

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

Monday, November 2, 2020

TIME AND PLACE: The virtual meeting via Webex of the Massage Therapy Advisory Board was called to order at 2:10 p.m. on November 2, 2020.

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

MEMBERS PRESENT: Dawn Hogue, L.M.T., Chair
Jermaine Mincey, Citizen Member, Vice-Chair
Shawnté Peterson, L.M.T.
Erin Claire Osborn Osiol, M.S.W., L.M.T.
María Mercedes Olivieri, L.M.T.

MEMBERS ABSENT: None

**STAFF
PARTICIPATING
VIRTUALLY:** 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
Cathy Hanchey, Senior Licensing/Discipline Specialist

**OTHERS
PARTICIPATING
VIRTUALLY:** Elaine Yeatts, Senior Policy Analyst, Department of Health Professions
Huong Vu, Board of Nursing, Executive Assistant
Sally R. Ragsdale, Board of Nursing, Discipline Specialist

**PUBLIC
PARTICIPATING
VIRTUALLY:** Becky Bowers-Lanier, American Massage Therapy Association-VA Chapter
Lisa Elgin, Department of Health Professions, Senior Investigator
Alan Burton, Department of Health Professions, Senior Investigator
Dwayne Cromer, Department of Health Professions, Senior Investigator

**ESTABLISHMENT OF A
QUORUM:** Ms. Hogue welcomed attendees and asked Ms. Hanchey to take a roll call of Massage Therapy Advisory Board Members present. With five (5) members present, a quorum was established.

Staff and public attendees were identified.

ANNOUNCEMENTS: Ms. Hogue welcomed three new Advisory Board members, Shawnté Peterson, Erin Osiol, and María Olivieri as recent appointees to the Massage Therapy Advisory Board, and introductions were made. Ms. Kristina Page resigned her term effective February 5, 2020.

OLD BUSINESS:

An overview was done of the minutes from the last Massage Therapy Advisory Board meeting held on May 29, 2019. Ms. Olivieri moved that the minutes from the May 29, 2019, meeting be approved. The motion was seconded by Ms. Peterson and carried unanimously.

Ms. Ridout advised that the Board of Nursing supported the Massage Therapy Advisory Board's recommendation to participate fully in the Federation of State Massage Therapy Board's (FSMTB) Massage Therapy Licensing Database (MTLD), and the Board of Nursing is working through required channels. Ms. Ridout also advised that there are minor changes to the process and contractual information by FSMTB. Updated status should be noted by spring 2021. Ms. Hanchey provided a brief explanation of MTLT for new Massage Advisory Board Members.

PUBLIC COMMENT:

Ms. Hogue said that as indicated in the meeting notice on Regulatory Town Hall and in the agenda package, comments will be received during Public Comment form those persons who submitted an email to Cathy Hanchey no later than 12:00 noon on November 2, 2020, indicating that they wish to offer comment.

Ms. Hogue asked if anyone has signed up to comment. Ms. Hanchey said no one has contacted her requesting to offer comment as of 12:00 noon today, and no one was present on the call to make comment.

NEW BUSINESS:

Ms. Hogue announced that according to the By-laws, her term as Chair, and a new Chair must be elected. Mr. Mincey is currently serving as Vice-Chair.

Ms. Olivieri moved to nominate Mr. Mincey as Chair, and the motion was seconded by Ms. Osiol. Ms. Peterson expressed interest in serving as Chair. Ms. Olivieri moved to adopt the slate with Mr. Mincey and Ms. Peterson as nominees for Chair, and the motion was seconded by Ms. Osiol. The vote for the slate as proposed was carried unanimously.

Ms. Olivieri moved to call the vote for Mr. Mincey as Chair, and the motion was seconded by Ms. Osiol. Mr. Mincey was elected to serve as Chair with a vote of 4-1. Mr. Mincey nominated Ms. Peterson for Vice-Chair, and the motion was seconded by Ms. Osiol. Ms. Peterson was elected to serve as Vice-Chair with a vote of 5-0.

