SOLOWAY	NATHANIEL	Grandfathered	SOUTHWEST WASHINGTON MASSAGE SCHOOL
1301	XU	XIN	Grandfathered	ACUPUNCTURE AND MASSAGE INSTITUTE
1268	CLAMPITT	ANDREA	Grandfathered	BIG SKY SOMATIC INSTITUTE
1224	KALAHAR	ENID	Grandfathered	MONTANA STATE UNIVERSITY
1221	DUFFY	BEATRICE	Experience	Spectrum Center

1240	DOAN	LISA	Grandfathered	NORDHOFF HIGH SCHOOL
1235	CARDINAL	SANDEE	Grandfathered	Johnson & Wales Culinary Institute
1282	RYAN	MARK	Grandfathered	MASSAGE THERAPY TRAINING INSTITUTE
1238	KUNTZ	SUSAN	Grandfathered	VENTURA COLLEGE
1273	BUCKLES	TYRELL	Grandfathered	MONTANA INSTITUTE OF MASSAGE THERAPY
1264	INSCOE	TERESA	Examination	HEALTHWORKS INSTITUTE
1303	MICU	DEBBIE	Grandfathered	BRANDON RAYNOR MASSAGE THERAPY
1265	SINCLAIR	ALLIE	Examination	PACIFIC CENTER FOR BODYWORK AND AWARENESS
1262	THOMPSON	ERIKA	Grandfathered	DAHAN INSTITUTE OF MASSAGE STUDIES
1293	THUM	DEBORAH	Examination	SOUTHWEST INSTITUTE OF HEALING ARTS
1280	DROBNIK	ZUZANA	Grandfathered	HEALTH WORKS INSTITUTE
1222	FREEBURG	ALEXA	Grandfathered	WORLD SCHOOL OF MASSAGE
1300	NICKLASON	MICHELLE	Examination	HEALTH WORKS INSTITUTE
1279	TANNER	ZACHARY	Examination	SOUTHWEST ACADEMY OF HEALING ARTS
1305	MCCARTHY	CYNTHIA	Grandfathered	NHIWH
1285	MENCAS	ELAINE	Examination	COLORADO INSTITUTE OF MASSAGE THERAPY
1232	WAMBEKE	TINA	Grandfathered	HEALTHWORKS INSTITUTE
1259	HOLTZMAN	KATI	Grandfathered	NEW HAMPSHIRE INSTITUTE FOR THERAPEUTIC
1258	MOCHI	ROBIN	Grandfathered	UNIVERSITY OF SOUTHERN NEW HAMPSHIRE
1284	ZIESING	LYNDA	Grandfathered	ASTEN CENTER SCHOOL OF NATURAL THERAPEUT
1294	HARVEY	ROGER	Grandfathered	STARFIRE MASSAGE SCHOOL AND HEALING CENT
1310	KLETTE	JESSICA	Examination	MONTANA SCHOOL OF MASSAGE
1289	LANDERS	ANNA	Examination	MONTANA SCHOOL OF MASSAGE
1266	LUNDIN	MADELINE	Examination	MONTANA SCHOOL OF MASSAGE
1304	MULKEY	JENNIFER	Examination	ASHMEAD COLLEGE
1227	PARCHETA	PAULA	Grandfathered	ATLANTA SCHOOL OF MASSAGE
1248	ORFORD	REBECCA	Grandfathered	WAKE TECH COMMUNITY COLLEGE
1296	ROZEBOOM	JENNIE	Grandfathered	University of Montana
1244	HAMRELL	JENNIFER	Grandfathered	SHAWNEE COMMUNITY COLLEGE
1290	LOREE	KINS	Grandfathered	INSTITUTE OF BODY THERAPEUTICS
1230	TURNER	HILLERY	Grandfathered	MONTANA SCHOOL OF MASSAGE
1286	BESTWICK	SARAH	Examination	VALLEY CHRISTIAN HIGH SCHOOL
1247	NYGARD	ERIC	Grandfathered	DAHAN SCHOOL OF MASSAGE THERAPY
1249	RUSSELL	LAURA	Grandfathered	NEVADA SCHOOL OF MASSAGE
1309	DRAYTON	TANYA	Grandfathered	THE UPLEDGER INSTITUTE
1277	MORROW	SHOLEI	Examination	ST IGNATIUS HIGH SCHOOL
1236	CANNON	KATHLEEN	Grandfathered	IMMACULATE CONCEPTION ACADEMY
1260	MILDENBERGER	MELODEE	Examination	MONTANA SCHOOL OF MASSAGE
1241	EMMETT	JESSICA	Grandfathered	DENVER SCHOOL OF MASSAGE THERAPY
1287	MONFORE	JENNY	Examination	BOULDER COLLEGE OF MASSAGE THERAPY
1246	MONTROSS	JENNIFER	Grandfathered	MONTANA SCHOOL OF MASSAGE
1237	CLOUD	PATRICIA	Grandfathered	SAN DIEGO STATE UNIVERSITY
1308	KOGUT	LYNNE	Grandfathered	CONNECTICUT CENTER FOR MASSAGE THERAPY

