

**VIRGINIA BOARD OF NURSING
MASSAGE THERAPY ADVISORY BOARD
MINUTES**

Monday, November 5, 2018

- TIME AND PLACE:** The meeting of the of the Massage Therapy Advisory Board convened at 10:00 a.m. in Board Room 2, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.
- PRESIDING:** Stephanie Quinby, L.M.T., Vice-Chair
- MEMBERS PRESENT:** Stephanie Quinby, L.M.T., Vice-Chair
Dawn Hogue, L.M.T.
Jermaine Mincey, Citizen Member – **arrived at 10:28 am**
- MEMBERS ABSENT:** Joseph L. Schibner, IV, L.M.T., L.Ac. D.O.M., Chair
Kristina Page, L.M.T.
- STAFF PRESENT:** Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director
Lisa Speller, R.N., B.S.N.
Cathy Hanchey, Administrative Specialist
- IN THE AUDIENCE:** Becky Bowers-Lanier, American Massage Therapy Association-VA Chapter
- CALL TO ORDER:** Ms. Quinby called the business meeting to order at 10:00 a.m., noting that a quorum was not established, but the meeting could proceed on those items not requiring a vote.
- NEW BUSINESS:** Ms. Douglas addressed recent staff changes relative to the massage therapy practice, specifically: Charlette N. Ridout, R.N., M.S., C.N.E., as the Deputy Executive Director to fill the position vacated with Brenda Krohn's retirement effective August 31, 2018; Cathy Hanchey as the Senior Licensing/Discipline Specialist to fill the position vacated by Latasha Austin; and, Lisa Speller, R.N., B.S.N., as a gubernatorial appointment as Policy Assistant to the Board of Nursing.
- Section 54.1-3029.1 of the *Code of Virginia*, outlines requirements for the composition of the Advisory Board on Massage Therapy, including three (3) members who are licensed massage therapists, one administrator or faculty member, and one citizen member. Ms. Douglas noted that Dr. Schibner and Ms. Quinby's terms expire as of June 30, 2019, and these vacancies will need to be filled.
- The By-laws for the Advisory Board on Massage Therapy require elections for a Chair and Vice-Chair annually, and a person may not serve for more than two consecutive terms.

Ms. Douglas advised of an immediate need for coverage of informal conferences on February 12, 2019. Ms. Quinby advised that she would be available to serve as a member of the Special Conference Committee on that date.

Ms. Douglas also outlined dates for potential formal hearings requiring coverage, and advised that discipline cases are never heard on Tuesdays. Ms. Quinby and Ms. Hogue stated they would check their calendars for availability for future informal conference dates and formal hearings and advise Ms. Hanchey of their availability.

Ms. Douglas wanted to call attention to the recent regulatory changes affecting continuing competency requirements as requested by Dr. Schibner. Ms. Hogue asked about changes to provisional licensure, and Ms. Hanchey advised that is still an option, but provisional licenses have only been issued twice in the past year.

REPORTS:

Ms. Hogue provided an oral report re-capping the Federation of State Massage Therapy Boards (FSMTB) Annual Meeting that was held in Salt Lake City, Utah on October 4-6, 2018, including election of new officers and passing a resolution by Wisconsin for a model law on licensing of establishments. Additional discussions included the Massage Therapy Licensing Database (MTLD), climate of de-regulation, alternative testing, universal transcript template, and the use of cannabidiol oil where marijuana is legal.

Ms. Douglas gave a report on the criminal background check (CBC) requirement for massage therapist applicants by initial licensure, endorsement and reinstatement that was effective as of January 1, 2017. The report covered statistics from January 1, 2018 – September 30, 2018.

- A total of 905 LMT applicants initiated the CBC process for this reporting period
- Total number of LMT applicants with convictions (disclosed and non-disclosed) was 135.
- Total number of LMT applicants with no convictions was 770.

Ms. Hanchey reviewed with the Advisory Board the current number of disciplinary cases for LMTs regulated by the Board of Nursing, including 44 actions taken on 27 LMTs, of 8,695 active massage therapists as of September 30, 2018.

