

**VIRGINIA BOARD OF NURSING
MASSAGE THERAPY ADVISORY BOARD
MINUTES**

Wednesday, May 29, 2019

TIME AND PLACE: The meeting of the of the Massage Therapy Advisory Board convened at 10:00 a.m. in Training Room 1, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

PRESIDING: Dawn Hogue, L.M.T., Chair

MEMBERS PRESENT: Dawn Hogue, L.M.T., Chair
Stephanie Quinby, L.M.T., Vice-Chair
Joseph L. Schibner, IV, L.M.T., L.Ac. D.O.M.
Jermaine Mincey, Citizen Member

MEMBERS ABSENT: Kristina Page, L.M.T.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director
Charlette N. Ridout, R.N., M.S., C.N.E., Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Cathy Hanchey, Administrative Specialist

IN THE AUDIENCE: Becky Bowers-Lanier, American Massage Therapy Association-VA Chapter
Jerry J. Gentile, Virginia Department of Planning & Budget

CALL TO ORDER: Ms. Hogue called the business meeting to order at 10:00 a.m., noting that a quorum was established.

OLD BUSINESS: Dr. Schibner requested that the Board discuss Thai Yoga Massage further at this meeting. Ms. Hogue recommended that the discussion concerning the Federation of State Massage Therapy Boards' Massage Therapy Licensing Database take place in open session and that Dr. Schibner's request for Thai Yoga Massage be taken up at this meeting. The Agenda as revised was adopted.

An overview was done of the minutes from the last Massage Therapy Advisory Board meeting held on November 5, 2018. Dr. Schibner moved that the minutes from the November 5, 2018 meeting be approved. The motion was seconded by Ms. Quinby and carried unanimously.

PUBLIC COMMENT: Ms. Bowers-Lanier stated that the Virginia Chapter of the American Massage Therapy Association had no public comment at this time.

NEW BUSINESS: Ms. Hogue announced that Dr. Schibner and Ms. Quinby's terms expire June 30, 2019, and thanked them for their service. Ms. Douglas advised that she has spoken with the office for the Secretary of Health and Human Resources concerning the necessity for filling the positions. Additionally, Ms. Douglas reminded Ms. Quinby that she is a member of the Advisory Board until her position has been filled. Ms.

Quinby agreed. There is an online application process available for interested persons.

Elections were made for a Vice-Chair for the Advisory Board on Massage Therapy. Ms. Quinby made a motion to nominate Mr. Mincey as Vice-Chair. The motion was seconded by Dr. Schibner and carried unanimously.

Ms. Ridout reviewed the Informal Conference and Formal Hearing schedule for July – December 2019. Ms. Hogue agreed to share her availability upon return to her office, and Board Staff agreed to check with Ms. Page concerning her availability. Ms. Hogue confirmed her availability for the July 2019 Formal Hearings as previously scheduled.

Ms. Ridout presented information to the Advisory Board concerning recent developments and challenges to 18VAC90-50-40 A 2 of the Regulations Governing the Licensure of Massage Therapists for applicants who pass the Massage & Bodywork Licensing Exam (MBLEx) but have not completed or graduated from an approved massage therapy program. MBLEx applicants do not need to graduate from a massage therapy education program prior to applying for the MBLEx, but they are required to verify that they have education and training in the content areas. Discussion focused on public safety, schools providing training in all areas, benchmarks for graduation rates, and importance of clinical experience. Ms. Yeatts advised that lay midwives are the only Department of Health Professions' (DHP) discipline that does not have an educational requirement. Completion of a program is required for all other DHP practitioners. Ms. Quinby moved to recommend a legislative change to § 54.1-3029 A 2 of the Code of Virginia to read as follows: “Has successfully completed a ~~minimum of 500 hours of training from a~~ massage therapy program, consisting of a minimum of 500 hours, certified or approved by the State Council of Higher Education or an agency in another state, ...” The motion was seconded by Dr. Schibner and carried unanimously.

RECESS: The Advisory Board recessed at 10:25 A.M.

RECONVENTION: The Advisory Board reconvened at 10:50 A.M.

NEW BUSINESS (con't.): Ms. Ridout reminded the Advisory Board that provisional licensure under 18VAC90-50-60 of the Regulations Governing the Licensure of Massage Therapists is not automatic. An applicant must request provisional licensure from the Board of Nursing in writing.

