

## **MINUTES OF THE MASSAGE THERAPY ADVISORY COMMITTEE**

**Call to Order:** Ms. Baldwin called the meeting to order at 1:10 p.m. on Thursday, January 20, 2005.

**Committee members present:** Deborah Jewett, Rick Phillips, Mark Melecki, Rick Greely and Dennis Gibbons.

**Guests present:** Ramona Chance, AMTA-Ohio; Deborah Hitt, OAR; Adam Viers; AMTA-Ohio/CCG;

**Staff Members present:** Shannon Baldwin, Kay Rieve and Jean Gillman

### **I. Minutes Review and Approval – October 21, 2004**

Ms. Gillman passed out a copy of some corrections made by Ms. Rieve on page 2 that had not been on the draft minutes emailed to the committee members.

Mr. Greely reported one correction to the October minutes on page 10. He said that the next Council of Schools meeting will be on March 7, 2005, not the date he had previously reported.

Mr. Gibbons moved to approve the minutes as corrected and Mr. Greely seconded the motion. All committee members voted aye.

### **II. Report on Results of December Massage Therapy Exam.**

Mr. Gibbons asked Ms. Rieve how the online program was working out at the Ohio College of Massotherapy. Ms. Rieve said that the school did not have as many students as they thought they would have and most of the students are from other states.

Ms. Rieve reported that the results of the exam had been received and have been posted on the Medical Board website. Also, letters to the examinees are being posted as quickly as possible. The mean and the median showed that the Limited Branch scores were lower than the Basic Sciences. Basic Science median was 80% and the Limited Branch was 78.8%. She felt it was a high performing exam. There will be analysis of first-time takers by school and each school will receive a report. The examiners are also trying to do a breakdown by subject for the schools so the schools will know how to adjust their curriculum. Mr. Greely said that the report will give the schools the information to work on the deficiencies. Ms. Rieve said that the statistics are now making it possible to give more information to the schools.

Ms. Rieve advised that the Board is now invoking the rule that, if a student fails the exam three times, they will be required to take remedial education. She said that approximately 50 applicants received letters advising them that they must take the remedial course. There are several schools that have offered to give a remedial course, but not all the schools are aware of the new policy. She said that she would welcome any school doing a remedial course because the more schools that offer it, the better it will be for the students as they will be closer to the area where they live. There are stipulations in the rule about curriculum requirements in the remedial course, but any of the approved schools may teach the class without going through an approval process with the Board.

The information concerning the schools that offer the courses is posted on the website, or contact Ms. Rieve at 614-728-6081. The Board is requiring that the student take the course, pass it and receive a certificate of competency before they can apply for the next exam. She felt the schools will respond but, of course, it will take time to produce the course. The schools will have the right to charge a fee and also to not accept a student and it does not affect the schools pass/fail rate. The course is to be 10% of the hourly requirement which would currently be 60 hours and increasing to 75 hours when the new rule goes into effect. Mr. Greely inquired as to whether a student who failed just one part of the exam would be required to take the entire 10% of hours. Ms. Rieve clarified that they would only be required to take 5% of the hours. She said that she would forward a copy of the rule to committee members so it could be reviewed at the Council of Schools meeting.

In response to a question from Mr. Melecki, Ms. Rieve said that the exam has 110 questions on each part. Instead of including ten questions that the questions themselves are being evaluated and which are not counted in the final score, the committee now eliminates the ten worst performing questions.

Mr. Gibbons said that the only thing students reported to him about the exam was that they thought the A & P part of the exam was fair, however, they thought the pathology questions were unfair. Mr. Greely said that the only things on the exam that came from the Fritz textbook was supposed to be sanitation and hygiene, hydrotherapy and therapeutic environment because they were not in Kellogg. He said that several of the schools have not taught from Fritz except for those three chapters. However, all the contraindications and indications were from Fritz, Appendix A. He said that, according to statute, students are not allowed to be tested on pathology. He said that he had not taught from Appendix A in Fritz because they had been advised that only the three chapters mentioned would be included on the exam. Ms. Rieve said that she would check on the issue. Mr. Greely did advise his students that it was necessary to understand the concepts not just memorize words from a particular text.

Ms. Baldwin inquired as to whether students should be aware of the concepts that are in the Fritz textbook even though they are not using that part of the textbook.

