



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Healthcare Branch
Office of Massage Therapy Licensure

***STAKEHOLDER
MEETING REGARDING
HB 16-1320 & RULES 1-6***

July 18, 2016

**Written Comments
Received**





Comments from Jill Berkana Re HB 1320

1 message

Jill Kristin Berkana LMT, BCTMB <jill@berkanainstitute.com>
To: andreae.faley@state.co.us

Thu, Jul 7, 2016 at 12:43 PM

To Whom it may Concern,

Here are my comments regarding the proposed changes to HB 16 – 1320.

1. RULE 1 A. 9 This is too broad/vague in my opinion. How is the Director alone qualified to determine evaluation of every potential situation? This seems like it should be a Board decision, and involve more than one person passing the judgment to determine.
2. RULE 2. The National Board has an approval process that includes comprehensive educational requirements. It could be stated that the school must be assigned and coded by the NCBTMB. This way the NCBMB would scrutinize content. The Entry Level Assessment Project (ELAP) could ALSO be used, but the education provided would have to be 625 hours at a minimum.
3. APPROVED MESSAGE SCHOOL MEANS: This clause needs to include in the language “one of the following conditions met” OR include the word “or” at the end of each option.
4. The 500 HOURS should also include within the 40 hours of Pathology at least 2 hours of HIV and AIDS Education.
5. The 200 Hour Supervised Hands on Instruction should have a MINIMUM and MAXIMUM hours defined for the Clinical Practicum requirements. I would recommend 50-75 hours.
6. RULE 3 . What Examination would the Director be qualified to approve? Is the Director a Massage Therapy Expert? You might consider adding automatic approval if they have taken the NCBTMB Board Certification Exam as Board Certification is the highest possible national massage therapy credential available. Other than that, I don't understand this condition C. as there are no other Entry Level Examinations.
7. RULE 4 License by Endorsement – you may wish to consider whether or not NATIONAL BOARD CERTIFICATION would qualify as an automatic credential that would automatically qualify an applicant for licensure if they are coming from another state or country. This would probably save a lot of trouble. Number 4 is questionable... again.
8. If you utilize and recognize NATIONAL BOARD CERTIFICATION as a credential, those who have it will demonstrate and cover many of the requirements AND MORE than you would like to have for endorsement in this law. Here are the requirements for US National Board Certification: BOARD CERTIFICATION REQUIREMENTS:

- i. Pass the BCETMB exam
- ii. 750 hours of education*

- | | |
|--|-------------------------------------|
| hands-on experience | iii. 250 hours of professional, |
| check | iv. Pass a national background |
| Standards of Practice and Code of Ethics | v. Current CPR certification |
| Trafficking | vi. Agree to uphold NCBTMB's |
| including Ethics | vii. Agree to oppose Human |
| | viii. Maintain Continuing Education |

My main concerns is this law is giving an enormous amount of power to the Director alone. I feel the decisions you are granting to the Director should be reviewed and determined by a BOARD OF MASSAGE THERAPY, not only the one person. This is the standard mode of decision making in the majority of the US on case by case bases issues.

I hope these are comments are helpful.

- I have been a massage therapist in the state of Colorado since 1990.
- I serve as a Director on the National Board for Therapeutic Massage and Bodywork.
- I sit on the Ethics Committee for the US National Board of Bodywork and Massage Therapy.
- I am a Board Certified Massage Therapist
- I have taken both the NCBTMB and the MBLEx exams
- I have 300 graduates from my two schools which I have founded and run. All have passed the NCBTMB or the MBLEx with the first attempt
- One of my schools was an international school with students from all over the country and international locations. I have read a lot of massage law, have licensed graduates in over 30 states and I am plugged in.

For these reasons, my thoughts on this matter may be extremely valuable to you and to this process. I am available to support further if need be.

Sincerely and with appreciation,

Jill Kristin Berkana LMT, BCTMB

Founder/Director

[Berkana Institute of Massage Therapy, LLC](#)

Elite Apprenticeship Style Education in the Art of Massage Therapy

Board Member

National Certification Board for Therapeutic Massage and Bodywork NCBTMB

Focused on the Collaboration & Ambassadorship for the Massage Therapy and Bodywork Profession

303-377-3111 ext. 3

877-779-7726 ext. 3

jill@berkanainstitute.com

2048 Larimer Street, Suite 200

Denver, CO 80205

“Deliberately Saturating the ART of Bodywork with Consciousness”

NOTICE - Confidential: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this e-mail by return e-mail or by telephone.



STATE OF
COLORADO

Faley - DORA, Andrea <andreae.faley@state.co.us>

RE: Berkana Amendment to Comments

Jill Kristin Berkana LMT, BCTMB <jill@berkanainstitute.com>
To: andreae.faley@state.co.us

Thu, Jul 7, 2016 at 4:02 PM

To Whom it may concern,

Please accept this statement/amendment to my comments below:

Although I am a Board Member of NCBTMB, I am NOT representing NCBTMB in my comments re. HB- 16-1320, but myself as a Colorado Licensed Massage Therapist and DPOS Approved School Owner/Director.

I would like to add the comment that Continuing Education should be required for reinstatement and also normal license continuance, and that should include a defined minimum hours of ethics classwork.

If you have any questions, please feel free to contact me directly at [720.539.9995](tel:720.539.9995) or to this email.

Sincerely and with appreciation,

Jill Kristin Berkana LMT, BCTMB

Founder/Director

Berkana Institute of Massage Therapy, LLC

Elite Apprenticeship Style Education in the Art of Massage Therapy

Board Member

National Certification Board for Therapeutic Massage and Bodywork NCBTMB

Focused on the Collaboration & Ambassadorship for the Massage Therapy and Bodywork Profession

303-377-3111 ext. 3

877-779-7726 ext. 3

jill@berkanainstitute.com

2048 Larimer Street, Suite 200

Denver, CO 80205

“Deliberately Saturating the ART of Bodywork with Consciousness”

NOTICE - Confidential: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this e-mail by return e-mail or by telephone.

From: Jill Kristin Berkana LMT, BCTMB [mailto:jill@berkanainstitute.com]
Sent: Thursday, July 7, 2016 12:43 PM
To: 'andreae.faley@state.co.us' <andreae.faley@state.co.us>
Subject: Comments from Jill Berkana Re HB 1320

To Whom it may Concern,

Here are my comments regarding the proposed changes to HB 16 – 1320.

