

**MINUTES OF THE MASSAGE THERAPY
ADVISORY COMMITTEE
Thursday, April 16, 2009
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 1:15 p.m. on Thursday, April 16, 2009.

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

Guests Present: Sara Donlon, Ohio Health Freedom Coalition; Ramona Chance, AMTA Ohio Chapter; Paul Johnson, OIES, Letiha Bunge, OIES, Marc Tothers, OIES

Medical Board Staff Present: Kay Rieve, Rick Whitehouse, Sallie Debolt, Debby Jones, Judy Rodriguez

Old Business

The minutes from July 2008 and October 2008 were reviewed. Mr. Gibbons noted a misspelling in line one on page two (July). Mr. Greely noted that on page seven (October) 4th paragraph, the term NTSB should be NCBTMB as well as through the remainder of the minutes. Mr. Greely also noted that on page eight (October) under "scope" the third sentence should be "Mr. Gibbons said"... not "Mr. Greely". Mr. Greely moved and Mr. Gibbons seconded to approve the minutes as amended. Motion carried.

New Business

Staggered Renewal

Ms. Rieve began a discussion about staggered renewal. She noted that the renewals will be going out around the first of May. She referred to the last page of the agenda materials which is a chart and explanation of the staggered renewal process (a copy of which is included in these minutes). Ms. Rieve offered to send a copy to Ms. Chance for distribution through AMTA. Ms. Rieve stated that it will be confusing at first and the more communication we can have, the better. She stated that some may complain that they have to pay more than others. She explained that, for example, the L-M group has to pay the most, but they don't have to renew until July 2012.

Ms. Jones stated that an MT may wonder if this will always be their fee. Ms. Jones explained that once this cycle is started, the fee goes back to the normal renewal fee at the time this cycle is finished. Ms. Rieve reiterated that this cycle just gets them into the staggering system.

Mr. Gibbons asked about those MTs who will be licensed after June exams. Ms. Jones said that those MTs will be licensed in August and will be put into their group. Their initial license will expire according to the chart and they will have to renew at that time. Ms. Jones said future

licensees, if they are within a few months of the expiration date when they pass the exam, may just put into the cycle and they would not have to renew until after 2 years. They wouldn't have to pay a fee for those first few months.

Ms. Rieve said the staggered renewal helps the Board provide better service to licensees at renewal time and it spreads out the revenue. She said that the hard part will be them getting used to the new system. Ms. Chance said that as long as the Board is still sending out renewal notices it should be fine. Ms. Rieve agreed that they will be doing that. Ms. Rieve said that as long as licensees keep the Board notified of address changes. Ms. Jones agreed that this is important. Ms. Rieve said that she will send Ms. Chance a copy of the chart for AMTA's use in notifying members of the changes. Ms. Jones stated that the renewal cards will be going out very soon, and she asked that AMTA remind members to notify the Board ASAP of any address changes.

National Exam Update

Ms. Rieve said that Jenny has been given the blessing of the Federation to look at the test bank. They are currently working out an agreement with Pierson View. Once she looks at the test bank, Jenny will do a written analysis and bring it to the limited branch committee of the Board. She will be able to determine if Ohio needs to add an addendum to the test.

Mr. Gibbons spoke to someone from Ohio who took the test who felt the only part she was weak in was the kinesiology questions. She felt that our schools don't teach enough kinesiology.

Mr. Greely asked about a student who takes the test out of state. If they were to move into Ohio, they would they have to take the addendum. He asked if this would create a situation where Ohio students would leave Ohio so they wouldn't have to take the addendum. Ms. Rieve agreed saying it really isn't a portable exam if they are different. Mr. Greely stated that they could do an addendum for juris prudence, that if someone wants licensed here, they'd have to take the addendum. Ms. Rieve said that's how it could be set up. Mr. Greely said this could start a complex issue. What if other states started having addendums? Then we'd be back to non-standardized testing. Ms. Rieve agreed. She stated that what Mr. Whitehouse wants is that the whole test would be enhanced by incorporating the Ohio standard. Mr. Greely agreed that would be the best solution. He said he didn't think it would hurt the profession to have a strong science side, and he wasn't sure if a lot of states do.