Mr. Greely said schools need to be aware of the concepts that are to be taught no matter from which textbook. Ms. Baldwin asked if the concepts are entry-level information. Mr. Greely said that it was but the students would not know it unless it was taught. He said that is part of what the Council of Schools is working on, so that all the schools are teaching the same thing. He said they are also working on selecting the textbooks to be used. Mr. Greely said that if a concept is going to be tested, the schools should know where the concept is from and can adjust their curriculum accordingly.

Ms. Baldwin asked if the use of Fritz was noticed more this exam, and Mr. Greely said that it was noticed in the last couple exams. He said some of the questions were directly from that textbook, such as the question concerning the water temperature needed to wash linens. He said he heard that the A & P side was much improved over previous exams, however. He said the questions were not ambiguous, it's just a matter of what text they were from. Mr. Gibbons said that on previous tests, a lot of the muscle questions were on the Limited Branch portion of the exam. This time most of them were in the anatomy side.

Mr. Greely said the information for curriculum standards supplied to the Medical Board was a draft from a number of years ago, and was an overview of what the participating schools had been thinking. Some of the schools have never seen it. He said that the schools need to have an understanding of the texts used for the exam questions. He said, in all fairness, the problem is not just with the test, but what is being tested.

Mr. Melecki stated that if pathology is specifically excluded from the test, then what is being taught is dysfunctions as disorders of the human body. Mr. Greely said the dysfunctions are being taught as functional rather than pathological disorders.

Mr. Greely reported that the Council of Schools Curriculum Committee was planning to meet the next weekend to attempt to resolve some of the curriculum questions, including the choice of a textbook(s). The results of their work will be announced at the next full Council of Schools meeting scheduled for March 7, 2005 for discussion by all the schools represented. Mr. Greely said that MTAC will update the Board of the outcome at the April 21, 2005 meeting. He said that it would not impact anything until the new curriculum rule takes effect. Mr. Melecki noted that even if a new textbook were approved, the students taking the June exam would still have been taught under the old textbooks. Mr. Gibbons said he felt that it would not affect the exams until at least June 2006.

### **III. Council of Schools**

Mr. Greely stated again that the Council of Schools Curriculum and Textbook Committees are meeting in Kenton, OH this weekend. They have been meeting periodically for almost two years and feel they are close to finding a new text.

The Council is also trying to draft a list of learning objectives; a list of muscles that should be tested, a list of disorders that should be tested, etc. He felt that would help with not only the curriculum but also writing exam questions.

Ms. Jewett requested that the information be forwarded to the MTAC committee members prior to the next meeting in April. Mr. Greely said that he would try to do that unless the Council of Schools did not come to a consensus at the March meeting. Ms. Rieve requested to receive a copy of the meeting minutes from the Council of Schools meeting.

Mr. Phillips asked if there were going to be textbooks chosen for the ethics and law that will soon be required. Mr. Greely said they probably would not recommend a text for ethics, but a text that he likes is The Educated Heart by Nina McIntosh. She has a degree in counseling and is also a licensed body worker. He said it is easy to read and covers boundary issues, sexual issues, etc., in detail. The book includes discussion points and is coming out with an instructor's guide. Mr. Gibbons and Ms. Jewett agreed that it was a good discussion book. Mr. Greely said that research shows that the best way to teach ethics is by discussion. Mr. Phillips suggested that for the law requirement they could reference the scope of practice. Mr. Greely agreed that The Ohio Revised Code and the Administrative Rules regarding massage therapy could be used for the law portion.

Mr. Greely said that a lot of the textbooks have chapter objectives that could be used as learning objectives. Once the objectives are determined it will also help with the test writing process. He felt that it would finally bring together what the schools are teaching and how the exams are written. It will establish a basis of what an entry-level therapist should know.

Ms. Baldwin inquired about there being mentioned at one time the creation of an original textbook. Mr. Greely said that Andy Kuntzman, the author, was having health issues and also problems with the publishers, so the Council of Schools did not feel they wanted to wait. He said his understanding was that Mr. Kuntzman was going to work with the author of another published textbook to pare down an existing text for use in the Ohio massage schools.