1. RULE 1 A. 9 This is too broad/vague in my opinion. How is the Director alone qualified to determine evaluation of every potential situation? This seems like it should be a Board decision, and involve more than one person passing the judgment to determine.
2. RULE 2. The National Board has an approval process that includes comprehensive educational requirements. It could be stated that the school must be assigned and coded by the NCBTMB. This way the NCBTMB would scrutinize content. The Entry Level Assessment Project (ELAP) could ALSO be used, but the education provided would have to be 625 hours at a minimum.
3. APPROVED MASSAGE SCHOOL MEANS: This clause needs to include in the language “one of the following conditions met” OR include the word “or” at the end of each option.
4. The 500 HOURS should also include within the 40 hours of Pathology at least 2 hours of HIV and AIDS Education.
5. The 200 Hour Supervised Hands on Instruction should have a MINIMUM and MAXIMUM hours defined for the Clinical Practicum requirements. I would recommend 50-75 hours.
6. RULE 3 . What Examination would the Director be qualified to approve? Is the Director a Massage Therapy Expert? You might consider adding automatic approval if they have taken NCBTMB Board Certification Exam as Board Certification is the highest possible national massage therapy credential available. Other than that, I don’t understand this condition C. as there are no other Entry Level Examinations.
7. RULE 4 License by Endorsement – you may wish to consider whether or not NATIONAL BOARD CERTIFICATION would qualify as an automatic credential that would automatically qualify an applicant for licensure if they are coming from another state or country. This would probably save a lot of trouble. Number 4 is questionable... again.
8. If you utilize and recognize NATIONAL BOARD CERTIFICATION as a credential, those who have it will demonstrate and cover many of the requirements AND MORE than you would like to have for endorsement in this law. Here are the

requirements for US National Board Certification: BOARD CERTIFICATION REQUIREMENTS:

- | | |
|--|-------------------------------------|
| | i. Pass the BCETMB exam |
| | ii. 750 hours of education* |
| hands-on experience | iii. 250 hours of professional, |
| check | iv. Pass a national background |
| | v. Current CPR certification |
| Standards of Practice and Code of Ethics | vi. Agree to uphold NCBTMB's |
| Trafficking | vii. Agree to oppose Human |
| including Ethics | viii. Maintain Continuing Education |

My main concerns is this law is giving an enormous amount of power to the Director alone. I feel the decisions you are granting to the Director should be reviewed and determined by a BOARD OF MASSAGE THERAPY, not only the one person. This is the standard mode of decision making in the majority of the US on case by case bases issues.

I hope these are comments are helpful.

- I have been a massage therapist in the state of Colorado since 1990.
- I serve as a Director on the National Board for Therapeutic Massage and Bodywork.
- I sit on the Ethics Committee for the US National Board of Bodywork and Massage Therapy.
- I am a Board Certified Massage Therapist
- I have taken both the NCBTMB and the MBLEx exams
- I have 300 graduates from my two schools which I have founded and run. All have passed the NCBTMB or the MBLEx with the first attempt
- One of my schools was an international school with students from all over the country and international locations. I have read a lot of massage law, have licensed graduates in over 30 states and I am plugged in.

For these reasons, my thoughts on this matter may be extremely valuable to you and to this process. I am available to support further if need be.

Sincerely and with appreciation,

Jill Kristin Berkana LMT, BCTMB

Founder/Director

[Berkana Institute of Massage Therapy, LLC](#)

Elite Apprenticeship Style Education in the Art of Massage Therapy

Board Member

[National Certification Board for Therapeutic Massage and Bodywork NCBTMB](#)

Focused on the Collaboration & Ambassadorship for the Massage Therapy and Bodywork Profession

[303-377-3111 ext. 3](#)

[877-779-7726 ext. 3](#)

jill@berkanainstitute.com

2048 Larimer Street, Suite 200

Denver, CO 80205

“Deliberately Saturating the ART of Bodywork with Consciousness”

NOTICE - Confidential: This message is intended only for the use of the individual or entity to which it is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the sender of this e-mail by return e-mail or by telephone.



Feedback from Colorado School of Healing Arts regarding Rule changes at DORA

1 message

Kris Will <Kris@csha.net>

Thu, Jul 7, 2016 at 3:17 PM

To: "andreae.faley@state.co.us" <andreae.faley@state.co.us>

Dear Andreae Faley and DORA,

Thank you for requesting input on the effects the draft revisions might have on the practice of massage therapy and the massage consumer.

Feedback for consideration by the Board:

Rule #1, Section A, number 4 regarding the need to have passed an exam within two years prior to the date of submission of the application.

We do not feel that a time requirement for the exam is necessary for public safety and to demonstrate the competence of the massage therapist. Massage therapists at our school take multiple tests for each class culminating in the state exam. They incorporate this knowledge gained through education in each hands on session. The required knowledge is embodied and understood. Being able to perform in a test situation every two years does not further enhance the massage therapists ability to perform safely, professionally and competently.

Rule #1, Section A, number 5. **We agree with the requirement for the applicant to be 18 years old. All students in massage schools must be 18. For ease of application, we recommend that the proof of age be the same documents used for the proof of citizenship.**

Rule #2 regarding educational guidance for training programs.

Section C:

As it appears that educational requirements are now on the table, we must put in a recommendation that DORA increase the total hour requirement for massage therapy programs to a minimum of 800 hours for consumer safety and due to the public's demand for more highly qualified massage therapists. Our graduates work with hospitals, hospices, orthopedic surgeons, medical facilities (such as Kaiser Permanente), physical therapists, chiropractors, and professional athletes (Broncos, NBA, Olympics) as well as the general public. An increased minimum is necessary as massage therapy becomes more integrated into these medical and athletic arenas.

Regarding the breakdown of course content, we have the following questions:

Our 700 hour program includes all of the requisite hours for the subjects you listed, however they are not on a transcript as separate classes. For example, we have over 40 hours of Pathology distributed throughout 7 of our classes, none of which is titled "Pathology". The same is true for the hours required for draping and ethics. **If you require separate classes for each of these areas, an increase in total program would make that more realistic.**

How will DORA identify that the applicant has the hours needed? What will you require from schools above and

beyond the transcript. Will you vet each school's program once or will each student need to provide proof per application and if so what will that proof look like?

Rule # 5 regarding reinstatement of an expired license.

Section C, Number 1

We feel that a time requirement for passing the exam is not necessary. See response to rule #1

Rule # 6 regarding supervision of student Massage Therapists.

We feel that students enrolled in a massage therapy program at an approved massage therapy school should be able to participate in school sanctioned volunteer events and massage therapy program externships off school campus as long as a licensed massage therapist is available on the premises for consultation.

Rule # 6, Section E

Please keep the licensure exemption for faculty members teaching non-clinical aspects of massage therapy. We have had physical therapists, chiropractors, certified nutritionists, and naturopathic physicians teaching anatomy, physiology, neuroanatomy, pathology and diet and nutrition. To require them to train and license as a massage therapist is unnecessary.

Thank you for the opportunity to provide feedback.

We are both massage therapists and massage educators with over 20 years of experience each. The Colorado School of Healing Arts has been involved in both state and national legislative issues for the past 30 years. We have a great deal of knowledge and expertise to offer, please call on us at any time with any questions or for any insight we may provide.

