

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/22/2015

BOARD MEMBERS PRESENT: Gayla Nickel - Chair
Gail L. King
Paul J Weston

BOARD MEMBERS ABSENT: Linda A Chatburn
Ione C Springer

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitch Toryanski, Legal Counsel
Deborah Sexton, Management Assistant
Erin Anderson, Technical Records Specialist I

OTHERS PRESENT: Susan Beck, Idaho State University
Maryann Doshier, Rexburg College of Massage Therapy
Randy Young, Massage Envy
Cecilia Escobedo, Massage Envy
Amy Cook, Elements
Jason Chase, Elements
B. Arias, Elements
Suzie Lindberg, AMTA
Amber Rhines
Bonnie Brooks
Amanda Rich

The meeting was called to order at 8:30 AM MDT by Gayla Nickel.

APPROVAL OF MINUTES

Ms. King made a motion to approve the minutes of 4/27/2015 with noted corrections. It was seconded by Mr. Weston. Motion carried.

Mr. Weston made a motion to approve the minutes of 5/26/2015. It was seconded by Ms. King. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Board's changes to Rule 501.01.c, Rule 601.01 and 601.02 went into effect April 11, 2015. She stated that the law changes to Idaho Code 54-4003 would go into effect July 1, 2015. She reminded the Board that that law change proposals would need to be submitted by August 1, and any proposed rule changes would need to be submitted by the third week of August to the Governor's office.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$164,510.29 as of 5/31/2015.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Case I-MAS-2015-1 was tabled since Ms. King recused herself from review, and the Board no longer had a quorum.

Mr. Weston made a motion to approve the Bureau's recommendation and authorize closure in cases I-MAS-2015-6 and I-MAS-2015-7. It was seconded by Ms. King. Motion carried.

Mr. Weston made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in case I-MAS-2015-8. It was seconded by Ms. King. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to-do list. The Board requested that Ms. Anderson send out email reminders to the Board members about reviewing the Frequently Asked Questions page and the Board website for any corrections or changes they would like to make. No other action was taken.

NEW BUSINESS

Mr. Toryanski also briefly reviewed the change in Idaho Code § 67-2614 in relation to the laws and rules of the Board. This statute changed the reinstatement fee of a license to a total of \$35 but does away with the requirement to pay licensure fees for each year it was expired. Mr. Toryanski asked the Board if they would like to keep their reinstatement fee at \$25 or join with other Boards the Bureau serves which have agreed to the Bureau statute

which allows the rule to be changed when the law changes. Ms. King made a motion to proceed with the changes. It was seconded by Mr. Weston. Motion carried.

Mr. Toryanski reviewed a Supreme Court decision regarding the North Carolina State Board of Dental Examiners, which has the potential to affect boards throughout the United States.

MEETING DATES

The Board agreed on the following meeting dates:

7/21/2015 Conference Call
8/24/2015 Face to Face
9/22/2015 Conference Call

APPLICATION REVISION

The Board reviewed the endorsement application and the addition of the requirement that applicants applying from Utah, Washington or Colorado request to have their school transcripts sent directly from the issuing source. Ms. King made a motion to accept the application updates. It was seconded by Mr. Weston. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from Ms. Cynthia McCall. Ms. McCall inquired with the Board why a number of Reflexology courses were listed as approved courses on the Board's website, but per Idaho Code 54-4003(1) and 54-4003(2)(e) Reflexology is an exempted modality. The Board reviewed the website and determined that the courses listed for Reflexology had been approved in error, and would be removed from the website. The Board stated that any licensee that had taken these courses for CE would be accepted. Ms. Anderson was instructed to notify the CE providers of this error, and to respond to Ms. McCall informing her that although Reflexology is exempt from the Massage Therapy's scope of practice, the modality can still be practiced, just not identified as a form of massage therapy. Mr. Weston made a motion to deny the following courses and inform the providers of the error:

Reflexology for Premenstrual Syndrome (PMS) & Menopause
Craniosacral Therapy
Reflexology for Stomach Upset, Constipation, and Diarrhea
Reflexology for Stress, Anxiety, and Depression
Reflexology for Allergies and Asthma
Reflexology for Anemia, Cardiovascular Disease, High Blood Pressure, High Cholesterol, & Poor Blood Circulation

Reflexology for Headaches and Migraines
Comprehensive Reflexology: The Foot
Comprehensive Reflexology: The Hand
Craniosacral Therapy 1

It was seconded by Ms. King. Motion carried.

The Board addressed correspondence regarding the annual renewal fee for Massage Therapists submitted by Ms. Robin Nielsen. Ms. Nielsen inquired why the cost of renewing the Idaho license was so high. The Board instructed Ms. Anderson to respond to Ms. Nielsen as follows: The Board is self-governing and self-supporting so the fees cover the costs of the Board.