#### **IV. Licensure Renewal and CEU's**

Mr. Melecki did a study of massage therapy requirements in other states. He said that there is an opinion that most of the materials that National Certification approve fall outside of what Ohio regards as appropriate scope of practice for a massage therapist. Mr. Gibbons said that they are going to develop two tests for two separate certifications; one for massage and one for body work. Mr. Melecki said that effective 2007 all continuing education for National Certification will become Category A.

Ms. Baldwin said that she was going to forward the information to Mr. Dilling. He had requested information on how to implement continuing education and wanted to know if the Ohio-AMTA would assist in the program. Ms. Baldwin said that the other programs require licensees to maintain their own record of continuing education credits and self report at specified times. She felt that most licensees would agree that the additional education is necessary to maintain their professional level of competency. Mr. Melecki said that his survey showed that most state requirements parallel the requirements set by National Certification of 50 hours over 4 years.

Mr. Greely noted that previous discussions on requiring continuing education would require a change in the statute. Ms. Baldwin said that the Board's authority to make rules is limited to further defining statutes approved by the State Legislature. Mr. Dilling has stated that it would be necessary to have it in a statute.

Ms. Baldwin said that her concern was finding the entity that would endorse the courses for continuing education. Ms. Rieve said that the way the rules are written for other Board licensees are different kinds of courses that are accepted by national organizations are automatically allowed by the Board as approved courses. She felt that massage therapy could work in a similar fashion. Mr. Melecki said that a criteria could be established of areas of study that are acceptable rather than specific courses. Ms. Chance inquired about courses that didn't fit the criteria, would there be a way of getting approval for those courses? Ms. Rieve said that for cosmetic therapy, the requests are referred to the advisory board for approval. Mr. Gibbons added that, as an instructor he keeps track of the students, but that it is the responsibility of the students to keep track of their own education credits.

Mr. Phillips said that the Florida auditing system might be something to review. The state offers a website where practitioners, for a fee, could register their courses and use state board could use that as their area to audit the practitioners. Ms. Rieve said that it sounded like a broker system and she did not feel that would be necessary. She maintained that it was still the licensee's responsibility to track their courses and when the Medical Board did an audit, it would be up to them to supply the certifications for their courses. If the licensee chose to use a broker system, that would be up to them.

Ms. Jewett summarized by saying that continuing education courses for National Certification Category A would be accepted for audit, however, courses that are outside National framework would need to be pre-approved by MTAC before they would be accepted on an audit. Mr. Melecki said that the licensee may have already taken the class and wants to provide documentation to get approval to use it for credit. Ms. Rieve said that some courses offered by universities, etc., are automatically accepted for CEU's.

Mr. Melecki stated that the guidelines given by National Certification, as listed in his report, states the following:

The NCTMB definition guiding the approval of content for a continuing education course is:

“Learning experiences which enhance and expand the skills, knowledge and attitudes of practicing massage therapists and bodyworkers to render competent professional services to clients, the profession and the public.”\*

Speaking to the potential Category A provider NCTMB further states:

“The goal of continuing education is to increase the competency of the practitioner beyond that which they attained in their primary massage therapy and bodywork education. It is important that you are familiar with the eligibility requirements for graduates to take the NCBTMB Exam because that document describes the entry level expectation, and your educational offering, by definition, will exceed those expectations.”\*\*

Mr. Melecki said that he felt that continuing education is part of the mechanism by which the profession grows. Ms. Chance stated that AMTA includes on their course completion certificates that the course was approved by AMTA and the credit hours received, and they keep information in their office of those who attended their classes. She said they accept courses approved by National Certification and they also approve other courses for credit if it fits the criteria. They also publicize courses that are available for their members.

Ms. Rieve said that she felt the Board would keep the guidelines in line with what other states are doing to keep it reasonably simple and easy to track. Ms. Baldwin asked if there would be a problem with licensees looking to the National Certification Board for guidance concerning continuing education and yet the Medical Board does not accept National Certification Exam. Mr. Melecki and Mr. Phillips said that he did not see a problem. Mr. Melecki said that he would like to see a mechanism for having a course reviewed for approval. He explained that the difference between Category A and Category B courses are that Category B did not go through the approval process with NCBTMB, however, talso hey can still be relevant courses. Ms. Rieve said that there would have to be specified time periods given in order to have a consistent period to audit.

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\*Source: National Certification Board for Therapeutic Massage and Bodywork, Requirements for Recertification, NCBTMB: McClean, VA, June 2002, pg. 4.