1225	MCCLEARY	MARION	Grandfathered	WAMOGO REGIONAL HIGH SCHOOL
1252	TRNINICH	DEBRA	Grandfathered	MESA STATE COLLEGE
1281	WEST	SHEREE	Grandfathered	BRENNEKE SCHOOL OF MASSAGE
1233	WOLFE	TAMMIE	Grandfathered	BODY THERAPY CENTER
1283	PORTANOVA	LYNN MARIE	Grandfathered	FLATHEAD VALLEY COMMUNITY COLLEGE
1229	SILVA	JENA	Grandfathered	SWAN VALLEY NATURAL HEALING
1269	OCONNOR	JUNE	Grandfathered	MONTANA INSTITUTE OF MASSAGE THERAPY
1220	BLOMDAHL	LINDSAY	Grandfathered	MONTANA SCHOOL OF MASSAGE
1263	FOY	MARIA	Grandfathered	MT Instit. of Massage Therapy
1223	GEIST	MARIE	Grandfathered	BENSON HIGH SCHOOL
1270	NEWMAN	SEAN	Examination	BAINBRIDGE ISLAND HIGH SCHOOL



Governor Brian Schweitzer

Montana
Department of Labor and Industry
Business Standards Division

Montana Board of Massage Therapy

www.massagetherapists.mt.gov dlibsdlmt@mt.gov

RENEWAL REPORT
Prepared for the August 24, 2011 Board Meeting

This report addresses the current renewal cycle and renewals received as of **August 9, 2011**

Renewal Notice Postcards mailed out 7/1/2011: 1,219

Total Renewals Processed: 417 (as of 8/9/2011)

Total Not Renewed: 802 (as of 8/9/2011)

Total 30-Day Renewal Notice Postcards mailed out 8/5/2011: 898

08/09/2011

From: Michael Eayrs

RE: FSMTB Meeting – Chicago

Dear Board members and Staff,

First of all I want to say thanks for the privilege of serving with you over the past two years on the Montana Board of Massage. Working with you all has been enjoyable and rewarding. I also want to give a hearty welcome to the new incoming board member.

My experience at the FSMTB meeting in Chicago was a very positive one. The board members were given coffee cups that said, "Will work for food". The FSMTB certainly held true to fulfilling that as we were wined and dined and Starbucks to death every day at exceptional restaurants. The need for exercise to survive was becoming very obvious to me after day one. I walked my legs off downtown Chicago the first evening going on the "Architectural Boat Tour" and Sunday evening seeing the "Body Worlds" exhibit at the Museum of Science and Industry. It was also nice to put a face to an acquaintance I had only known by phone over past years who I had dealt with in purchasing textbooks for my schools.

