

Virginia Board of Nursing
Massage Therapy Advisory Board
March 1, 2010
Minutes

TIME AND PLACE: The Massage Therapy Advisory Board of the Board of Nursing was called to order at 10:05 a.m. on March 1, 2010 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, Virginia.

BOARD MEMBERS PRESENT: Joseph L. Schibner, IV, CMT, Chair
Joan L. Cordle, CMT
Amenaua A.R. Foy, CMT
Lucia Kaestner, CMT

BOARD MEMBER ABSENT: Ruth R. Smith, Citizen Member

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Amy Davis, Executive Assistant
Latasha Austin, Administrative Assistant

ESTABLISHMENT OF A QUORUM: With four members of the Advisory Board present, a quorum was established.

ANNOUNCEMENTS: Ms. Douglas asked Advisory Board members if they had been notified of changes made in term expiration dates and reviewed the current dates. Dates were changed in order to stagger the expiration date. Mr. Foy's term will expire June 30, 2011; Lucia Kaestner's term will expire June 30, 2011; Mr. Schibner's term will expire June 30, 2012; Ms. Cordle's term will expire June 30, 2012; and Ms. Smith's term will expire June 30, 2013.

OLD BUSINESS: Minutes from the November 9, 2009 meeting were presented and approved by the Board of Nursing at their meeting on November 17, 2009. A copy of the minutes was provided to the Advisory Board.

PUBLIC COMMENT: There was no one present to address the Advisory Board.

NEW BUSINESS: Discussion of Discipline Process:
Ms. Krohn reviewed the information provided to Advisory Board members regarding Informal Conferences recently held regarding massage therapists. Mr. Schibner attended Informal Conferences on February 22 – 23, 2010 and shared information related to his experience. Advisory Board members will be asked to attend Informal Conferences when massage therapy cases are involved as their schedule allows. Ms. Krohn stated that probable cause review must indicate a violation of the law and regulation in order for the case to move forward; evidence presented must be clear and convincing of a violation in order to impose a sanction; and for cases related to applicants, the burden is on the applicant to provide sufficient evidence they are safe to practice.

The Advisory Board recommended that the Board of Nursing report information to the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) regarding certified massage therapists that have restrictions placed on their practice. The Advisory Board also recommended to amend Guidance Document 90-55 to include certified massage therapists in the introductory paragraph.

Review of Licensure and Discipline Reports:

Ms. Douglas reviewed the reports from the Department of Health Professions website indicating disciplinary action taken on certified massage therapists for the quarter ending June 30, 2009 and the licensure count history of certified massage therapists for FY08, FY09 and the current count for quarter ending June 30, 2009.

Legislative/Regulatory Update:

Ms. Yeatts was not able to attend due to ongoing General Assembly activities.

Discussion of Massage Therapy Issues:

Ms. Douglas asked Advisory Board members to identify issues they commonly encounter. After a discussion, the Advisory Board recommended that the Board of Nursing approve a guidance document to be created that will address the following areas:

- Definition and types of massage.
- Appropriate draping.
- Using the title of massage therapist.
- County/city requirements that are in addition to Board of Nursing requirements.

Frequently Asked Questions(FAQ's):

Ms. Krohn and Ms. Austin developed a list of questions that Board staff receive on a frequent basis. The list of questions will be sent to Advisory Board members electronically and were asked to provide any feedback to Ms. Krohn by March 15, 2010. The list of FAQ's will then be posted on the Board of Nursing website as a tool to assist applicants and massage therapists.

Request from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) regarding a Spanish exams:

Information provided by the NCBTMB regarding the availability for applicants to take the NCBTMB exams in Spanish was reviewed. NCBTMB is asking the Board of Nursing to confirm whether or not the Spanish exams will be accepted in Virginia. Ms. Douglas stated that all other license types issued by the Board of Nursing require passing an exam taken in English. After discussion, Mr. Schibner moved to recommend the Board of Nursing not allow the Spanish exams option for massage therapy applicants in Virginia. The motion was seconded and carried unanimously.

The Advisory Board members discussion included communication and competency issues that may arise if a practitioner cannot speak English. Additional rationale included the Board's hesitancy to approve an exam in one foreign language but not in others.

Future Meeting Dates:

Suggested future meeting dates are November 1, 2010 or November 8, 2010. Board staff will coordinate with Advisory Board members on availability and confirm when possible.

ADJOURNMENT:

The meeting was adjourned at 11:40 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director