\*\*Source: National Certification Board of Therapeutic Massage and Bodywork, Approved Provider Application Guide for Continuing Education, NCBTMB: McClean, VA, 2003, Criterion 4.1.

Mr. Phillips has heard complaints that there are not enough CE classes in Ohio. However, he felt more programs would be developed if CEUs become a requirement.

Mr. Greely inquired about when a change to the statute is proposed will that open the entire statute allowing others to request changes to any part of that statute? Ms. Baldwin said that Mr. Wayda was in constant communication with other Boards, etc., in the past to reach compromises prior to legislative action and she has continued maintaining that communication. She did not feel that it is a concern at this point. She also said the first step was to develop language.

Ms. Rieve advised that Mr. Dilling said that the initiation of the change should come from a sponsor, not from the Medical Board. The OSMB would not oppose it. Mr. Greely said that he did not feel Ohio-AMTA would be willing to take any more legislative efforts for a while as they are still working on the sales tax issue. Mr. Viers said that he would confer with his legislative contacts on how they felt about the topic.

Ms. Baldwin summarized that they could use Category A and B National Certification categories requiring 10 hours of CEU's a year. Mr. Greely said other licensees of the Medical Board are required to have 24-25 hours for every two years. He felt it would be more consistent to stay with those numbers. Mr. Melecki agreed that they should stay with the national guidelines of 12 credit hours a year. Ms. Baldwin asked if AMTA had ethics requirements. Mr. Greely said that with National Certification there is but for AMTA there is not.

Ms. Baldwin inquired as to whether attendees of continuing education classes received a certificate of completion. Mr. Gibbons said that, as a presenter, he is required to issue a certificate for completion of his course, and he is also required to keep records of students attending his classes. Ms. Jewett added that the certificates state whether the course is Category A or B.

Mr. Melecki added that Ohio is one of only seven states that does not require continuing education. Ms. Baldwin felt that would be an important message to give the legislators. Mr. Greely said that he expects getting approval for continuing education will not be a problem with the state legislator but will meet with some resistance from our licensees.

Ms. Baldwin said she would present the information to Mr. Dilling.

## **V. Tax Reform**

Mr. Viers reported that the tax reform must be re-introduced with the new legislature and he does not have a time frame for that. He is currently requesting information from the Department of Taxation on the amount collected in fiscal year 2004 for personal care services. He also requested how much was collected

for massage services. Mr. Greely stated that they had given testimony at a hearing before the Ways and Means Committee in December and found that there was support they were unaware of for the bill. He felt they made some inroads in the legislator's minds. However, a lot still do not know what massage is. They also advised that massage therapy does treat stress, and stress is a disorder that has its own diagnostic codes. When the new hearings begin again in the new session, Mr. Greely said the massage therapists plan to have the research available to support their position.

## **VI. Review of Communications with MTAC Members**

Ms. Baldwin asked Ms. Jewett about the email she had received about water massage. Ms. Jewett said someone used a waterbed table, and they asked if they should charge tax for that. The water circulating inside the bed massages the client and the attendant did no any actual hands-on work. Mr. Melecki said that if they were calling it massage, it was taxable. Ms. Baldwin said that if the person who owns it, whether it be a licensed massage therapist or a person who performs relaxation massage, is going to earn money from it, then it is taxable. Ultimately, it would be up to the Department of Taxation, however, Mr. Viers said that he agreed with Ms. Baldwin that it is a similar service and is taxable.

Ms. Baldwin related that she had an individual call her, who is a therapist, who felt that a relaxation therapist who uses aroma therapy oils, is doing therapy, and therefore, they are going outside their scope by using anything topical that a massage therapist would use. Mr. Melecki said that he did not feel that was the distinguisher. It is the claim of treating disorders. Ms. Baldwin said that is what she advised the caller. She said that it was not illegal to use oil as long as it was not used to treat a disorder. Mr. Melecki said that it also depended on what the therapist is claiming when doing the treatment. Ms Jewett asked what was stated in the brochure, are they stating that they are treating stress?

