

**MINUTES OF THE MASSAGE THERAPY
ADVISORY COMMITTEE
Thursday, April 17, 2008
Room 336, Rhodes Office Tower 3rd Floor
30 East Broad Street, Columbus OH 43215**

Call to Order: Ms. Rieve called the meeting to order at 1:20 p.m. on Thursday, April 17, 2008.

Committee Members Present: Dennis Gibbons, Rick Greely, and Jean-Marie Hall

Guests Present: Ann Leighton Schleppe, AMTA; Ramona Chance, AMTA; Michelle Aman, Owens Community College; and Gloria Johnson.

Medical Board Staff Present: Kim Anderson, Sallie Debolt, Mike Miller, Kay Rieve, and Judy Rodriguez

The meeting started with an off-agenda discussion about reflexology being licensed by the Cosmetology Board. Ms. Debolt said that she sent the Cosmetology Board an email clarifying that reflexology is massage therapy.

Old Business

Mr. Gibbons moved, Mr. Greely seconded that the August 2007 minutes be approved. A vote was taken and the motion passed.

Mr. Greely mentioned that on page 9 of the October 2007 minutes, the word "said" needed to be added after Ms. Debolt's name in paragraph 6. The change was noted by Ms. Rodriguez. Mr. Greely then moved, and Ms. Hall seconded that the October 2007 minutes be approved as amended. A vote was taken and the motion passed.

New Business

Evaluations for Impaired Limited Branch Practitioners

Ms. Rieve introduced Kim Anderson, Assistant Executive Director, Investigations, Compliance, and Enforcement. Ms. Anderson presented information about impairment assessments of licensees. She explained that if the Board receives information that a licensee may be impaired, it can order the licensee to an evaluation. Typically, this 72-hour inpatient evaluation costs around \$1,800.00 and is paid for by the licensee. If a licensee refuses to go to the evaluation, he/she is automatically deemed impaired and disciplinary proceedings are started. Ms. Anderson stated that because massage therapists and cosmetic therapists (MT's and CT's) typically can't afford this amount, the Board is investigating using an out-patient assessment for them which usually costs \$500.00 or less. Ms. Anderson further explained that if a licensee is deemed impaired, he/may be ordered to treatment. A 28-day inpatient treatment program is typically \$20,000. Glenbeigh and Shepherd Hill (Board-approved providers) offer out-patient programs that are much cheaper and may be suitable for MT's and CT's.

Mr. Gibbons asked how a determination of impairment was made. Ms. Anderson explained that the treatment provider would make that determination as a result of the evaluation. Mr. Gibbons then asked how the suspicion of impairment initially starts the process. Ms. Anderson explained that the Board typically becomes aware of possible impairment issues through the complaint process. There may be DUI's or treatment issues. She stated that after an investigation takes place, the secretary and supervising member may ask the licensee to come to an office conference to assess if there is a pattern of impairment that may need to be evaluated by a provider.

Mr. Greely added that at the last Council of Schools meeting, Diane Thompson of the Board spoke to the issue. He stated that Ms. Thompson said there were multiple factors involved in determining a licensee needs evaluation. Mr. Greely then asked if licensees have to report DUI's or impairment issues before renewing their license. Ms. Anderson answered that they do not, that it would come up on the renewal applications. She stated that some people self-report. While self-reporting is not required, it was mentioned that self-reporting can speed up the renewal process by taking care of issues as they arise and not waiting to renewal time.

Mr. Greely commended the Board for looking into out-patient evaluation and treatment for MT's and CT's, stating that \$20,000 is a lot of money. Mr. Gibbons recommended that schools should make their students aware of these issues. Ms. Chance suggested that Ms. Anderson write an article for the AMTA newsletter regarding the issue. Mr. Gibbons agreed, stating that education is important. Ms. Chance opined that young people typically have the "it doesn't affect me" attitude, but come renewal time, they'll be in trouble.

Mr. Gibbons offered that the new background check law will affect new licensees, and he reiterated that schools need to let students know. Ms. Anderson explained that probationers actually talk to students at Board meetings. Students hear what probationers go through and this can be very eye-opening and beneficial. Mr. Greely said that in July, 2008 Council of Schools is hosting an event and said that anyone from the Board is always welcome to speak to this issue. He said that licensees don't know the ramifications of impairment issues. He opined that MT schools in the past were "mom and pop" organizations and law/ethics training wasn't a big part of training. Mr. Greely said that he would like to see articles put out by the Board on ethics issues. It would make the licensees better informed and hopefully alleviate problems.

Ms. Hall asked if there is a rule that a DUI is an automatic license revocation. She also asked how long the DUI stays on the licensee record at the Board. Ms. Anderson explained that a DUI doesn't necessarily result in a revocation. It has to go through the process. Ms. Anderson also stated that any information gathered from an investigation is confidential but stays with the licensee's records at the Board. She further explained that if formal action is taken against a licensee (for example a consent agreement), it stays as a public record for 5 years. It is then not expunged, but the licensee is taken off probation.