Kristen Will, LMT and Chris Smith LMT

Directors of Education

Colorado School of Healing Arts

303-986-2320 x32 or x27

kris@cscha.net

chris@cscha.net

www.cscha.net



Confidentiality Notice: This message is confidential and may be privileged. If you believe that this e-mail has been sent to you in

7/7/2016

State.co.us Executive Branch Mail - Feedback from Colorado School of Healing Arts regarding Rule changes at DORA

error, please reply to the sender that you received this message in error, then please delete this e-mail. Thank you.



STATE OF
COLORADO

Faley - DORA, Andrea <andreae.faley@state.co.us>

[FWD: Response to stakeholders meeting]

joe@csschoolofmassage.com <joe@csschoolofmassage.com>
To: andreae.faley@state.co.us

Mon, Jul 11, 2016 at 11:39 AM

Good day Andreae,

Attached is the response and our input from the Colorado Springs School of Massage. We would love to be present in person but circumstances do not allow it at this time.

Please feel free to reply to my comments as I would very much like to be a part of this process. Our school has a 34 year history of teaching successful massage therapy students and we have a very refined program that will be affected by the DORA assigned Education and Training requirements.

Yours respectfully,

Jose Alberto
Director
Colorado Springs School of Massage



Response to DORA about HB 16-1320.doc
192K

Colorado Springs School Of Massage

Colorado Springs School of Massage LLC, 5711 Constitution Ave., Colorado Springs, CO 80915
(719)310-9297

Good morning Andrea Faley

My name is Jose Alberto and I am the owner and Director of the Colorado Springs School of Massage. We are a small school, previously known as Collinson Massage School, and I have some concerns about the proposed changes to the Rules and Regulations that we abide by.

It is my understanding that the Director of DORA will be considering revisions to clarify the MASSAGE THERAPY LICENSURE RULES AND REGULATIONS (3 CCR 722-1) and to consider rule changes necessitated by the passage of House Bill 16-1320.

Your discussions will encompass draft versions of rules one through six, specifically, the requirements for minimum age, exams, endorsement and reinstatement applications, and hour and coursework for massage therapy schools.

I have serious concerns about how changes to Rule 2. Education and Training Requirements will affect my school. Specifically Section C. Item 2, *200 hours of supervised hands-on instruction in massage and bodywork assessment, theory and application instruction, to include a minimum of 6 hours regarding proper draping technique.*

My school currently operates a 600 hour curriculum in an "independent study" format. We dedicate 170 of those hours to supervised hands-on instruction which include: massage and bodywork assessment, theory and application instruction, and includes a minimum of 6 hours proper draping technique.

We have a proud tradition of graduating successful massage therapist candidates since 1982 and our course catalog has been approved by DPOS ever since our inception.

My concern comes from this question: Where do you come up with a 200 hour requirement for hands on instruction? Why 200 hours? And if you do make such changes to the rules and regulations... when will you amend the licensure requirements to include a "hands on" assessment of a candidate's ability to do massage for the licensing process? And IF you do make such a change can you please explain how such a change will determine if the candidate is a potential human trafficker or prostitute?

The previous version of the Rules and Regulation make no mention of what will be included in a school's curriculum or how many hours will be devoted to given subject areas. The addition of the education and training changes you are suggesting will cause us to make changes to our program that will increase our costs substantively. Our content is plenty to cover what you are suggesting, but the additional hands-on hours are not within the scope of an independent study program. And making such changes have nothing to do with minimizing or preventing human trafficking or prostitution.

HB 16-1320 has been amended to include more discipline allowed by the director of DORA, mandate an 18 year of age minimum, and additional allowances to DORA in fining and negating applicants that have felony records.

There are already many LAWS in the books dealing with prostitution and human trafficking. Imposing additional rules and regulations will only make our job as instructional institutes, and your jobs as evaluators and enforcers of the rules and regulations all the more difficult in an already funding deprived environment.

I propose you let the legal system do its job and let us do the job we have been doing so well for over 33 years.

Yours in health,

/s/

Jose A. Alberto

Director,

Colorado Springs School of Massage



STATE OF
COLORADO

Faley - DORA, Andrea <andreae.faley@state.co.us>

Stakeholder Response for Massage Therapy Meeting

heatheree thuesen <entropy406@yahoo.com>
Reply-To: heatheree thuesen <entropy406@yahoo.com>
To: "andreae.faley@state.co.us" <andreae.faley@state.co.us>

Wed, Jul 13, 2016 at 11:47 AM

Dear Director Faley,

I have attached a PDF of my input for the Stakeholders Meeting on Monday regarding the current Massage Therapy Rules. Unfortunately, I am unable to attend in person due to being unable to reschedule my clients, but am grateful for the ability to respond and be given a voice in this matter.

Thank you so much for your time and consideration!

Heather Thuesen, LMT



Heather Thuesen Stakeholder Response Massage Therapy.pdf

199K

Colorado Department of Regulatory Agencies
Division of Occupations and Professions
Healthcare Branch
Office of Massage Therapy Licensure
Attn: Director Andrea Faley

Dear Director Faley:

Thank you so much for including a voice for stakeholders in this current process for current regulatory issues for massage therapists. I have been licensed as a Massage Therapist in Colorado since 2014, and I have a very strong interest in how the profession is being regulated since being out of school. It is only recently that I have become involved in researching and learning about the process, especially since the proposal and subsequent enactment of House Bill 16-1320. The impact of the initial bill amongst massage therapists was rather large, and created a huge forum of discussion. This is my first delve into the legislature behind the regulation of our profession, and I admit that I have a few concerns and comments.

There is a lot of verbiage in the current rules, as well as within HB 16-1320 that use the term “as prescribed by the Director.” One of the largest issues that I have had for concern has been the fact that the Massage Therapy profession has been overseen by a single individual who is not a Licensed Massage Therapist. I emphatically believe that Licensed Massage Therapists should be governed and regulated by the very peers that can understand key issues and responsibilities of the profession. This occurs in many states and nationally with accrediting agencies in Allied Health professions (many of which have Joint Review Committees) and are comprised of an Executive Director and Board. I would very much be in favour of development of a Board authority that can mitigate both the needs of the professionals as well as the needs of the regulatory agency. Many of the healthcare divisions have individual boards in the form of either an advisory board to assist the Director or they are regulated by the board itself. I understand that making a shift like this would require further legislation to be enacted, which would be greatly facilitated through support of both the Director and the Department. I have no doubt that there would be an increase in efficacy of both the regulatory process and professional development of massage therapists. Not only that, I believe that this would relieve a large part of burden on the Director’s part as well, which would serve to further the missions of both parties.

With this concern stated, I would like to give my input as far as the some of the questions proposed, as a few of them directly relate to the verbiage and vague nature of the proposed rules.

Regarding Rule 2 Education and Training Requirements:

If an applicant has a deficiency in certain coursework (stated in Section C), but has completed an actual approved massage school, there has to be an alternative to making an applicant retake an entire program. It seems detrimental to force an applicant to complete an entirely new program just to meet a few requirements. This should also apply to applicants that

completed education before these new items are adopted. If there could be a recommendation instead that additional continuing education or supplemental coursework be complete

Regarding Section A, Line 3, subsection a., - "The work experience shall be attested to in a manner prescribed by the Director"

This goes directly to my initial commentary about a singular director, and I feel needs to be clarified before going further. What documentation and manner would be approved and accepted?