Mr. Melecki said that if the relaxation therapist uses a product to treat something, such as a fungal infection, then they are outside their scope of practice. Mr. Phillips said that there could be language that stated the use of analgesic agents or aromatherapy oils would be considered the practice of massage therapy. Mr. Gibbons stated that adding lavender to massage oil does not necessarily mean you are treating something. Ms. Baldwin said that if a client complains of a specific problem, the relaxation therapist is supposed to advise the client they cannot provide treatment. Mr. Melecki felt that the Medical Board should establish criteria for massage rather than just stating generalities. He said that the solution is to continue to build the professionalism of massage therapy.

Mr. Melecki inquired as to whether anyone had been prosecuted for practicing without a license. Ms. Rieve said that it is up to the county prosecutor to bring charges for unlicensed practice. The Board can deny a license to an applicant. Mr. Phillips said that until cases are prosecuted, there are no consequences that

can be seen. Ms. Baldwin said the biggest impediment is that the Board does not find out about individuals. Mr. Melecki said that the complaint process would be an interesting FAQ. Ms. Baldwin said that a lot of it comes down to not having the manpower to pursue all the cases, however, Medical Board Investigators have been sent in response to complaints received. Ms. Rieve added that a lot of times there are other charges involved that are pursued. Mr. Phillips said that there is an impression that nothing is being done. Mr. Melecki said the underlying issue to all the discussions is what meaningful distinction do licensees have by having a license.

Ms. Baldwin said that she would discuss the situation with Mr. Dilling. There is a set priority of how complaints are investigated but Ms. Rieve also felt that the public is not aware when complaints are continuing to be investigated. Mr. Melecki said there is a whole new industry of relaxation therapy and the public is not aware of the differences between that and licensed massage therapy. Mr. Greely said that cosmetologists are also doing massage. Mr. Gibbons said that since nobody is getting hurt, which would result in a direct complaint to a law enforcement agency, it will be hard to regulate.

Ms. Baldwin said her caller stated that topical ointment is considered by the advertiser to have clinically proven therapeutic value. Mr. Phillips said that, since individuals can purchase the products and use it on themselves, there is nothing that can be done about it if a relaxation therapist uses the product. Ms. Baldwin said that an FAQ may better define the parameters of practice for those seeking clarification for their own practices. Ms. Rieve suggested that having authority to fine might be a better deterrent. Mr. Greely agreed that for first offense that would be a good idea.

Mr. Melecki has been in contact with an individual from Massage Magazine concerning cold laser treatment. He spoke to Brandi Schlossberg who indicated that a sales representative or manufacturer had approached them saying that cold laser treatment could be provided by any licensed health care professional. Mr. Melecki advised her that in Ohio it is not specifically listed in the scope for either a massage therapist or physical therapist. He said he felt that it was undefined, but, if there were a liability issue, a person would be considered as treating outside their scope. He said he felt that he had enough background and experience that his insurance would cover him, however, as long as it is an FDA approved modality.

Ms. Baldwin said that she agreed and that the laser treatment rule does include the cold laser. Any sort of laser treatment that falls between higher specified parameters would need to administered by a licensed physician or properly trained individual, which would be cosmetic therapists, nurses, and PA's. The Rules would preclude massage therapists from administering the treatment in Ohio.

Mr. Phillips said there have articles and editorials concerning pet massage. The Veterinarian Board in Ohio is opposed to the practice. He suggested adding an FAQ to the website about massage therapists who are considering doing pet massage. Any work being done on animals is considered veterinary medicine.

Mr. Melecki mentioned that continuing education in Florida requires ethics and a certain amount of hours for Florida law. He suggested a variation of Ohio requirements between ethics and law for continuing education.

Ms. Chance said that she suggested that every issue of AMTA newsletter should have the scope in it. She said that issue she just received did have it in the newsletter. Mr. Melecki said that would increase the amount of attention paid to the laws by the massage community.

Mr. Greely advised that he has only gotten one response from committee members about the language discussed for alternative entry into the licensing exam. Mr. Melecki and Mr. Gibbons agreed that the language was good. Mr. Greely said that allowing National Certification to be one measuring stick for getting into the licensing exam would be an issue. He had not received a response from the Council of Schools either, so advised that he will prepare a report for the next meeting. Mr. Melecki said that with that certification and graduation from an appropriate level school would be good parameters for allowing an out-of-state applicant to sit for the exam.

Mr. Greely moved to adjourn and Ms. Jewett seconded the motion.

The meeting adjourned at 3:45 p.m. on Thursday, January 20, 2005.

Respectfully submitted  
Jean Gillman