



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Massage Therapy Board

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**MASSAGE THERAPY BOARD
REGULAR MEETING**

**Friday, September 18, 2009
10:00 A.M.**

**Regulation & Licensing Department
Santa Fe, New Mexico 87505**

Minutes

1. CALL TO ORDER/ROLL CALL/INTRODUCTIONS:

Peter Lane, Board Chair, called the meeting to order at 10:13 a.m. and a quorum was determined present.

MEMBERS PRESENT:

W.D. "Peter" Lane, Professional Member and Chair
Kathleen Egenes, Professional Member
Margo Bryson, Public Member
Kirstie Segarra, Professional Member

MEMBERS ABSENT:

"C" Quinn Lopez, Esq., Public Member

OTHERS PRESENT:

Jackie Holmes, Board Administrator
Pat Ortiz, Administrative Assistant
Mona Valicenti, Assistant Attorney General
(For others present, refer to sign-in sheet)

2. APPROVAL OF AGENDA:

MOTION was made by Ms. Bryson to approve the agenda as written, **SECONDED** by Ms. Egenes. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF BOARD MINUTES:

MOTION was made by Ms. Bryson to approve the minutes from June 30, 2009 as written/amended, **SECONDED** by Ms. Egenes. **MOTION Passed.**

4. NEXT MEETING DATE:

The next board meeting will be on Friday, December 4, 2009 in Santa Fe.

5. OLD BUSINESS: None

6. NEW BUSINESS:

A. Mr. Lane began the discussion of Medical Massage Therapy by stating that if anyone has gone to the AMTA, or ABMP's website, and done any research on national

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standards they would have seen that of all licensed professionals, licensed massage therapists are at the bottom rung of the pay scale ladder. The AMTA did a study on average incomes of massage therapists across the US. The average income was between \$32,000 and \$35,000 per year, which is barely at subsistence level; barely enough to support oneself, not to mention a family. Mr. Lane went on to say that the Board should do things to support its licensees; help them to be prosperous and productive.

While there are many fine schools here in New Mexico and several certification programs out there circulating as continuing education courses, there is really nothing that elevates an LMT's status into something that is *perceived* in the medical community and with other licensed professionals, as a higher level of education, training or a higher level of credentials than the average massage therapist. Mr. Lane stated that he wanted to challenge the Board to have in place, by next year, either a second tier of licensure (licensed medical massage therapist) or some type of advanced certification program dealing with medical massage. This would enable the Board's licensees to compete and work together in partnership with other licensed health care practitioners.

Mr. Lane stated that he has talked to several people in health care professions and has only gotten support for the Massage Board's desire to create a higher tier of licensure. Mr. Lane reported that he had the opportunity to speak, at length, with the Chairman of the Physical Therapy Board and he is very much in favor of the Massage Board's initiative in this effort and does not think it is going to rival physical therapists. Mr. Lane also spoke with the Chair of the Chiropractor's Board and was assured that the Chiropractors are in favor of this effort as well. JJ Walker and Geraldine Mascarenas, both former Massage Therapy Board administrators, who both now work for the Medical Board, as well as John Lewinger, Medical Board Member, have all assured Mr. Lane that they would welcome advanced training, and particularly advanced competency standards for massage therapy licensees.

Ms. Segarra commented that she would welcome the challenge. She is very passionate about seeing a higher standard of licensure. Ms. Segarra has spoken to many massage therapists who work at that level already in the Northern New Mexico community. Ms. Segarra feels that they need the recognition in order to do the medical billing, and also so that therapists can educate their clients about the difference between a relaxing massage and medical massage; that's actually treating different diagnoses.

Ms. Bryson asked for confirmation that an LMT would be able to go on; do more study and get a second license for "medical massage". Mr. Lane answered affirmatively. Ms. Bryson asked Ms. Holmes, if this additional tier of licensure would create more work for the board staff. Ms. Holmes answered affirmatively.

Mr. Lane addressed Ms. Bryson's question by stating that a massage therapy student would enter into training at a registered massage therapy school; might go ahead and get their massage license and start practicing, and at the same time continue on into the advanced program to eventually become an LMMT (licensed medical massage therapist). At that time their LMT would become null & void.