Regarding the question "Should endorsement applicants also be required to take an approved exam, and if so, within 2 years of applying? "

My answer here is no, if the person is applying for license by endorsement and they have been continuously licensed in their former state then there should be no requirement for examination past that which was already required by their current license in the other state.

"What if applicants participated in substantially equivalent programs at the time that they became licensed in another state, territory or country, e.g., completed a massage therapy program of at least 500 hours at an approved school, but they cannot meet the new requirements as detailed in draft Rule 2 above? "

If the applicant has been continually licensed, with no lapses since the time they completed the education, then they should not be required to fulfill any other sort of remedial education.

Regarding Rule 5 Reinstatement of Expired License.

Section B. Line 1. "The work experience shall meet the approval of and be attested to in a manner prescribed by the Director" and Section B. Line 2. "The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. The Director will consider the following when determining approval of continuing education"

I strongly would recommend that anywhere it states "prescribed by the Director" that these items are clarified either by listing approved documentation or explanation of process. This verbiage makes me feel as if these items could be arbitrarily decided by whoever is Director at any current time.

Questions for Stakeholders: Does the draft rule provide clarity as to appropriate student supervision requirements?

Yes

Should the draft rule specifically allow student massage therapists to provide massage therapy services as part of an externship at any site where there is a licensed supervisor or should students be able to do so only on the premises of a spa that is part of a massage school?

Yes, students should be exposed to a variety of environments and clients during their externship. A licensed supervisor is completely appropriate to supervise during this time. The wonderful part about

externships on various sites is the opportunity for finding the right fit as far as therapeutic modality (ie, hospital setting, spa or wellness center).

Should the licensure exemption for faculty members teaching non-clinical aspects of massage therapy (Rule 6.E) be removed?

If the instructor is not teaching anything that is directly Massage Therapy (which DORA would regulate) then it would not seem this is part of DORA scope of regulation, but more from the DPOS. There is more to massage therapy than just hands-on education, and many instructors would be qualified to teach this material.

In addition to the above rules and questions presented, it has been my understanding that it has been proposed by some to include and push toward a Continuing Education Requirement for renewal.

I am **strongly OPPOSED** to this idea with the current structure of regulation for Massage Therapy. There are currently no requirements for other healthcare professions, such as Nurses, Nurse Practitioners, Medical Doctors or Physician's Assistants. Mandating continuing education requirements for Massage Therapists at this time, especially in light of the enactment of HB 16-1320, seems like overkill for licensed massage professionals. There are currently not enough continuing education courses that are both cost effective or available to therapists in Colorado (as they are regulated by DPOS regulations) that would not create an extreme burden. The continuing education currently offered is either incredibly expensive (where out of state travel is required) or non-existent. The time burdens required to take some of the courses are also fairly extensive. Therapists in Colorado who belong to professional organizations such as AMTA already are required to have continuing education to maintain their memberships every four years (but the courses are more readily available through these organizations, many with an online format that fits both time and financial constraints). Unless there was a Board instituted to advise or regulate the Massage Therapy profession, and a significant change in how continuing education can be offered here, it seems like an overwhelming burden on both DORA and Massage Therapy professionals at this time.

Thank you for including us stakeholders in this rulemaking process and taking the time to consider my input and ideas.

Warm Regards,
Heather Thuesen, LMT, AMTA Professional member



Comments for Stakeholder meeting regarding Rules for Massage Therapy

1 message

Alfred@alfredsmassage.comFC <alfred@alfredsmassage.com>

Wed, Jul 13, 2016 at 7:42 AM

To: andreae.faley@state.co.us

Cc: DORA_EDO@state.co.us, ronnie.hines@dora.state.co.us

Colorado Department of Regulatory Agencies
Division of Occupations and Professions
Healthcare Branch
Office of Massage Therapy Licensure

For your convenience I have also included my comments in PDF format.

Dear Director Faley,

Thank you for engaging stakeholders in this process. As a Licensed Massage Therapist in practice in Colorado since 1997 I have a strong interest in how the Massage Profession is regulated. Over the last year I have tried to become more involved and educated in the development and administration and of Licensed Massage Regulation in Colorado.

One thing that stands out above all others is that the profession of Massage Therapy is currently overseen by one individual who is not a Licensed Massage Therapist. This person, the Director, while undoubtedly is doing the best job with the best of intentions is not capable of having the same insight and understanding as someone who is a Licensed Massage Therapist.

Having all of this responsibility and power rest on one person is also an issue. This gives all of the regulatory power over 13,000 licensed professionals to ONE person who has no experience or understanding of the profession itself. It leaves licensed professionals open to unilateral and potentially arbitrary rulings that affect their livelihood. Rulings that if and when there is a change in directorship could be reversed or otherwise altered without consultation or review.

Licensed Massage Therapists should be governed and regulated by their peers. Only Licensed Massage therapists have a true understanding of the issues and responsibilities that the profession carries. Rather than being regulated and controlled by a Director who is not a massage professional, massage therapists in Colorado should be under the authority of a Board.

In Colorado 17 professions have boards made up of a combination of Peers and other members. This includes other healthcare professions such as Nursing and Physical Therapy. In addition to this several other professions that are overseen by a single director have advisory boards in place to assist and advise the Director. A change from a Director Model to a Board Model would be very consistent with how many other professions are regulated and would give Massage Therapists a stronger voice in the regulation of their profession.

This would of course require legislation. This would be greatly facilitated by through the support of the Department and of the Director.

This being said here is some input into the current rulemaking process.

I have divided my comments into sections addressing the rules that have been proposed in order. Some of my comments are directed to questions asked in the Notice. Other comments are directed to specific lines or sections contained in the proposed changes. Towards the end I have proposed a new RULE to be considered for inclusion. It is not fully formed, but the basic concept is mapped out.

In each instance I have quoted or described the section or question that I am addressing and then followed with a comment or concern:

Rule 1, Section A, Number 5.

"Submit proof that the applicant is at least 18 years old in the form and manner required by the director."

What will be the "manner required by the Director"? This should be spelled out with more clarity and it should delineate those forms of proof that will be accepted. For instance: driver's license or Colorado ID Card, Passport, Birth Certificate....

The same issue is also present in Rule 1, Section A, no. 8 Which says: *"Undergo a fingerprint-based criminal history record check as required by § 12-35.5-107(2), C.R.S., and in accordance with procedures set forth by the Director.;"* These procedures should be clearly spelled out.

Rule 2 Education and Training Requirements

If an applicant HAS completed a program from an approved massage school but the program is deficient in any of the specific course work requirements laid out in Section C. There should be some process whereby the applicant can make up those credits without having to complete a new program. There is no reason to compel applicants to go through a completely new program because they are short a couple of credits in one or more subjects.