Mr. Gibbons stated that he had seen a lot of the questions and said he felt the anatomy questions were very good. Mr. Greely said that the council of schools students that took it felt the science was a little bit weaker. They said there wasn't as much pathology and some of the anatomy was weaker. Mr. Greely also stated that he wasn't sure, maybe that was ok since the depth of the anatomy is sometimes "over the top". He said that we were testing the students on things that 2nd year med students don't need to know. He said that maybe we need to step back a little, but the federation test needs to step up a little bit.

There was some discussion about which schools were represented by these students who took the federation test. Mr. Greely stated that they were all members of the Council of Schools. He also stated that we could also maintain the high standard that Ohio has, but let's make the anatomy

more relevant. He felt that some of the anatomy was minutia. Mr. Greely stated that he believes the more science, the better, but it has to be relevant – applying to the practice. Mr. Greely added that the students felt the test wasn't as rigorous. He stated that it could have been from the environment, they were more comfortable in the Pierson View center.

Mr. Gibbons stated that the important factor in determining if we are to use the national test is the fairness. Is it a fair test? He added that we want to find people who are qualified to be massage therapists. Mr. Gibbons added that we need to be sure the schools are teaching enough of both science and kinesiology.

There was some discussion about the subjectivity of the questions on the current Ohio exam and the process of putting together a fair test.

Mr. Gibbons stated that the Federation is currently adding more questions to the test bank. He gave the Federation the names of some instructors at Ohio schools that could submit questions.

Ms. Rieve said this process would continue saying that she would get with Jenny as soon as she reviews the Federation test.

Mr. Gibbons then asked about the NTCTMB certification exam. He said that some folks are asking if Ohio would accept this for licensure. It was agreed that states can choose which test they will use. Ms. Rieve said that they are getting a lot of out of state people who are applying for our exam because they have to. There were about 20 people this time. She added that Mr. Mike Miller is starting to rewrite some of the statues and will provide some draft language. Jenny will weigh in on this issue as well.

Mr. Greely stated that it has always been his position that the NTCTMB has always been a weaker test. He said they were disorganized and not focused on important issues.

Ms. Debolt stated that each state can choose the exam or exams it wants to use for licensure. It is the same as some schools requiring the ACT and others the SAT. It's not discrimination, it's choosing the exam that meets the state requirements.

Mr. Gibbons opined that a lot of Ohio students would be leaving the state. Ms. Chance agreed especially since the AMTA stated that the Federation test would be for licensure.

Council of Schools Update

Mr. Greely reported that the council is concerned that that on the Board website, the MTAC minutes are not current and the list of text books still shows old books that aren't used now. He also mentioned that the AMTA link to the Ohio website goes to the old webpage. He called AMTA to get it fixed.

Mr. Greely mentioned a continuing education opportunity coming up on July 25. The Board will be there as well as folks from the Federation. It will be at NIMA at Schrock and Doubletree. It is open to both member and non-member schools.

Mr. Greely also stated that Patty West will be closing her school at the end of the month. He said that Ms. West has served the council well. Her school is the Northwest Academy of Massotherapy in Maumee.

Other Business

Ms. Hall asked how other regulatory bodies view massage therapy. Ms. Debolt stated that massage is regulated by local governmental bodies as a business. If it is therapeutic in any way, it is regulated by us. She said that the Cosmetology Board does not regulate massage and massage therapy is not in their scope of practice. But they do allow relaxation massage to be conducted in their salons. Ms. Debolt said that the board gets questions all the time from LMT's asking what they can do in a chiropractor's office. She stated that the chiropractor can't expand an LMT's scope of practice. However, that same LMT could work as an unlicensed person for those things that are beyond the scope of an LMT. Those type of people are called unlicensed support personnel can do e-stim and other things that an LMT can't do. Ms. Debolt explained that you have to clearly differentiate so that the patient isn't misled. For example, an LMT can't do massage therapy and then take the patient to another room as an unlicensed person and perform exercise instruction. That would be misleading the patient. Ms. Debolt stated that an LMT can do other things as an unlicensed person, but the main point is not to mislead the patient.

