



August 13, 2019

NM Board of Massage Therapy

Dear Board Members:

I am writing to give input on the proposed rules. Thank you for all your work. In general, I think they are very good and accurately reflect the needed changes for the new law. I have just a few comments and suggestions.

I realize that a couple of the points I mention are not things that were revised, but I think they are of concern and need to be changed.

“ 16.7.2.8 CODE OF PROFESSIONAL CONDUCT:

A. Competence: Each licensee [~~instructor~~] and applicant shall:

(1) limit practice and instruction to the areas of competence in which proficiency has been gained through education, training, and experience and refer clients to other health professionals when appropriate; ”

— Where it says **and instruction** what instruction are you referring to? I’m assuming that was there for the registered instructors. I would recommend removing “and instruction.”

“16.7.5.8 REQUIREMENTS FOR REGISTRATION:

B

(3) [~~seventy five (75)] 75 hours minimum of general instruction, to include:~~

- (a) 20 hours business;
- (b) eight hours hydrotherapy;
- (c) first aid – [~~four (4)] four hours;~~
- (d) cardiopulmonary resuscitation and automatic external defibrillator (CPR/AED) [~~four (4)] four hours;~~
- (e) [~~thirty (30)] 30 hours minimum of professional ethics.”~~

— I think the addition of 20 hours for business and 8 hours for hydrotherapy needs to have an effective date for people graduating after the rules go into effect, not those who graduated previously. When Boards change hours like this, there is often an accommodation for people applying for licensure who graduated before the new hour requirement went into effect, when their registered school was meeting the requirements

of the time. Doing so would also show respect for the registered schools that suddenly have a new hour requirement to incorporate into their curriculum.

— Regarding CPR/First Aid hours The Board has always required 4 hours of CPR and 4 hours of First Aid, but with newer technology and teaching tools this is outdated. It is extremely difficult to find a CPR/1st AID class that has 8 hours. Most are 6 hours maximum. I hope this could be changed.

16.7.5.13 SCHOOL DOCUMENTATION REQUIREMENTS FOR INSTRUCTORS WITHIN THE MINIMUM CURRICULA

A. All massage therapy schools shall provide to the board, both in initial applications for registration and as part of each renewal thereafter, a list of all instructors providing hands-on massage therapy instruction within their minimum curricula.

B. As part of an initial application for registration and as necessary in each renewal thereafter, a massage therapy school shall submit the following documentation pertaining to all instructors within its minimum curricula:

—In B where it says “pertaining to all instructors within their minimum curricula” it needs to say “pertaining to all hands-on massage therapy instructors within”
And what does “as necessary in each renewal” mean? That seems very vague.

I am highlighting this because I cannot emphasize enough that there needs to be a provision for instructors who were active RMTIs on Feb. 4, 2019. They have already gone through this submitting of documentation and should not have to do so ever again. As long as they have their current LMT and were an active RMTI on Feb. 4, 2019, they should be good to go whether it be for an initial school approval or a school renewal.

Suggested added language that would cover all of my comments about section B are in black/bold:

As part of an initial application for registration or as necessary in each renewal thereafter for new instructors, a massage therapy school shall submit the following documentation pertaining to all hands-on massage therapy instructors within its minimum curricula, unless the instructor held an active School-based or Independent RMTI on February 4, 2019:

— What follows the above in your proposed rules is the list of possible options for providing proof and documentation, and they are the same as what was previously required for RMTI applicants. I understand some people may object to this, but I do not. I believe it is an important standard to hold for school massage therapy instructors.

C and D contain some redundancy

C. As part of any application for a renewal of a massage therapy school registration, the applicant shall submit a list of all instructors providing hands-on massage therapy instruction within their minimum curricula. A school shall only submit

supporting documentation as to an instructor's qualifications if it has not previously provided such documentation to the board.

The first sentence was already included in A. You could delete that. C could simply contain the second sentence as you have it written, with the addition I am adding in black/bold

C. A school shall only submit supporting documentation as to an instructor's qualifications if it has not previously provided such documentation to the board, or if the instructor held an active School-based or Independent RMTI on February 4, 2019.

D. All currently-registered massage therapy schools shall provide documentation to the board as to the qualifications of all instructors providing hands-on massage therapy instruction within their minimum curricula in their next renewal applications.

That was already stated in B and C. I don't see why you need D.

16.7.11.9 Continuing Education Requirements

E. All massage therapists shall be required to complete a minimum of eight (8) hours of hands-on training as part of the sixteen (16)-hour requirement for each renewal period.

change "hands-on" to "in-person (live)"

This "hands-on" phrase has caused considerable confusion over the years. Licensees interpret it literally as classes where hands-on techniques are taught. But the Board does not require 8 hours of hands-on techniques. The Board means it in this context as in-person (or live) which is the terminology used in the industry. The NCBTMB refers to "live" courses versus home study or webinar.

The NMBMT refers elsewhere in the rules to the fact that "technique" courses have to be in-person, not on-line. I highly recommend clarifying this.

Thank you for your consideration of these items of concern.

Sincerely,



Lonnie Howard, M.A.
Director