The same should be applied to applicants that completed their education prior to these specifics being adopted.

In addition to the 5 areas of instruction already laid out there should be some minimum requirement for Research and Science Literacy hours as well as Supervised Clinic hours.

Rule 4

Section A, Line 3, This requirement would seem to be one that would need to be equivalent to what is required for Colorado Licensees to renew their license. Currently the Rules contain nothing with regard to renewal requirements unless the license has been expired for more than 2 years. Since Rule 4, Section A, Line 1 requires that:

"The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country."

This should never be an issue. This is because all endorsement applicants are required to have a current license from another jurisdiction.

In Section A, Line 3, subsection a., - "The work experience shall be attested to in a manner prescribed by the Director"

This should be clarified. What documentation will be accepted?

Section A, Line 3, subsection b.,

This would seem to be at odds with the Directors decision to not require continuing education of current licensees. If the applicant has a license from another jurisdiction that they are using as the basis for endorsement, then they are already licensed and should require no more continuing education than any Colorado licensee, which is currently none.

If it IS to be required then there should be a process and forms whereby this continuing education can be approved by the director.

"Should endorsement applicants also be required to take an approved exam, and if so, within 2 years of applying? "

If the person is applying for license by endorsement and they have been continuously licensed in their former state then there should be no requirement for examination past that which was already required by their current license in the other state. This being because it will have already been established that it is equivalent. Since local Colorado renewals are not required to re-exam or show continuing education, then by the same token neither should those that are essentially transferring their licensing to this state from another.

"What if applicants participated in substantially equivalent programs at the time that they became licensed in another state, territory or country, e.g., completed a massage therapy program of at least 500 hours at an approved school, but they cannot meet the new requirements as detailed in draft Rule 2 above? "

If the applicant has been licensed continuously since the time of their attending the approved program they should not be required to fulfill any remedial education. This would be on par with those who have been licensed here. There is no

requirement for current Colorado licensees to obtain education that brings them up to date with the new requirements, so there should be none for those being licensed by endorsement.

Section B line 3. - If the person is applying for license by endorsement and they have been continuously licensed in their former state since the time of their passing an approved exam, then there should be no requirement for examination past that which was already required by their current license in the other state. This being because it will have already been established that it is equivalent. In this situation applicant should not be required to retake an exam to meet the new 2 year requirement.

Rule 5 Reinstatement of Expired License.

Section B. Line 1. "The work experience shall meet the approval of and be attested to in a manner prescribed by the Director"

This should be clarified. What documentation will be accepted?

Section B. Line 2. "The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. The Director will consider the following when determining approval of continuing education...."

There needs to be a process and forms whereby this continuing education can be approved and attested to by the Director.

RULE 6 - Questions for Stakeholders: Does the draft rule provide clarity as to appropriate student supervision requirements?

Yes. This would seem adequate.

Should the draft rule specifically allow student massage therapists to provide massage therapy services as part of an externship at any site where there is a licensed supervisor or should students be able to do so only on the premises of a spa that is part of a massage school?

Yes, students should be allowed to provide massage therapy services as part of an externship at any site where there is a Licensed Massage Therapist supervisor. This will allow for educational experiences such as hospitals and other placements.

Should the licensure exemption for faculty members teaching non-clinical aspects of massage therapy (Rule 6.E) be removed?

This is a confusing rule because DORA currently has no jurisdiction over instructors of massage therapy. All instruction and regulation of teachers is under the jurisdiction of DPOS. So as long as the instructor is not providing massage therapy as a part of their teaching duties, DORA has no rule making authority.

In addition to the above rules and questions presented, I would ask that the Director consider instituting a Rule Clarifying the process for Renewal.

In light of the fact that the Director is implementing other rule changes that go beyond or outside of that which is provided for in HB 1320. Some of the proposed changes are specifically for the purpose of Clarifying Existing Rules. There is currently no Rule laid out delineating the specifics of License Renewal. This could become a new rule and numbered RULE 5 and inserted just after Rule 4 Licensure by Endorsement and before Rule 5 Reinstatement of Expired License, renumbering Rule 5 as Rule 6 and so on through the rest of the rules.

Inclusion of a Continuing Education Requirement for Renewal.

In addition to clarifying the renewal process and in the light of the fact that some of the proposed changes have involved the subjects of credits for licensure and continuing education credits for reinstatement or endorsement, it would seem that this is an appropriate time to discuss the inclusion of a minimum continuing education requirement

for renewals.

Common practices and standards would put the requirement at or around 24 hours of continuing education per 2 year cycle. In addition it would be desired that at least 4 of those credits be in Ethics. There would be no need for DORA to institute an entire course approval process as they could adopt NBCTMB as an approval body. The only additional work might be that a certain number of randomly chosen applicants for renewal be audited for confirmation of credits completed.

Along with the current renewal requirements to be laid out in the new Rule, Rule 5 would contain language regarding continuing education similar (with some modifications) as that contained in the current Rule 5, Section B, line 2 and read something like:

Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the previous two (2) year license cycle. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. Courses approved by the National Certification Board For Therapeutic Massage and Bodywork (NCBTMB) shall be deemed as approved as long as those courses meet the following requirements:

- a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
- b. Up to two (2) hours may be related to the promotion of practice building or office management.
- c. Up to two (4) hours MUST be related to ethics.
- d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.
- e. Only (12) hours may be distance or internet based coursework. The remaining (12) must be face to face in person format.

The inclusion of this Rule would clarify the renewal process, which is currently not specified anywhere in Statute or Rule. It would also be consistent with other rules regarding endorsement and reinstatement.

This rule would also ensure that Licensees have continued competence as well as educational development. An additional benefit would be the reinforcement of ethical practices. It would also be consistent with similar CE requirements in other health care professions.

Thank you for including us stakeholders in this rulemaking process and taking the time to consider my ideas and concerns.

Sincerely,

Alfred Westlake LMT



Stakeholder Comments on Rulemaking for Massage Therapy.pdf

660K



STATE OF
COLORADO

Faley - DORA, Andrea <andreae.faley@state.co.us>

ABMP and AMTA Comments on Proposed Rules

Laura Embleton <laura@abmp.com>

Thu, Jul 14, 2016 at 3:13 PM

To: "andreae.faley@state.co.us" <andreae.faley@state.co.us>

Cc: James Specker <jspecker@amtamassage.org>, Christen Cutter-Corvington <govrelations@co.amtamassage.org>, garin <garin@lobby4co.com>

Ms Faley,

Attached please find a joint letter from ABMP and AMTA regarding the proposed rules. We appreciate your consideration of stakeholder comments. Please let us know if you have any questions or comments. Thank you.