My strong impression after this weekend of meetings is that the FSMTB should become the key regulatory organization in assisting the continuing evolution of Montana Board of Massage. After all, the FSMTB is owned and run by you the Montana Board and every other board in the USA. The FSMTB has been developed to defragment the massage therapy profession across the United States creating greater portability, reciprocity by supporting the purpose of massage boards which is safe practice and a sustainable massage work force and the first actual "Regulatory" structure. In other words the FSMTB reflex's a standard that meets the needs of the regulatory boards. The FSMTB is continually working on creating a "State of Bliss" rather than a "State of Confusion" as Dr. Debra Persinger put it, in creating a model practice act which will provide resources to legislative boards. The FSMTB is not a profit driven organization as well. I was told that the NCTMB would not go away but would continue as a useful organization to meet the certification needs of our industry. The FSMTB is providing the framework for true regulation of our profession, not just certification. It is important that you the board members know the difference between the two. I am convinced that because you the state boards are the FSMTB that the massage profession is on the road to becoming a profession which will reach national validation by being in step on a national scale with other healthcare professions such as physical therapy, chiropractic and other established allopathic healthcare professions in terms of state regulation. I have heard for years from other healthcare professions the complaint that our profession is fragmented with no clear general, entry level requirements. I believe the FSMTB is the answer to the major problem of being viewed as an industry that is not in control and is not portable across the United States.

I also learned that the EMBLEx exam is now given in Spanish in addition to English. The EMBLEx is growing like wildfire and is now testing over 2000 people per month. As a board you know how important sufficient numbers are in sustaining the need for a regulatory board. North Carolina and other states have now adopted the EMBLEx as the exclusive exam for their state licensure. The AMTA, NACCA as well as several other organizations have positioned themselves in full support of the FSMTB and its goals.

I really enjoyed my 2 ½ days with a team of approximately 20 individuals (comprised of a few school owners & mostly state board members) developing exam questions. I do hope to return to work with the FSMTB as a volunteer in the future. I signed a confidentiality statement and went to work as the team broke up into three groups each day. The structure of the exam writing process was developed and oversighted by two gals with degrees in exam writing and hired by the FSMTB. Dr. Persinger also was in oversight of this process. It was stimulating and fun to spar as it were in a round table kind of format as we would dissect questions, answers, distracters and proper placement of the question into the best category, for example deciding if a question on a muscle be placed in kinesiology or anatomy. The questions our team developed would then be sent on to the next team for analysis. I rotated between teams and was able to see how the different teams finite the content of the question. I believe the questions go through six different teams' eyes before they were put through a final process on the final day and end up as a question to be put to the test in the real exams. After actual candidates take the exam, the new questions are studied to see if they have earned the right to be placed as an actual question on the exam.

The last evening Dr. Persinger and I discussed her coming out to Montana to meet with you as a board sometime very soon. I say soon as she would prefer not traveling to Montana in the winter. I STRONGLY ENCOURAGE YOU TO CONTACT HER ASAP AS SHE IS TRAVELING THE USA NEARLY WEEKLY AND I WANT YOU TO GET ON HER ITINERAY! I believe that Dr. Persinger will be able to answer for you in person much better than in a phone conference the questions you will have in determining whether you want the FSMTB to be the exclusive organization that administers your state exam. When I first arrived I was unsure as to whether Montana should use the EMBLEx exclusively, but since discussing the matter with the FSMTB Board, I am completely convinced this is the best way to go. I believe it is just a matter of time before the FSMTB by popularity takes this position anyway.

I have lost all of your cell numbers after going swimming with my cell phone, so if you want to speak with me by phone, you will have to do the calling.

Once again, thank you for the opportunity to serve the massage therapy industry with you!

Sincerely,

Michael L. Eayrs

Report

Federation of State Massage Therapy Boards

San Juan, Puerto Rico

October 8 – 9, 2010

Submitted by Deborah Kimmet

Relevant Issues for Montana

Delegate Liaison: Each voting delegate at the meeting was assigned a board liaison for the next year. Information will come to the board office via the FSMTB executive director, Debra Persinger, and also the delegates will be contacted. Deb's delegate is Kathy Spenser Jensen, vice president of the FSMTB Board of Directors.