Ms. Hall then asked if impairment only refers to alcohol. Ms. Anderson said that it also included drugs and mental issues. Ms. Hall then asked if licensees who are on medicine for mental issues had to report that. Ms. Anderson said that they do but stressed that the Board looks to the licensee's treating physician for a determination of ability to practice.

Ms. Anderson said that the Impairment Committee of the Board gave their approval last month for staff to investigate these out-patient options for MT's and CT's. She stressed that the Board is at the

beginning stage of pulling this information together and said that she will keep this committee apprised of the progress.

Staggered Renewal for Massage Therapists

Mr. Miller explained that physicians are on staggered renewals based alphabetically on their last names. Currently, MT renewals are handled all at the same time. Now that MT's make up the 2nd largest group of licensees (approx. 10,000), the Board wants to administer MT license renewals in the same fashion as the physicians. Ms. Rieve explained that it's a fiscal and workload issue. She further explained that renewals would be staggered over the year in 3-month intervals. Mr. Miller said that the first group would renew early and the cost would be pro-rated. He explained that the first group would not likely be until 2010. The changes would be added to a budget bill which would have to make it through the legislative process. There was some discussion about licensees being confused and/or missing renewal deadlines because of the change. Ms. Rieve assured the group that licensees would receive notices in plenty of time. It was generally agreed that licensees would remember since their career depends on it.

Update of Senate Bill 279

Mr. Miller said that SB279 was in committee. The 3rd committee hearing was yesterday and there were no opponents. His hope was that the bill would go to vote this week and then go to the House health committee. Mr. Miller stated that Director Whitehouse and Mr. Greely did a good job testifying. Mr. Miller will send copies of their testimonies to the committee.

Criminal Background Checks

Ms. Debolt informed the group that the new criminal background check law went into effect and is applicable to all those who are applying for new licenses or restorations after March 24, 2008. (Those whose applications were received before March 24 are not affected.) She said that Ms. Rieve put information onto the Board's website about the new law with tailored information for each group of licensees. Ms. Debolt said that applicants will need to go to a vendor, be fingerprinted, pay the fee, and then BCI will send us the report. She explained that the Board is not allowed to keep the report, we would just use it to go to the courts to get paperwork. The report is to be shredded. She explained that the Board will use these reports to determine if applicants have been truthful on their applications.

Ms. Debolt said that Rule 4731-4-02 deals with the process applicants must go through and 4731-1-11 deals with the application and certification process used by the Board. It also lists the criteria the Board uses to determine if a background check will affect licensure. Ms. Rieve mentioned that they are going to have a vendor at the MT exam. She said that the MT applicant would be allowed to sit for the exam regardless, but licensure would depend on the background check. Ms. Debolt stated that the law is 4731.171. There was some discussion about the criteria for reviewing a background check as it relates to licensure. Ms. Debolt stated that the Board will look at each applicant on case-by-case basis using the criteria.

Mr. Greely said there may be some confusion about applications for exam and applications for licensure. Ms. Rieve said that applicants may submit an incomplete licensure application and still sit for the exam. However, if they pass, they won't be licensed until all paperwork is complete.

Ms. Aman asked if DUI's that were expunged would show up on the background check. Ms. Rieve said that they would. Mr. Gibbons said it's best to tell students that if they have problems in their background, to go to the courts and send in paperwork with the application. Ms. Debolt agreed saying that it would be worse if they lied about it and we found it on a background check.

Ms. Hall asked how the process would work for out-of-state applicants. Ms. Debolt said that background checks would show all Ohio information and any other state information that was reported to the FBI. Any out of state records that were not reported to the FBI would not show up. Ms. Debolt also said that some convictions even in Ohio might not show up if the court did not fingerprint the person. Ms. Hall asked about what would be reported to the FBI. Ms. Debolt answered that any federal offenses like IRS fraud, kidnapping, etc. It depends on who arrests the person.

Ms. Debolt provided 4731-6-21 and 4731-12-05 (which deal with MD's, DO's, and DPM's) as examples of how the application works with the new criminal background checks law.

Mr. Gibbons asked how this process would work if we go to the federation MT exam. Ms. Rieve answered that there would just be a separate application for licensure.

Council of Schools (CoS)

Mr. Greely reported that Ms. Rieve and Ms. Thompson presented information on background checks to the CoS at it's last meeting. There were similar questions asked by CoS that have been asked in this meeting. He said that Ms. Thompson provided CoS with the section of the code that provides for automatic suspension (e.g. aggravated murder, etc.)