Ms. Ridout reviewed the Formal Hearing schedule for January – December 2021, and covered dates for January 2021 Formal Hearings, and Informal Conferences for December 2020. Ms. Ridout advised she would be sending an email out for additional dates, and asked for responses for availability once issued.

Ms. Yeatts presented information based on the Massage Therapy Advisory Board recommendations for changes to reflect completion of an approved massage therapy program and requirement for an English-proficiency exam that were enacted by the Virginia General Assembly that went into effect on September 30, 2020. Following discussion, additional evidence in the form of TOEFL (Test of English as a Foreign

Language) exam is required in addition to the English version of the Massage and Bodywork Licensing Exam (MBLEEx) administered by FSMTB.

Ms. Yeatts advised that Guidance Documents are required to be reviewed and reaffirmed every four years. Guidance Document 90-59 was last reviewed December 2016. The purpose is to give information about what the impact of a criminal conviction may be on the granting of a massage therapy license. There is no barrier crime as such, but a licensee may be denied employment. Following discussion, Ms. Douglas reiterated that that there is no specific, predetermined conviction that will automatically deny licensure; non-routine applications are reviewed on a case-by-case basis. Additionally, Criminal Background Checks will reveal all convictions. Ms. Olivieri moved to recommend the continued use of Guidance Document 90-59, and that it be revised to incorporate the requirement for a Criminal Background Check on page 4 under the section: “The following information will be requested from an applicant with a criminal conviction.” Ms. Peterson seconded the motion, and it carried unanimously.

Ms. Hanchey reviewed correspondence received from Cedar Stone School of Massage and an email from Eastern Virginia Community College concerning licensure exam and specification of number of hours for programs. Following discussions, the Massage Therapy Advisory Board felt that no changes to the statutes and regulations as currently enacted were necessary.

Ms. Hanchey also noted that Department of Health Professions recognized the impact of the pandemic and noted that renewal fees have been waived, and completion of continuing education requirements were extended by six months. No action is necessary.

REPORTS:

Ms. Ridout advised that for the 2019 calendar period, the increases in the number of “Fraud, Non-Patient Care” cases is due to the number of licensees having licensure exams invalidated by FSMTB due to fraudulent activity on the application to take the exam discovered years after the exam. Another increase for disciplinary cases is seen in “Eligibility” due to applicants attending non-approved massage therapy programs. There is also an increase in the number of “Abuse/Abandonment/Neglect” and “Inappropriate Relationship” cases. Ms. Hanchey further noted that of the 8,479 Licensed Massage Therapists, for the October 2018 – September 30, 2020 time period, the Board closed 113 cases for 55 different licensees. Statistical reports provided are incorporated and attached to these minutes.

Ms. Hanchey presented information concerning Licensed Massage Therapists. Decrease in licenses issued for 2020 greatly reduced due to impact of pandemic. Moratorium on the practice of massage therapy and impact on massage therapy programs resulted in delayed graduations. Applications have since increased since restrictions on practice have been lifted. Statistical reports provided are incorporated and attached to these minutes.

Additionally, the Board of Nursing has ceased providing license verifications for licensees to other states, and they are directed to License Lookup. States have been notified.

Ms. Hanchey and Ms. Hogue provided comment on the FSMTB Event dated September 17, 2020, concerning Dr. Michael Vogel's "Sexual Misconduct Allegations within Massage Therapy." Takeaways from the event included various biases and an appreciation for investigative resources for our state.

INFORMATION ONLY: Ms. Hogue provided information concerning the 2019 FSMTB Annual Meeting and noted the presentations made by a corporate representative from Massage Envy addressed the attendees concerning diligence and standards, as well as educational quality and standards from Mississippi's Board of Massage Therapy.

Ms. Ridout pointed out that additional information concerning MTLT could be located in the FSMTB 2020 Annual Report.

DISCUSSION OF
FUTURE MEETINGS: Board staff will coordinate with the Massage Therapy Advisory Board on Massage Therapy members on availability for a meeting in late-October/early-November 2021.

ADJOURNMENT: The meeting was adjourned at 3:28 p.m.

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