FSMTB is willing to send a rep to a state board meeting.

NCB Issues

- Sally Hacking, FSMTB government relations: gave a history, including support for using certification as a licensing exam until a licensing exam became available.
- AMTA, ABMP, AFMTE all endorse the MBLEx as the official licensure exam.
- Not a turf war over tests: NCB is a private sector agency and FSMTB is a regulatory-based agency with legal ramifications:
 - **Delegation of authority Issues.** Attorney Dale Atkinson, FSMTB General Counsel: exam must be valid, reliable and legally defensible. There is a constitutionally-based argument that it is not ok to allow the delegation of a mandated licensure process to an outside private entity over whom you have no control. In this case, an exam program. If something happens, the state is liable. Certification programs set their own programs and standards. And they are now being challenged in court over exam breaches. Private sector is different than public sector. The legal issues here are significant and very important. These issues were discussed by him and others throughout the weekend, or are found in the meeting materials:
 - State Boards have NO control over the NCB and its administration. Examples:
 - Boards can be denied access to exam development information.
 - Exam content and eligibility requirements to take the exam can change with no prior notification to schools or state boards.
 - Testing vendors can change, blackout periods imposed with no test available for lengthy periods of time. Candidates lose jobs, lives are impacted and the licensing boards have no warning or input.
 - A certification board can provide misleading information to state boards to absolve itself of responsibility, even when evidence is shown otherwise.
 - Distance learning can be accepted, which is an issue for states that don't accept that.
 - Candidates could be allowed to pay for extra time to take the exam, which provides an unfair advantage.
 - Candidates could be allowed to test using translators and dictionaries, which negates those states that require the test be taken in English.
 - The score required to pass, accessibility of the testing venue could change without notice or input.
 - We ARE the FSMTB. Nothing like the above examples can occur without due process and input by the state boards. Board delegates elect the FSMTB board and are represented by them.
 - No Board should be at the mercy of or beholden to any party that can dictate or jeopardize the regulatory boards' function, decision making, or integrity.

- My take: given that the NCB can behave arbitrarily, it can give and it can take away without any kind of regulatory oversight. Schools that have the codes may not have earned them, and there may be nothing wrong with the schools that have had their codes taken away. Trusting the NCB without providing our own due diligence opens the Board to liability.

Recommendation: re-open discussion of NCB school provider codes as being satisfactory to determine curriculum guidelines.

(Core issue: is NCB reliable, and should that take the place of our board doing due diligence?)

Recommendation: Ignore NCB “de-coding” a school, and examine curriculum guidelines.

(Since the NCB is not a regulatory board, it's ok for checking for a code, but that revocation of a code should not impact whether or not a school curriculum is ok)

Recommendation: In several years, look at changing statute to move away from NCCA approved curriculum guidelines and codify current guidelines with a little more flexibility put in. (NCB could arbitrarily change curriculum guidelines which could provide for problems).

- Conflict of interest: NCB is using board members to advertise for their product. It is a conflict of interest for board members to appear in ads as a board member... (I am assuming that is because boards are about public protection and it sends the wrong message to the public: that certification is the same as public protection, when it is not).

Fraudulent schools:

- States are investigating diploma mills and fraudulent schools and crossing state lines to do so. Lists are being developed of unacceptable schools, such as in California. However, there is a cautionary note on using these lists from other states: the list may not contain diploma mills only, and they may also be on the list because curriculum guidelines for that state are not met (which may not be the same as Montana's).
- Helpful hints were offered to spot diploma mills.
 - Applicant will submit multiple transcripts (who can afford that)
 - Transcripts with a little different tweaks.
 - 500 hr programs completed in 2-2½ months is not feasible.
 - Will see odd typos on the transcripts
 - Smaller schools
 - Looking at schools that have closed and someone faking transcripts from that school. Long term fraud thing is to keep scanned certificates of schools as a way to stop long term fraud.
- The FSMTB will appoint a task force to determine/research the feasibility of compiling a list of fraudulent schools to how best figure out what schools are legitimate or not. The board will explore the issue and determine the best possible way to do this or not.