Mr. Greely also reported that CoS has sent 4 people who took the Ohio MT exam to take the FSMTB national exam. The response from these folks was positive. Mr. Greely said that 3 of the 4 thought the FSMTB exam was harder. He reported that the scores were virtually identical to the Ohio exam results. The CoS will continue to send people to the FSMTB exam until they have reached the 20 that they said they would send. Ms. Rieve stated that the 4 who took the exam were high achievers and they got high scores. Mr. Greely said that they will be sending low and medium achievers as well to get a good picture. He said that CoS is ready to go the national exam but will continue to study the results as MTs take it.

Ms. Chance offered that FSMTB has statistics from other states if we would find that useful. There was some discussion as to content and applicability to Ohio standards. Ms. Rieve said that Patty West went through the curriculum document and said it was similar to ours. She also reminded the group that an Ohio addendum can be added if necessary.

Mr. Gibbons asked if there was a deadline to get this study done. Mr. Greely said they were pushing it forward because CoS is anxious to get to the FSMTB test. Ms. Rieve reminded the group that the "every 5 years" rule review is coming up soon and this would be a good time to make the change. She also stated that the Board will make the decision soon and it will probably be phased in. Ms. Hall offered that the testing group that facilitates the exam has been around a long time and has a good reputation.

Mr. Greely expressed some concern over a couple questions on the Ohio exam that were sports specific stating that if an MT didn't know much about the sport, he/she wouldn't be able to answer the question to the best of his/her ability. There was pursuant discussion. It was agreed that the curriculum committee for the Ohio test could meet on July 17 before the MTAC meeting. Ms. Rieve will contact those involved.

Mr. Greely stated that there is a CoS teacher event scheduled for July and Mr. Whitehouse is scheduled to attend. He was asked how many schools are in CoS to which he replied 20-22.

Correspondence

Ms. Debolt did not have correspondence to share but stated that she would like the committee to answer some questions for her that come up frequently. Those are:

1. Are neuromuscular compression and myofascial release "massage related"? – The committee agreed that it is massage therapy because it is compression of soft tissue. Pressure touch and nerve compression affects the muscles.
2. Can neuromuscular compression be performed solely for relaxation massage? – The committee agreed that the answer is no stating that it is specific to a disorder and always therapeutic. Ms. Debolt asked if all MT's would agree with this. The committee said yes.
3. Can myofascial release be performed as solely for relaxation massage? The answer was the same as #2.

The committee cited Travell/Simons and Barnes as authorities in text on the subject. Mr. Greely said that myofascial release to the posterior neck will cause a decrease in heart rate but it is still more than relaxation. Ms. Debolt asked if you do it on anybody. Mr. Greely said no because it's symptom specific. There was some discussion regarding definition of medical terms as it relates to massage therapy and relaxation massage. It was agreed that the problem is that the techniques and results can be the same but the issue is why is the massage being done.

Ms. Debolt stated that the Board needs to have a clear understanding of this in case they have to cite someone. The Board would need to have legal grounds for discipline or prosecution. She asked the committee if these techniques were done in any other ways, could there be patient harm. The committee heartily agreed that there definitely could be patient harm if these techniques were used inappropriately. Ms. Hall asked who had the burden of proof. Ms. Debolt said that it would be the Board.

Mr. Greely brought up the need to update the Board's web site to reflect the Beck text and not Fritz. He then asked about rules for facilities. Ms. Rieve confirmed that those rules were rescinded. Mr. Greely then stated that those rules needed to be reinstated. He explained that there should be a standard for rooms where massage therapy is taught. There should be a sink and linen supply. There was discussion that Board of Regents schools spend a lot of money to bring their teaching rooms up to this standard. However, schools not under the Board of Regents don't have to.

Mr. Greely mentioned that rules state that applications must be in the office by a certain date. He felt that it should state that the applications should be postmarked by a certain date. Mr. Greely thought it

was unfair to the applicant if the post office or mailroom delayed the application getting to the Board. He used the example of the IRS stating that your taxes forms have to be postmarked (not received) by April 15. Ms. Debolt stated that has been approved to be filed. Public hearings would be scheduled and this would be a good time to make these suggestions for changes.

Ms. Aman asked about the rule that an MT had to be licensed for 3 years before they could teach. She stated that she had someone who was the exception to the rule and was very competent to teach but only had a little over a year of licensure. There was agreement that this was unfortunate, but that 3 years was a good timeframe for experience. The previous rule was 5 years.

Ms. Hall asked how the Board felt about LMT's who have eastern knowledge performing it during a massage therapy session. Mr. Greely stated that the Board doesn't license specialities under massage therapy – they would just be concerned about minimal standards. Ms. Hall then asked about ionic foot baths. Mr. Greely said that MT's could not do that because there is a rule against the use of electric stimulation. Ms. Hall then asked about herbal wraps. It was agreed that this was a treatment MT's could do.

Adjournment

Mr. Greely moved and Mr. Gibbons seconded to adjourn. A vote was taken and the motion passed. The meeting was adjourned at 3:40 p.m.