Laura B. Embleton

Government Relations Director

Associated Bodywork & Massage Professionals

laura@abmp.com

[303-679-7645](tel:303-679-7645) (o)

[303-809-8803](tel:303-809-8803) (c)



ABMP and AMTA Comments re Proposed Rules 7 14 16.pdf

241K

Office of Massage Therapy Licensure
1560 Broadway, #1350
Denver, CO 80202

July 14, 2016

Andrea E. Faley
Program Director

Ms. Faley,

Pursuant to the publication of the draft general rules for massage therapy, posted for a public comment hearing on July 18th, please accept the following response and feedback. As key stakeholders, we thank you for the opportunity to review and provide comment on the proposed rule changes as this process moves forward and is implemented. We appreciate the opportunity DORA affords stakeholders to participate in the process.

In our experience, DORA has one of the best-functioning licensing programs in the country. One of the reasons Colorado is one of the best-functioning states is that it has a simple, sensible application process that is focused on the goal of public safety and does not require jumping through a ton of bureaucratic hoops. These proposed rules complicate the application process and will in large part only make the process more cumbersome, confusing and frustrating for license applicants. These draft rules will not do anything to improve public safety or address illicit operations. We question why DORA feels some of these rules need to be instituted. What problem is DORA addressing? In addition, if DORA's mission is the lowest level of regulation, these proposed rules are not within the mission in our opinion.

There is also a question as to whether the proposed rules are in response to and limited to HB16-1320. If this is the case, many of the issues addressed in the draft rules were not contemplated at all in HB16-1320, which makes them fall outside the scope of the bill.

Below are our comments to the questions asked in your Notice for the First Round of Rulemaking to Clarify Existing Rules and to Implement the Age Requirement in House Bill 16-1320.

Rule 1:

What should the director require to implement the age requirement in 1320?

The director should require whatever is the least intrusive means to implement the age requirement. We suggest government-issued identification, whether a driver's license, passport or other form of identification would suffice.

What changes, if any should the director make so as to clarify the application requirements?

None, the people applying are not those who engage in sexual trafficking. The people applying are following the rules, have gone to school, taken the test and passed a background check.

Should the applicant be required to have taken an approved exam within a certain period of time before applying?

Absolutely not. The NCBTMB exams are still valid and verifiable. Any national exam an applicant takes can be verified. We do not support adding to 1.A.4 the requirement that an applicant provide proof that they took the exam within the last two years before applying.

Rule 2:

Should the director specify the minimum coursework required for licensure?

No.

1. This rule goes beyond the scope of what HB16-1320 addressed.
2. Furthermore, it is outside the purview of these rules for DORA to regulate schools. Massage Therapy schools are already regulated through the Private Occupational School Division of the Department of Higher Education. If a school is accredited, that is enough. Additionally, DORA should not require schools to all have the same curriculum. Are there any other professions DORA regulates where DORA prescribes the education for that profession? If a school is accredited and approved, DORA needs to accept the accreditation. We do not believe that DORA has the authority to regulate massage therapy schools.

Requiring a certain allocation of course hours in certain subject matter areas is pointless and creates unnecessary problems. The proposed rule requires that a student have 500 hours with a certain number of hours in a number of subjects. This requirement would force the schools to offer the prescribed curriculum in order for the students to comply with the rule. The statute requires that the person have completed 500 hours at a state-approved massage school. The school is state-approved through the Private Occupational School Division of the Department of Higher Education. DORA does not have the authority to regulate massage therapy schools. Why get into the granularity of certain number of hours in certain courses? It creates problems when courses are named different things (esp. with out-of-state schools) or there is one course that covers several topics etc. This has no impact on public safety – the school is approved, so the state has already said the educational program is satisfactory.

3. The proposed rules mix up the concept of a state's required qualifications for licensure (e.g., the law or rule of the state says applicants must have 500 hours plus exam plus background check), with what any particular individual actually did. The proposed rule may lead to unintended consequences of having an applicant have to come in with a syllabus to prove that they took particular courses and having to argue that those courses fit within the proposed structure subscribed by DORA.
4. The proposed rules and should not mandate hours of education in specific subject or topic areas. The Coalition of National Massage Therapy Organizations (AFMTE, AMTA, ABMP, COMTA, FSMTB and NCBTMB) states: "We encourage interested parties to focus less upon the total hours and more on recommended subject matter and subtopics. . . The Coalition recommends that, in addition to meeting the total education hours mandated by individual states, every massage school curriculum include Core report recommended subjects, topics

and weighting.” This statement suggests that the schools themselves, as opposed to the state, should look at their “subjects, topics and weighting.” Massachusetts is also reviewing their Rules at this moment. They currently have hours and requirements much like the proposed rules in Colorado. They are now seeking to simplify by taking out the coursework-specific hours requirements.

If so, what specific courses and how many hours should be required?

See above.

Rule 3: We believe the rule as it exists now is sufficient and does not need to be amended. If DORA wants to change the rule, many states have a variation of “a nationally recognized competency examination approved by the board,” in their rules. This allows for flexibility in a rapidly changing industry.

Rule 4:

Should endorsement applicants also be required to take an approved exam, and if so, within 2 years of applying?

Again, the discussion around the rules applying to endorsement was not addressed in HB16-1320, and therefore it could be argued that the conversation is outside the scope of rule-making pursuant to the bill, which was introduced to address sex trafficking and prostitution issues. Reciprocity is a conversation to be had, but it doesn’t fall under rule-making based on HB16-1320.

Furthermore, it is patently unfair to require varying levels of scrutiny for applicants regardless of how they apply in Colorado whether through initial licensure or endorsement. We are opposed to different licensing requirements for different versions of licensees. If someone was grandfathered in their jurisdiction without an exam, but maintained a license in good standing in that jurisdiction, an examination should not be required for licensure through endorsement. Endorsement applicants should be able to come into Colorado with a license in good standing and a background check. No additional requirements should be mandated.

Are there other ways endorsement applicants should be able to show that the program in the other state, territory, or foreign country is substantially equivalent to Colorado’s?

Whether another state’s qualifications for licensure are substantially equivalent to Colorado’s means whether the other state has the same basic requirements in its statute, namely, at least 500 hours plus test plus background check. Not whether this particular applicant did anything. For example, Michigan’s qualifications for licensure would seem to be substantially equivalent to Colorado’s (500 hours, exam, background check), but there are lots of people in Michigan who grandfathered in and do not have 500 hours. If one of those individuals applies for a Colorado license, the fact that they don’t have 500 hours doesn’t mean the state of Michigan’s required qualifications are not substantially equivalent to Colorado’s. In general, people who have an active license in another state should be able to grandfather in based on that license alone. Licensing is very new in many states (PA, NJ, MI, AK, ID, now VA and OK) and lots of people in those states got their licenses by grandfathering. Their state considered them

qualified. To say those people have to now go back to school if they want to move to in CO and keep their career is unfair and harms the national economy by hindering mobility.

What if applicants participated in substantially equivalent programs at the time they became licensed in another state – eg – completed a 500-hour program at an approved school, but they cannot meet the new requirements as detailed in draft rule 2?