Ms. Hanchey noted that the Board of Nursing's web site was recently updated to be more “user-friendly” and specifically addressed the Frequently Asked Questions (FAQs). The Advisory Board suggested revising the answer for “Does Virginia offer provisional licensure for massage therapists?” to “Provisional licensure is available upon request to an eligible candidate who has filed a completed application ...”

Ms. Ridout advised that for the January – May 2019 time period, serious sexual boundary cases have doubled when compared to the same time period for 2017 and 2018. Many of these cases also result in criminal action. Ms. Quinby noted that the Sanction Reference Points (SRPs) for massage therapist cases should be re-evaluated, and Ms. Douglas advised that the SRPs are potentially under review for 2020. Additional discussion concerning the types of consumer information available through professional organizations was conducted, noting that information is primarily limited to how to find a massage therapist versus what to expect from a practitioner. Dr. Schibner also noted that enrollment in massage therapy classes has been greatly reduced. A request was made to continue reviewing the number of massage therapists who are licensed each year.

Ms. Hanchey presented a brief synopsis of the Federation of State Massage Therapy Boards' (FSMTB) Massage Therapy Licensing Database (MTLD) and provided answers to questions addressed at the previous Advisory Board meeting as follows:

- There are no additional fees for using MTLD. There may be in-house costs and staff time associated with developing the way information is uploaded, but no charges for the software or templates used.
- There is no public access to MTLD. If an applicant were to challenge the information obtained from MTLD, they would be able to address any inconsistencies or errors through the disciplinary process.
- Each participating state will have access to its own secure FTP site. Virginia's information would not be able to be "overwritten" by another state's information.
- There are currently six states that have signed Memorandums and are considered participating states.

Dr. Schibner moved to recommend that the Virginia Board of Nursing execute the Memorandum with FSMTB to participate fully in the MTLD. The motion was seconded by Ms. Quinby and carried unanimously.

Dr. Schibner requested discussion concerning Thai Yoga Massage. This is physically manipulating the body, soft tissues, pushing the body, and stretching. Ms. Douglas reminded the Advisory Board that it does not provide a laundry list of therapies and looks to the facts of the situation for cases. The concern is that schools may be teaching Thai Yoga Massage, but it does not fall under the massage therapy program and instructors are not letting students know they need to be licensed. Yoga schools are exempt from oversight by the State Council of Higher Education for Virginia (SCHEV), but the Virginia Board of Nursing could have discussion with SCHEV that if schools are teaching Thai Yoga Massage, they will need to meet the industry standard.

REPORTS:

Ms. Hanchey provided an oral report re-capping the FSMTB Third Annual Member Board Executive Summit held in Cleveland, Ohio on April 18-19, 2019.

- FSMTB is available to attend states' Board meetings to discuss the benefits of FSMTB membership at no charge to the inviting state.
- FSMTB's Regulatory Education and Competence Hub (REACH) is an online education center. Virginia may be able to refer respondents to FSMTB to meet specific education requirements.

- Tennessee performed a 100% audit of continuing education requirements and found that 83-87% of licensees were noncompliant.
- There is pending federal litigation about offering the MBLEx in Mandarin Chinese.
- MBLEx application fees will be \$260 effective April 1, 2020.
- There is a current trend toward deregulation; however, in the biggest deregulatory state of Colorado, none of the professions were in the medical field.
- MBLEx security discussion focused on item harvesting, identity fraud, human trafficking, and training centers. FSMTB will investigate if the state thinks there is an issue, and may result in MBLEx score invalidation.
- California is no longer requiring the MBLEx, but they may come back to it after two years.

INFORMATION ONLY: Ms. Hanchey reiterated that applications for initial licensure are exclusively accepted online. Paper applications are only available for applicants whose first application expired before completion. Reinstatement applications may be requested from the Board, and new versions will be posted to the web site shortly.

DISCUSSION OF FUTURE MEETINGS: Board staff will coordinate with the Advisory Board on Massage Therapy members on availability for a meeting in the spring 2020.

ADJOURNMENT: Dr. Schibner made a motion to conclude the meeting. The motion was seconded by Mr. Mincey and carried unanimously. The meeting was adjourned at 12:05 p.m.



Charlette N. Ridout, R.N., M.S., C.N.E.
Executive Director