The Board reviewed correspondence submitted by Ms. Roxann Caldwell. Ms. Caldwell inquired with the Board why there is such a long waiting period in between the time when an applicant submits their application and the Board reviews it. She also inquired why the Board did not conduct background checks on applicants as well. The Board typically reviews complete applications only, and if approved, they are processed that day. It is the responsibility of the applicant to make sure the application is complete. If there are items missing, sometimes the Board can approve the application pending the receipt of those items. By doing this the applicant does not have to wait for the next meeting. The applicant may submit the required information, the Board Chair gives the information a final review, and if the new information is accepted, the approval to issue the license is granted by the Chair. In 2014 the Board held 13 meetings, and in 2015 they have already held 4 meetings. In the last two years the Board has issued licenses to over 2200 applicants. As volunteers, some of them are required to travel across the state to attend a meeting, losing one to two days of their own income. In addition, the Board frequently holds conference calls to review applications. The Board does not have the legal authority to do background checks at this time.

The Board addressed correspondence submitted by Ms. Mandi Denning. She inquired if it was legal for massage therapy schools to offer students a work-off program for their tuition. The Board referred Ms. Denning to the Frequently Asked Questions page on the Board website.

The Board reviewed an email that was forwarded to the Board by Mr. Weston. The email was from Ms. Mandi Denning. Ms. Denning offers continuing education for licensed Washington massage therapists, which may have an Idaho licensed massage therapist in attendance. She held a continuing education class March 10, 2015, and the Board will issue 2 CE credits for attendance and participation at the meeting that was held by the Palouse Massage Therapy Network according to Rule 503 which states: *“The content of continuing education activities and course content must be germane to the practice of massage therapy as defined in Section 54-4002, Idaho Code, and*

courses in ethics must also be specific to legal issues, law, standards of practice, or ethics.

01. Continuing Education. Content germane to the practice of massage therapy includes, but is not limited to:

b. Client assessment protocols, skills for client record keeping, strategies for interfacing with other health care providers."

The Board addressed correspondence from Ms. Gail King. Ms. King inquired what tool may be used in lieu of a High School diploma or GED by a student applicant who is unable to provide this required proof. It was determined that the Board would require an affidavit from the student applicant that states they have graduated from High School or have completed and passed the GED requirements.

The Board addressed correspondence submitted by Mr. Paul Weston. Mr. Weston expressed concern over the upcoming Iron Man event in Coeur D Alene, Idaho. The event has been struggling to get Idaho licensed massage therapists to work in the event. Mr. Weston will contact the event coordinator to discuss details with him.

The Board reviewed a request submitted by Ms. Judy Carter. Ms. Carter is going on a mission and inquired whether the Board it would waive her continuing education requirement for the renewal period between 2014-2015. The Board granted Ms. Carter's request, noting that she should attempt to renew as soon as possible.

FEDERATION OF STATE MASSAGE THERAPY BOARDS

Ms. King made a motion that the membership dues for FSMTB be paid. It was seconded by Mr. Weston. Motion carried.

Ms. King made a motion that Ms. Anderson be authorized to attend the FSMTB annual meeting. It was seconded by Mr. Weston. Motion carried. Ms. Nickel will also attend.

Ms. King made a motion that Ms. Anderson initiates the registration process for Ms. Nickel to the FSMTB annual conference. Ms. Nickel is considered an Idaho delegate by FSMTB, and they will be paying for Ms. Nickel's attendance to the annual conference. It was seconded by Mr. Weston. Motion carried.

ELECTIONS

Mr. Weston made a motion to re-elect Ms. Nickel as Chair. It was seconded by Ms. King. Motion carried.

MEMBER OF THE PUBLIC

Susan Beck from Idaho State University Massage Program presented a request that the Board accept a form that the Physical Therapy Board uses to assist applicants with licensure. This form indicates that the applicant is on track to graduate pending compliance with all of their requirements. The verbiage on this form does not coincide with the requirements of licensure under the Massage Therapy Act and the Board denied Ms. Beck's request. A motion was made by Ms. King that the Board approve the use of the form titled *Certificate of Professional Education*, and offer to allow the use of the form to registered massage therapy schools. If a school chooses to participate, the Board will request the schools submit their curriculum, so the Board can verify compliance with Rule 600. If the school has met this requirement, they are authorized to use the form in lieu of transcripts for review purposes so that the application may then be approved pending receipt of the transcript. It was seconded by Mr. Weston. Motion carried. This form will be placed on the Board's web page.

Ms. Beck has suggested to the Board that a temporary permit be created that will allow a graduating Massage Therapist to work under the supervision of a licensed Chiropractor, Physical Therapist or Massage Therapist. The Board chose to discuss this at a future meeting.