Mr. Gibbons noted that changing rules is a big project but asked if this should be something addressed in the rules. He said that this situation is happening more frequently. Ms. Debolt agreed that this issue on the rise as she's noticed by the amount of questions she gets. She wasn't sure if this needed to be address in the scope of practice section of the rules or not. Ms. Chance stated that she doesn't think that we should address it in the rules. She asked, "Why do you need relaxation?" It was agreed that there was something wrong with the body. Ms. Debolt added that the Ohio Revised Code allows municipalities to regulate this massage that is not therapy.

Ms. Chance said that Connecticut is working with the police, vice, and state to come up with regulations to get them out of that vice business. She added that the laws were set up for vice. Ms. Debolt said that she and Mr. Greely met with the City of Columbus license department and a policeman regarding the difference between massage therapy and relaxation massage. It was a very productive meeting. She said that the city is very interested in acting where there is unlicensed massage therapy going on under the guise of relaxation massage. Ms. Debolt added that under the Columbus City Code, if you are a masseuse (not an LMT) the facility you work in has to have an establishment license, even if there are others working there that are licensed. Ms. Hall inquired about those who might work out of their home. Ms. Debolt explained that their home would have to be licensed by the city. Every city has its own code.

Ms. Hall stated that she was trying to answer an email and found some gray areas. She stated that the practice of massage therapy is done by an LMT. Yet, the cosmetology regulations say that "therapy" means non-invasive, non-medical, non-healing such as aromatherapy or relaxation services. Ms. Debolt stated that the Cosmetology Board also has a prohibition against doing

anything medically related. Ms. Debolt added that their definition of therapy is not our definition. Ms. Hall added that she saw on the Cosmetology board website an 8-hour course to be certified. There was discussion about the difference between the establishment having a certificate/license to operate and the individuals having licenses. Ms. Debolt clarified that a cosmetologist or esthetician can do relaxation massage and can only work in licensed facilities. Ms. Hall said that their competence in relaxation massage is only 8 hours. Mr. Greely stated that there is an additional 8 hours in their curriculum. Mr. Greely stated that they can't do therapy and the reason the massage was added into their scope was so that they could do the wax, the wraps etc where they have to do an application.

Ms. Hall said that's what makes this confusing. She said that it's about professional differences. She added that these people are competing for our dollars. Ms. Hall also stated that there is a distinction in the educational standard and competency. She said that the massage techniques are a minor part of an esthetician's training and then they go get an 8-hour course certificate and compete with MT's who have an associate degree.

Mr. Greely stated that the Council of Schools discussed this issue and out of that came an article about who can do massage in Ohio. Mr. Greely said they would forward that to the Board. He added that there are varying licenses in the state. He said that LMT's need to separate themselves and educate people. He also stated that it doesn't matter whether you call it relaxation or therapy, friction is friction. He continued that the state came out with an opinion that there are 2 levels of massage and one rises to the level of therapy. Mr. Greely stated that he believes there is no such thing as relaxation massage. It's the elimination of stress which is a clinical diagnosis therefore if you are eliminating stress, you're treating the body and it's massage therapy. It was agreed that we are dealing with 2 boards who have equal power so it would be impossible for the Medical Board to ask the Cosmetology Board to change the rules.

There was discussion about unlicensed people doing relaxation massage. Ms. Debolt clarified that this is regulated by each city government. She continued by saying that in Columbus, all you need is a certificate/license as a business establishment and there is no education requirement. Ms. Chance stated that in West Chester Twp., no one can do massage unless they are a licensed massage therapist. Mr. Gibbons stated that you have to check with local government as to the regulations in their jurisdiction. Mr. Gibbons said that at Marios, they pay the massage people \$5/hour and the rest is tips. Ms. Debolt said that if it's happening in a salon, it's regulated by the Cosmetology Board.