As stated above, we are strongly opposed to the education requirements in draft rule 2. If those come into being, we would continue to argue that an applicant that comes into Colorado through endorsement should not have to do more than prove that they are licensed in good standing in another state that has substantially similar requirements. It would be over burdensome, and it has proven to be a problem in other states, if Colorado gets down to the micro level when considering what is “substantially similar.”

Should a minimum number of ethics hours be required for endorsement applicants showing continuing competency through continuing education?

No. Colorado doesn't require CEs at all for renewal. Don't make endorsed applicants have a higher standard or create a double standard. DORA doesn't have any regulations regarding the application of CE Courses for approval by DORA, or even any rules regarding continuing education, other than it is required occasionally. If DORA wants to require CEs, require it for all, not for some.

If so, how many ethics hours?

Zero

Rule 5:

Should ethics also be required for reinstatement applicants who show continuing competency through continuing education?

Again, this conversation is outside the scope of rulemaking as it pertains to HB 16-1320. The already existing requirement of continuing education is mystifying. DORA has no process for vetting or approving CE courses, so how do they approve CE for these individuals. If something is in place, it needs to be in the rules so that it is clear to all providing evidence of CEs what is required of them. If Ethics are required of reinstatement and endorsed candidates, initial applicants and those renewing should also be held to the same standard. As such, we don't think that either endorsed or reinstatement candidates should have to take ethics CEs.

Should the director remove the option for supervised practice as a means of showing continuing competency?

Yes

Rule 6:

Does the draft rule provide clarity as to appropriate student supervision requirements?

Yes

Should the draft rule specifically allow student massage therapists to provide massage therapy services as part of an externship at any site where there is a licensed supervisor or should students be able to do so only on the premises of a spa that is part of a massage school?

The opportunity for student massage therapists to practice under the supervision of a licensed supervisor in a myriad of settings such as hospitals and nursing homes is invaluable. Students should be allowed to provide massage therapy services as part of an externship.

Should the licensure exemption for faculty members teaching non-clinical aspects of massage therapy be removed?

Yes. Someone teaching business practices does not need to be a licensed massage therapist.

Thank you again for the opportunity to provide public comment on these proposed rule changes. Any changes to the general rules for massage therapists have a direct impact on the more than 2300 AMTA members, 4900 ABMP members, included in a total of over 13,900 massage therapists across Colorado.

Please do not hesitate to contact us if you have any questions about the issues addressed in this letter. We look forward to working with the Department of Regulatory Agencies as this process moves forward.

Sincerely,



A handwritten signature in black ink that reads 'Laura B. Embleton'.

Laura B. Embleton
Government Relations Director
Associated Bodywork and Massage Professionals



A handwritten signature in black ink that reads 'James E. Specker'.

AMTA
James Specker
Government Relations Director
American Massage Therapy Association



A handwritten signature in blue ink that reads 'CBlowington, LMT'.

AMTA
Christen Cutter-Corvington
Government Relations Chair, AMTA Colorado Chapter

STATE OF
COLORADO

Faley - DORA, Andrea <andreae.faley@state.co.us>

Stakeholder meeting - Student massage supervision

Admin <admin@healingspirits.net>

Thu, Jul 14, 2016 at 5:01 PM

To: "andreae.faley@state.co.us" <andreae.faley@state.co.us>

Dear Ms. Faley,

We are writing today to request that you consider a revision to **Rule 6 Supervision of Student Massage Therapists [Eff. 1/1/2009]** which dictates that Student massage therapists may practice massage therapy only under the immediate supervision of a massage therapist holding a valid and current registration. We are asking that you extend the unsupervised practice time to family & friends or at least sessions that are remotely supervised via written documentation, a feedback form and question & answer post session.

The reason for our request is that we truly feel that this regulation limits the students abilities to hone & perfect their craft by requiring them to be in class or at supervised study groups to practice their trade. This rule also largely affects our students who are practicing out of state and cannot attend the regular supervised study sessions provided at our school location. Can those students be exempt from this law because they are doing their homework out of state?

Prior to this law going into effect, our students were able to practice their technique on friends or relatives at their convenience and were able to get more hands-on time as students. This was closely monitored by the program director who required significant documentation and feedback from the students and their "clients". We feel that this could be regulated by letting the school director approve who the students are working on and assume all responsibility therein, if they so choose, with the implementation of release forms.

Also, in the past we were able to offer a community outreach program to participate in volunteer events and offer free massage to doctors' offices, emergency response teams and many other deserved groups throughout the community. Now that these regulations are in place, we are not able to afford as many of these opportunities for our students to gain real world experiences and offer back to our community through these volunteer services, due to the fact that we have to pay for supervision in these scenarios.

We have been a very successful part-time program for 20 years now and in that time have not had one single occurrence that required intervention from the director or any of our instructors during practice massage. Due to the part-time nature of our program, requiring these practice session to occur only on premises would severely limit the students ability to succeed within the program and ultimately their career. So not only is this law diminishing their possibilities but it also diminishes the possibilities of the community as a whole. For example, we consistently get requests from businesses in our community for volunteer opportunities for our students who "need to get their practice hours in" and therefore by the confines of this law we often have to turn these opportunities down.

Safety and proficiency are always at the forefront of our practices and we feel that we can maintain the highest level of safety and performance without the need for such strict regulations regarding student supervision. We really appreciate your time and consideration regarding this matter. Thank you~

Alicia Cramm

7/14/2016

State.co.us Executive Branch Mail - Stakeholder meeting - Student massage supervision

Administrative Assistant

Healing Spirits

www.healingspirits.net

303-525-5213



stakeholder feedback

1 message

JOHN LARKIN <larkwiz@msn.com>

Thu, Jul 14, 2016 at 3:08 PM

To: "andreae.faley@state.co.us" <andreae.faley@state.co.us>

Good Morning and thank you for the opportunity to give feedback rule changes for my profession. As a male massage therapist of 22 plus years and approved school owner I believe I can offer insights to this valuable process.

As a therapist my hope when we were first registered was that massage therapy would have a clear definition and path to acceptance to the medical community both as a overall stress reduction aspect and pain relief/ mobility improvement for the citizens of Colorado. Massage therapy provides a lower cost, effective alternative to the consumer as ancillary providers within the medical community and as alternative therapy for out of pocket non prescription relief.

Unfortunately the state doesn't have a clear definition of what is massage therapy and what isn't. Our office uses the American Medical Associations (AMA) definition: Massage therapy is the manipulation of the soft tissue of the body with the hands, arms, elbows, and or feet. We use that because as insurance providers our coding is dictated by prescription and codes that fall within accepted national industry standards.

To address your questions directly I will follow the outline provided in order.

Rule 1 What should the director require to implement the age requirement in HB 16-1320? [State or government issued documents including drivers license or passport would be appropriate.](#) What changes, if any, should the director make so as to clarify the application requirements? Should an applicant be required to have taken an approved exam within a certain period of time before applying? [Simply no, the final exam results from a state approved program should be available to the public and act as both incentive for the practitioner and school to do their best and provide quality education.](#)

RULE 2 - Questions for Stakeholders: Should the director specify the minimum coursework required for licensure? If so, what specific courses and how many hours should be required?