Ms. Beck requested that the Board clarify what an acceptable national exam is. The Board referred her to Rule 305.01. The Board informed Ms. Beck that even though NCBTMB, National Certification Board for Therapeutic Massage & Bodywork, no longer offers the MBLEx exam, the Board still accepts this as an approved exam from applicants who have taken it in the past.

Ms. Beck inquired with the Board why they did not do background checks as part of the application process. The Board informed Ms. Beck that they do not have statute authority to do this.

Ms. Beck referenced Appendix B, Standard I: Professionalism, #6, in the Rule. She wanted clarification of this code. The Board informed Ms. Beck that this code section related to licensed Massage Therapists only.

Ms. Beck referenced Appendix B, Standard II: Legal and Ethical Requirements, #4, in the Rule. She had concern over how her facility could meet this standard. The Board informed Ms. Beck that this code section related to licensed Massage Therapists only.

Ms. Beck asked the Board to clarify for educational purposes the difference between therapeutic exercise and stretching. The Board referred Ms. Beck to Idaho Code 54-4003 and the FAQ page online.

Ms. Beck informed the Board that she has been receiving a number of solicitations for continuing education that indicate the courses are Idaho Board approved. The Board referred Ms. Beck to the Board website. The Board explained to Ms. Beck that the providers listed on the site were Board approved providers.

A motion was made by Mr. Weston to add to the CE Provider approval letter suggested verbiage that the Provider may use when notifying licensees that the courses they are offering are Board approved. This same suggested verbiage should also be sent to existing approved Providers, informing them of the option to utilize the verbiage, to ease the confusion to a licensee of whether the CE course is approved or not. It was seconded by Ms. King. Motion carried.

EXECUTIVE SESSION

Ms. King made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Weston. The vote was: Ms. Nickel, aye; Ms. King, and Mr. Weston aye. Motion carried.

Ms. King made a motion to come out of executive session. It was seconded by Mr. Weston. The vote was: Ms. Nickel, aye; Ms. King, and Mr. Weston aye. Motion carried.

APPLICATIONS

Mr. Weston made a motion to approve the following for licensure:

MAS-2562 CRYSTAL RHODEHOUSE
MAS-2606 MEGAN CARLSON
MAS-2596 CARLEENA JUDD
MAS-2593 ZACHARY VINSON
MAS-2585 WILLIAM BUSBY
MAS-2546 DARLA BURNHAM
MAS-2534 HEIDI NORDBY
MAS-2583 AMANDA BLACK
MAS-2555 ALYSSA FUNKHOUSER
MAS-2547 PENNY STOHEL
MAS-2575 BRIANA CROTINGER
MAS-2577 ERIKA BEACHLER
MAS-2567 KATHRYN GAA
MAS-2576 PHILLIP SANCHEZ

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve the following for licensure once additional documentation is received and the Board Chair reviews:

#901138911
#901136581
#901138642
#901138695
#901139211
#901139012
#901139390
#901139315
#901133036
#901139256
#901139670
#901138598
#901116098
#901119000
#901138819
#901139699
#901130161
#901138980
#901138653
#901139672
#901138204
#901139363

It was seconded by Mr. Weston. Motion carried.

The following applications have been reviewed by the Board at previous meetings and were given approval pending receipt of additional information/clarification and final Board Chair review. Additional information was received, but the Board Chair requested the applications be presented back to the entire Board for additional review. No action to issue was taken at this time, and the Chair directed Ms. Anderson to reply back to:

#901134652
#901138101

Mr. Weston made a motion to approve the following for licensure once additional clarification is received and the Board Chair reviews:

#901139843

It was seconded by Ms. Nickel. Motion carried. Ms. King recused herself from discussion and voting.

A motion was made by Ms. King to table the following applications for review at the next meeting:

#901139567
#901104885
#901139801
#901139807
#901139622
#901133772

It was seconded by Mr. Weston. Motion carried.

Ms. King made a motion to table the following application until additional information is received:

#901139170
#901138399
#901136462
#901137515

It was seconded by Mr. Weston. Motion carried.

Ms. King made a motion to approve the following applicants for licensure once additional information is received:

#901139804
#901139841
#901139878
#901139724
#901139762
#901139701
#901139700
#901139803

It was seconded by Mr. Weston. Motion carried.

The Board directed Ms. Anderson to add the state of Florida to the list of endorsement states where the applicant is required to submit a transcript with their application.

NEXT MEETING was scheduled for 7/21/2015 MDT.

ADJOURNMENT

Mr. Weston made a motion to adjourn the meeting at 5:20 PM. It was seconded by Ms. King. Motion carried.

Gayla Nickel, Chair

Ione C Springer

Paul J Weston

Gail L. King

Linda A Chatburn

Tana Cory, Bureau Chief