Ms. Debolt said that another trend on the rise is chiropractors hiring LMT's or MT students. The question is how much massage therapy is really within the scope of practice for a chiropractor? She stated that the Medical Board may have a difference of opinion, but it's the Chiropractic Board that determines the scope of practice. She further explained that in the Ohio Revised Code there is a definition of chiropractic practice. But there is a rule that modifies the code which says that anything that is taught in the approved chiropractic schools.

Mr. Greely stated that physicians can delegate to unlicensed persons. Ms. Debolt clarified that by stating that the task has to meet certain criteria. Mr. Greely stated that in any physician's office he'd been in where they were doing physical medicine or sports medicine, they would

delegate ultrasound, diet, and electrical stimulation. They believed the e-stim was too dangerous for a massage therapist to use. Yet, they would delegate that to a medical assistant that isn't trained in anatomy. Mr. Greely stated that at this same time, the MT's were getting trained on the machine by the same manufacturer.

Mr. Gibbons opined that a clarification of the rules would be beneficial to MT's. He explained that with the job market the way it is, we'll see more MT's going into chiropractor's offices. The difference between licensed and unlicensed practice should be explained for their benefit and protection. Ms. Chance added that students need this information also.

Ms. Hall asked about ads for "mint julep massage" or "aroma therapy stress debunker". She asked if one should assume this is just relaxation massage if it is being advertised by a cosmetologist. Ms. Debolt answered by saying that yes, they can cross the line into massage therapy. If they do, the Cosmetology Board needs to be informed of the situation. Ms. Debolt added that some spas who are not licensed by the cosmetology board or by the city may be ones to look at. Ms. Chance mentioned "Brown Bag Massage" in Westerville. The person who took out the ad lists qualifications and services that are clearly under the scope of massage therapy. Ms. Debolt asked if Ms. Chance had filed a complaint with the Board. Ms. Chance replied that she hadn't. There was some discussion about the difference between being "certified" and being "licensed to practice".

Ms. Debolt then explained that the investigative work of the Board is complaint-driven. She mentioned that whenever they see activities that are seemingly in violation, licensees are obligated to report it to the Board. Ms. Hall asked about not knowing for sure if the entity is breaking the law. Ms. Debolt stated that she should file a complaint and let the Board determine it. The complainant doesn't have to say what the violation is. She continued that this can be done anonymously if needed.

Discussion then turned to MT schools which may not be doing well in their Board exam passing rates. Ms. Rieve passed out a report which showed statistics from the latest exam. Ms. Rieve mentioned that when someone calls inquiring about which school to attend, she would give them this information. She also thought about putting it on the website. Mr. Greely cautioned that if we were to post it on the website, we had to be sure of its accuracy. He used the example of a few students who passed the exam but their application for licensure was being held up. Those students were not reflected on the report.

Ms. Hall asked if there was data comparing how students did on the state exam vs. the federation exam. Ms. Rieve stated that it was a very close similarity although they stated the environment was better with the federation exam. It is taken at a testing center in a cubicle on the computer making the stress level lower. Ms. Rieve added that the Board would love to transition to the federation exam but they have to be sure it's acceptable.

Mr. Greely asked if the Board had received the letter from the Council of Schools. Ms. Rieve stated she hadn't seen it. Mr. Greely explained that the CoS approved a letter to the Board expressing support for Board acceptance of the federation exam. Ms. Hall asked why the current exam hasn't already been made electronic. It was agreed that it was a financial issue. Mr.

Gibbons added that the Federation has spent .5 million dollars on this exam which included putting the test together and then having Pierson View manage it. It was agreed that going to an electronic version will be a great thing. Ms. Rieve added that the Medical Board just wants to be sure that the federation meets Ohio standards.