[Yes, the director should delineate the basic required standard. Massage isn't rocket science, nor is it something just anyone can do. As an educator of a profession where graduates rarely stay in the industry more than 2 years and, according to the national organizations, make less than 25k on average, it simply isn't a good business decision for a student to invest more than the basics, currently at 500 hours, for education. There is a big movement for required continuing education, which although might increase skill levels, does not directly translate to higher pay for the therapist, or greater consumer safety. In fact the more some therapists learn, the bigger the temptation to stray from their scope of practice, blending in psychological factors or diagnosis of medical conditions. Massage courses need to stress ethics, 20 hours business practices, 250 hours minimum including clinic and techniques in the basics of Swedish, Deep tissue and Neuromuscular reeducation, 300 hours combined. Anatomy and physiology combine for another 200 hours. Anything else encourages the practitioner to drift away from their scope of practice.](#)

[When I started in the field in 1994 the three basic techniques Swedish , Deep tissue and Neuromuscular were all that existed, now some schools offer up to 19 different modalities. A huge selling point until you think where were theses techniques before? Basically they were either extended versions of the basic three or they are separated out from Chiropractic techniques or Asian therapies. Not really massage. Those that disagree can explain to me what muscle is directly affected by aromatherapy and why should it be included in a massage curriculum.](#)

RULE 3 - Questions for Stakeholders: Are there other exams besides these that the director should approve? Any which should be removed? Should the NCETM and NCETMB be removed as of 2/1/17, two years from the date NCBTMB quit offering examinations?

[It is my opinion that the national exam should not be required. the Mblex has gone to a system that weights the questions and dumbs down the tests. If you miss a hard question, you are given an easier one and vice versa. so if a](#)

applicant gets a passing grade, is that truly a measure of success. Did the applicant squeak by on the easy ones or did they really know their subject? When the MBLEx originally was formed, it was to be strictly massage oriented questions to combat increasingly complex Asian therapy or spiritually oriented non medical questions based on vibrational medicine or eastern religions. From a consumer protection aspect it does nothing to increase consumer confidence in a particular therapist because the grades are not public and the test itself has drifted away from strictly anatomical questions. The more we bow to national exams that we have no input in or public disclosure of results the less DORA can monitor citizen safety. In addition CEU's that are not from state approved schools also risk going outside the scope of practice of a massage therapist. From a purely experiential point, no one in my 22 years of practice has questioned how massage started or who that person is or why they started Swedish massage. The relevancy of 5% of the national test is purely academic and has nothing to do with the safety of Coloradans.

RULE 4 -

Questions for Stakeholders:

Should endorsement applicants also be required to take an approved exam

, and if so,

within 2 years of applying? Are there other ways endorsement applicants should

be able to show that the program in the other state, territory, or foreign country is substantially equivalent to Colorado's?

What if applicants participated in substantially equivalent programs at the time that they became licensed in another state, ter

ritory or country, e.g., completed a massage therapy program of at least 500 hours at an approved school

, but they

cannot meet the new requirements as detailed in draft Rule 2

above

? Should a minimum number of ethics hours be required for endorsement applicants showing continuing competency through continuing education?

If so, how many

ethics hours

If a practitioner is stating they have been in practice they should also submit state tax forms stating source of income from that state. If we truly want ethical therapists they need to have paid taxes in their field, lacking that a w2 from a massage envy or equivalent chain where they worked as a therapist would suffice. A test on local laws covering draping and penalties for unprofessional conduct should significantly reduce occurrences from the practitioner level. The practitioner should also be educated of their rights and responsibilities of reporting unwanted contact from clients. An unreported criminal is a danger to other therapists as well as the community .

It is difficult to verify foreign businesses and standards. Current entities should suffice.

RULE 5 -

Questions for Stakeholders:

Should ethics also be required for reinstatement applicants who

show continuing competency through continuing education? If so, how many hours? Should the director

remove the option for supervised practice as a means of showing continuing competency?

The option of supervised practice should be removed and replaced with a day long continuing education credit through a stand alone class at a state approved school. This is to insure that practitioners receive information specific to the laws of Colorado. Some states have liberal draping

laws (or no laws) so a CEU from them on ethics would be useless. I am also experiencing potential practitioners who want to return to the filed after more than 5 years away or even before registration/ licensing. A suggested pathway is a stand alone class at a state approved school and written test to update skills and knowledge. There also needs to be definitive clarification about scope of practice from degreed health care professionals that see their advanced degree license as a way to do an end run around the massage laws. I have had inquiries from DC's and nurses that wanted to test out of classes and become instant therapists to circumvent the current laws.

RULE 6 -

Questions for Stakeholders:

Does the draft rule provide clarity as to appropriate student supervision requirements? Should the draft rule specifically allow student massage therapists to provide massage therapy services as part of an externship at any site where there is a licensed supervisor or should students be able to do so only on the premises of a spa that is part of a massage school? Should the licensure exemption for faculty members teaching non-clinical aspects of massage therapy (Rule 6.E) be removed?

On an almost weekly basis I get calls to the school asking if we have students that need practice hours so a Doctor or clinic can exploit the students for free to boost their practice. They are always denied. An Externship should be supervised by a school employee who is a licensed therapist or the location needs to pay the fee of an additional location, but a faculty member is still needed insight. Never should a student be in the compromised position of being outside the direct supervision of a licensed employee of an approved school. The school, the student and the event they are participating in as well as the citizens of Colorado are all at risk. The first three because their liability insurance is no longer in force and the last because even the most thoroughly screened student can be coerced or misheard in their intention or action.

If the school has a business instructor or non therapeutic classroom instructor it would be advantageous if they were licensed, but they should be exempt. So no on part 6.E

We should always remember that no registration/ licensing or continuing education can stop every violation. My hope is that it isn't the therapist stepping over the boundaries. Yet it happens.

Ideally my profession would not be the doorway to exploitation and slavery or any kind of criminal activity. Ethics and boundary concerns, in my eyes, are the schools responsibility and the school should be tied to the Therapist license. At least in the public right to know level. So a DORA license needs to contain the Therapist name, school name, national test grade or in my case the term 'grandfathered'. It would make the schools more responsive to teaching the laws if their name was associated with a violating student.

Strange as it may sound we do need some definitions as to when a breast is a breast. As more and more people get mastectomies, when is massage allowed on the scar tissue of the patient?

Thank you for the opportunity to at least express an opinion. I do not envy your job, it is important and sometimes it might seem like you have no allies. I think on the therapist level the state could benefit from a peer review board to help sort violations. Hopefully we can empower law enforcement enough to slow the human exploitation through massage.

If there is anyway I can be of more service please don't hesitate to call.

John Larkin LMT 576
 Medical Massage International, LLC
 Colorado Injury Care, LLC
 720-331-8446