Recommendation: Explore feasibility and rule-making on this issue:

1. Does the board have the statutory authority to weed out diploma mills/fraudulent schools?
2. If so:
 - a. what rule-making needs to take place concerning this?
 - b. Explore keeping our own list of fraudulent schools
 - c. Explore keeping scanned certificates/transcripts from schools particularly those in Montana that have closed.

School Performance Database for the MBLEx examination:

- This includes pass rates and stats of students taking the MBLEx so states and schools can determine how they are doing. It is also broken down by domain and content area so they can look at curriculum areas that need improvement.

Notes In order of Presentation:

Each delegate to the meeting was assigned a Board liaison. Kathy Spenser Jensen is the liaison for Montana

Day 1 – Agenda

Call to Order / Delegate Roll Call / Welcome

President's Report

- PCS is management company: Professional Credential Services
- 31 states accept the MBLEx
- Body of Knowledge Project: Steward (means they sponsored the effort with other groups)
- FARB – member.
- Exam Development
- FSMTB is willing to send a rep to a state board meeting.
- Group was created to
 - Be a clearing house for information
 - To provide an entry-level licensing exam
- FSMTB has paid back the loan in full that was provided by Bob Bensen and ABMP to establish MBLEx and the establishment of the group. The group is now financially solvent.
- AMTA, ABMP, AFMTE all endorse the MBLEx as the official licensure exam.
- Bags were supplied and made by an anti-trafficking organization.

Treasurer's Report

- Paid off the above mentioned loan 27 months early
- Outlined her duties
- Most income is from Exam (98%)
- 74% expenses from exam related. 11% HR related
- Now have established a finance committee, hired office staff and obtain office space.
- Now that loan is paid off, will move forward with other initiatives (not specified).

Proposed Bylaw Changes

Government Relations Reports

- ABMP – Jean Robinson
 - Portability: still an issue for person's moving from state to state. Language "substantially equivalent" is being interpreted more strictly than is necessary, and boards may want to revisit this issue.
 - Please keep associations in the loop, as their experience is broader. For example, applications can be looked at by ABMP and they can help revise the apps by providing information as to what kinds of questions might come up.
- AMTA – Bill Brown
 - Working with 4 states to enact licensure.
 - Portability is still an issue, and echoes ABMP's comments
 - Dept. of Education new rules may impact massage therapy schools and GAO has investigated fraud in the schools.
 - Bringing in students who are not going to pass.
- FSMTB – Sally Hacking
 - The MBLEx is NOT an examination administered by a vendor. The FSMTB is us, the boards, and is not a vendor per se.
 - NCB issues: gave a history, including support for using certification as a licensing exam until a licensing exam became available. The NCB has been reaching out to boards to establish relationships for other services. School compliance service offered by the NCB is a concern it is improper for a certification agency to be involved in the revocation of practice process. It is also inappropriate for them to ask the states to share state disciplinary information and to perform regulatory or enforcement functions in the massage therapy field.
 - NESL – licensure examination option - it is just the same exam repackaged, and is still a certification exam. There is information on the difference and the issues raised in the guide.

FSMTB Licensure Database:

- When you get an application, it will also keep track of all licensees and license status.
- Basic structure is in place
- Info has to come from the state. Implications for Montana: we need to decide to participate.
- Will give the FSMTB updates.
- Federation is funding this and not charging the state at all.
- Accessible to states for free. Only available to FSMTB members, not any other entities or the public.
- Will not include any other license other than massage therapy.
- Will research healthcare integrity protection database – Not sure how they are doing it...FSMTB will be conduit to HIPDA or will use the same file sent to to HIPDA.
- Cannot download per se ... but will allow you to name search, and check licensees.

Nominating Committee:

Model Practice Act:

- Will be appointing a Task Force to work on this issue: volunteer applications – 18 month project. Submit application by the end of the month.

Digital Certification: Tasha Coleman, Indiana

- Current info on licensure status