Mr. Gibbons asked if the schools who have consistently scored low been notified of the results of the last exam. Ms. Rieve said that she couldn't discuss that but agreed with Mr. Gibbons that there is a rule about schools whose students consistently score low. She said that the Board is concerned about these schools. There was some discussion about students who don't take the exam until 6 months to a year or more after graduating. The statistics would be adversely affected because pass rates would not be as high for these students. Mr. Greely said that this wouldn't be fair to the schools and that maybe some kind of change in the rules should be considered.

Mr. Greely then asked if there could be a statutory change allowing an MT to sit on the board given the fact that MT's are the second highest number of licensees. Mr. Whitehouse explained that there are groups of licensees who could have their own board but they are "in the house of medicine". He said that if a group feels that they are not being represented properly, then a statutory change could be an option. Mr. Whitehouse added that it makes sense that the limited branches of medicine be regulated by the medical board which right now is made up of physicians. Mr. Greely asked about an MT sitting on the limited branch committee. Ms. Debolt clarified that the limited branch committee is made up of members of the board. Ms. Rieve added that there are 3 consumer members on the board, and an MT could fill one of those, but the governor appoints the board members so it would be his call. Mr. Whitehouse then asked if the group felt they were underrepresented. Mr. Greely said that he didn't feel that way but thought that since MTs were a large group maybe they should have a spot on the board.

It was agreed that an MT could be a consumer member if appointed. Ms. Debolt clarified that one of the consumer members, by statute, has to be a senior citizen. Ms. Debolt explained that one can "apply" to the governor for appointment to a board. But she added that you really have to have connections to be appointed.

Ms. Debolt then said that she had received a question about hygiene for massage therapists. Mr. Gibbons said they didn't have any specific guidelines about handwashing for MT's. Ms. Debolt mentioned checking with the CDC. She further said that the current regulations are only written for invasive procedures.

Mr. Greely asked about a rules review. Ms. Rieve said that Mr. Miller will have some statutory language ready by the next meeting. He is going to look at continuing education language. Ms. Debolt said it's past time for a rules review since it's been 5 years. Ms. Rieve said that fee increases, the national exam, and continuing education need to be addressed. After the statutory changes, rules can be redone.

Ms. Hall asked about the survey to licensees about continuing education that had been talked about in previous committee meetings. Ms. Rieve asked Ms. Debolt if they could do it at

renewal time and Ms. Debolt said it should be asked for but not required. Mr. Greely added that if a lot of feedback is received it could be beneficial.

Ms. Rieve asked if any guests had concerns or questions and none did. Mr. Greely then asked Mr. Whitehouse to share about his experience with the federation. Mr. Whitehouse said that he was impressed first that in 2 years they had gotten an active membership focused on issues important to the profession and that they were moving ahead. He felt there was good representation and felt the federation was a good resource. He added that Deborah Persinger was doing a great job. He added that it was an exciting time for the profession. Ms. Debolt added that she went to the federation meeting the year before and she was impressed as well. She said that they were a very dedicated group of professionals.

Ms. Rieve mentioned that the next MTAC meeting would be July 16. At that time she said that the committee will get new contracts. Mr. Greely asked if anyone is inquiring about filling MTAC vacancies. Ms. Rieve said that she did have 3 people to look at. Mr. Greely said that Mr. Rieve could block out the names on the CV's and have the committee take a look. Ms. Rieve said she will follow up on that.

Mr. Greely said someone asked about questions on the exam about ethics having to do with transference or counter transference. He asked if there was a resource for that. Mr. Rieve said that all the questions are referenced, so she will find out.

Ms. Chance asked when the next exam is. Ms. Rieve said it is on June 2nd in the Lausche building which is across the way from the Celeste Center where the exam has been held in the past.

Mr. Greely moved and Mr. Gibbons seconded to adjourn. The motion carried and the meeting was adjourned at 2:50 p.m.