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Mr. Lane reported that he has spoken to a few different school owners. The general consensus is that this is something they would seriously consider doing. Of course the Board would have to work closely with the school to make sure that the medical massage program was implemented correctly, etc.

Virginia Barrow asked if the Board would keep an open mind about programs that are established and respected already, such as Judy Walker's Certified Neuromuscular Therapy program, which produces a very high caliber of therapists. Whitney Lowe's Orthopedic Massage also comes to mind as a reputable source of higher education. Ms. Barrow stated that he hoped the Board will entertain the viability of these programs being a component of this upper level of achievement massage therapists would be able to obtain to meet a higher level.

Ms. Segarra stated that it might be a combination of more advanced training via continuing education and LMT's demonstrating that they have met a specific criterion. They would have to demonstrate the ability to treat soft tissue/ myofascial situations.

Ms. Egenes acknowledged Ms. Segarra's point of achieving a higher level of education through CEU's as a very good point. That way it would be easier to change the Board's rules. Ms. Egenes asked Mr. Lane if he already had some kind of curriculum in place. Mr. Lane responded by saying that his neuromuscular certification program is similar to Judy Walker's program, but it is more pathology driven. His program also has an anatomical dissection component that is mandatory for a certification as a certified neuromuscular therapist.

Ms. Holmes suggested that the Board determine whether or not adding a new tier of licensure would require a statute change. Mr. Lane responded by stating that he had done research 2 years ago and discovered that this would merely require a rule change.

Mr. Lane explained that one scenario is that when an LMT achieves the LMMT status they would take the higher tier of licensure and the LMT would become null & void.

Dan Barrow addressed the Board and stated that if the scenario Mr. Lane just explained, where there would be two licenses available were the case he thinks Ms. Holmes may be correct in saying that this may require a statute change. He asked what mechanism would potential LMMT's to demonstrate that they have attained a higher level of training. Would there be an exam?

Ms. Segarra stated that the fact that the Board's rules do not have a "scope of practice" makes it important to raise the standard of recognition. Licensed massage therapists have to prove that they went to school and if they went to two or three schools, they have to provide each transcript. For a second tier medical model, LMT's may get advanced training at UNM; maybe by taking some cadaver labs and 100 hours of training under one of the neuromuscular training modules, plus other training. When this is pulled all together they may have accumulated two thousand hours of training above the 650 hours required for LMT's.

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Mr. Lane stated that it is obvious that LMT's are looking for acknowledgement and acceptance for insurance billing purposes and the larger medical community.

Elizabeth Harris, a Santa Fe massage therapist, expressed mixed feelings about medical massage. She doesn't want to see two competing groups of massage therapists. Perhaps there could be advanced training but it should not be called "medical". Maybe it could be called "advanced practitioner" or something similar. She expressed concern about displacing or alienating the two groups of practitioners. Ms. Harris said she objects to the term "medical".

Ms. Segarra explained that the LMT's current scope of practice would not be removed. They would still have that broad scope. The difference is to distinguish the people who treat specific disorders and have the pathological training. It is important for the billing industry.

Mr. Barrow echoed Ms. Harris' concern that the language used in developing this new level of practice is a very important issue to consider so that the Board does not diminish the health care practice of massage therapists who choose not to go to that next level. Mr. Barrow agreed with Ms. Harris that perhaps the term "medical" should not be used because that would indicate that the "other type" of massage has no medical benefit. Language is very important. Dan and Virginia Barrow agreed to work on this issue with the Board.

Assistant Attorney General, Mona Valicenti advised Board members that the purpose of this Board is stated very clearly in the statutes. There has been a lot of discussion about insurance billing. Billing is not one of the purposes of this Board. She cautioned the Board to be careful of what they want to do. Ms. Valicenti also admonished the Board for not asking her to do any research on whether or not a new tier of licensure would require a statute change. She asked if this was how they wanted to proceed. Ms. Valicenti stated that she was worried about the definition of massage therapy in the statute. She said that she would look into this issue.

Ms. Barrow advised the Board that Arkansas used to have a medical massage license.

Mr. Barrow stated that there are a number of LMT's who are asking for a higher tier of licensure. In his practice and also he is hearing that patients are asking for this. Patients want to know that they have the ability to access licensed therapists who have the training necessary to address their needs. Mr. Barrow explained that the massage therapy definition says that LMT's treat soft tissue for therapeutic purposes. Massage therapists have that authority which is granted by the state.

Ms. Valicenti asked what the advanced level would be. Mr. Barrow responded by saying that the public is not protected in the sense that many citizens do not have access to soft tissue care from licensed massage therapists because they are priced out of the market; they can't pay for it out of pocket and their health insurance won't provide it for them. The purpose of this board is to protect the public and exploring this issue is one of the things that makes it easy to rationalize.

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Ms. Segarra stated she would be willing to create a table; look at the pros and cons; work on names for the new license/certificate.

7. STANDING AGENDA ITEMS

A. Chair's report – (this was discussed in item #6 above)

B. Continuing Education committee – Ms. Bryson reported that the CE committee met on August 25, 2009 and discussed the letter received from Jeff Thompson regarding community service. The committee recommends that students who volunteer to perform community service can have those hours count toward their practicum.

The committee also discussed issues regarding getting CE credit for publication. Many issues were discussed on this topic. Staff will let licensees know that they can get CE credit for publication.

C. Complaint committee – No report

D. Board Administrator report –Ms. Holmes advised the Board that the new rules were filed and became effective on September 4, 2009. Staff is making up new rule books. Ms. Holmes has been working on updating the application and other forms to include the MBLEx and any other changes. As renewals are coming up, Ms. Holmes has been working on updating and closing out previous renewal years.

Mr. Barrow asked that the election of officers be moved forward on the agenda (before executive session). Ms. Valicenti agreed. The election of officers was held before executive session.

ELECTION OF OFFICERS:

Ms. Segarra nominated Mr. Lane as Chair. Ms. Egenes **SECONDED THE MOTION.** Mr. Lane asked if there were any other nominations. None were given. Mr. Lane was nominated as Chair. Mr. Lane asked Ms. Egenes to stay on as complaint committee chair.

Ms. Holmes asked the Chair to appoint someone to an education committee to help review new school applications, etc. Mr. Lane asked Ms. Segarra. She agreed.

8. EXECUTIVE SESSION AND ACTION:

MOTION was made by Ms. Bryson to go into closed session pursuant to Section 10-15-(H) (1) of the Open Meetings Act to discuss matters related to the issuance, suspension, renewal or revocation of a license as listed on the agenda and pending or threatened litigation. The Motion was **SECONDED** by Ms. Egenes.
(Roll call was taken)

MOTION was made by Ms. Bryson to return to open session. The matters discussed during the closed meeting were limited only to those specified in the motion. The **MOTION** was **SECONDED** by Ms. Egenes. **(Roll call was taken)**

As the chair of the complaint committee Ms. Egenes rescued herself from voting on all items discussed during executive session.

A. Luis Barrios - **MOTION** was made by Ms. Bryson to approve temporary license. **SECONDED** by Ms. Egenes, **MOTION** carried.

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B. William Musser – **MOTION** was made by Ms. Bryson to approve licensure.

C. Rusty Bressler – **MOTION** was made by Ms. Egenes to approve licensure.

D. **Complaints:**

1. **09-05-06** - **MOTION** was made by Ms. Bryson to accept staff and complaint committee's recommendation to accept the respondent's offer to refund \$200.00 to complainant and dismiss the case after the refund is paid. **SECONDED** by Mr. Lane, **MOTION** carried.

2. **09-06-07**- **MOTION** was made by Ms. Bryson to dismiss. **SECONDED** by Ms. Segarra, **MOTION** carried.

3. **09-06-08**- **MOTION** was made by Ms. Bryson to dismiss. **SECONDED** by Ms. Segarra, **MOTION** carried.

4. **09-07-09** - **MOTION** was made by Ms. Bryson to dismiss. **SECONDED** by Ms. Segarra, **MOTION** carried.

9. ADJOURN:

There being no further business, **MOTION** was made by Mr. Lane to adjourn the meeting, **SECONDED** by Ms. Bryson. **MOTION** carried.

SUBMITTED BY: _____
Jackie Holmes
Board Administrator

APPROVED BY: _____
W. D. Peter Lane, LMT, RMTI, Board Chair

DATE APPROVED: _____