INFORMATION ONLY

Ms. Hogue reported that there were no changes to policy in the Commission on Massage Therapy Accreditation (COMTA) Policy and Procedure Manual updated July 2018. Changes were to process only.

Mr. Mincey joined the meeting at 10:28 a.m.

ESTABLISHMENT OF A QUORUM:

With 3 members of the Massage Therapy Advisory Board present at 10:28 a.m., a quorum was established.

OLD BUSINESS:

An overview was provided of the minutes from the last Massage Therapy Advisory Board meeting held on November 7, 2017. Ms. Hogue moved that the

minutes from the November 7, 2017 meeting be approved. The motion was seconded by Mr. Mincey and carried unanimously.

PUBLIC COMMENT:

Ms. Bowers-Lanier stated that the Virginia Chapter of the American Massage Therapy Association had no public comment at this time.

NEW BUSINESS:

Elections were made for a Chair and Vice-Chair for the Advisory Board on Massage Therapy. Ms. Quinby made a motion to nominate Ms. Hogue as Chair. The motion was seconded by Ms. Hogue and carried unanimously. Ms. Quinby made a motion to nominate herself as Vice-Chair. The motion was seconded by Ms. Hogue and carried unanimously.

The Advisory Board on Massage Therapy reviewed and discussed Guidance Documents 90-58 and Guidance Document 90-38. The Advisory Board discussed the following proposed changes to the Guidance Documents:

- **Guidance Document 90-58**
Proposed to remove:
 - ❖ Article III, Section 3 in its entirety.

- **Guidance Document 90-47**
Proposed to add:
 - ❖ Under “Appropriate Draping and Technique,” add: “... written informed consent of the client include: Anus, penis, testicles, scrotum, vagina, labia, clitoris, breast, nipples, and areola.”

Mr. Mincey made a motion that the Advisory Board on Massage Therapy recommend to the Board of Nursing to accept the proposed recommended changes to remove Article III, Section 3 in its entirety from Guidance Document 90-58 and to add “breasts” to Guidance Document 90-47. The motion was seconded by Ms. Hogue and carried unanimously.

Ms. Quinby will provide changes to Guidance Document 90-47 to Ms. Speller by December 2018 for the January 2019 Board of Nursing meeting, including the National Certification Board for Therapeutic Massage & Bodywork’s Standards of Conduct.

Dr. Schibner’s October 31, 2018 correspondence requested that the Advisory Board on Massage Therapy discuss its stance on Thai Yoga Massage. Following discussion, the Advisory Board on Massage Therapy decided that there was not enough background provided to fully address the issue. The Board of Nursing would continue to address any complaints that may arise as they come to the Board of Nursing’s attention. Additionally, the Board of Nursing cannot dictate to schools what is being told to students regarding exemption from massage therapy regulation. The Advisory Board on Massage Therapy decided to invite the State Council of Higher Education for Virginia (SCHEV) to attend and speak to the Advisory Board on Massage Therapy at its next meeting, tentatively planned for April 2019.

The Advisory Board on Massage Therapy had questions concerning implementation of FSMTB's MTLD. Board of Nursing staff will schedule a conference call with FSMTB to obtain answers to the Advisory Board's questions concerning implementation, participating states, public availability, and cost.

REPORTS:

Ms. Douglas gave an oral report on the October 12, 2018 meeting at the request of the Henrico County Police Department concerning human trafficking.

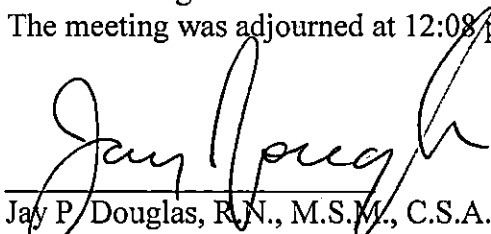
Ms. Speller provided an oral report on the October 23, 2018 meeting of the Anti-Human Trafficking Coordinating Committee report, "Laying the Foundation." This committee is currently not under Executive Order, and is currently operating as a voluntary committee with the participation of several state agencies.

DISCUSSION OF
FUTURE MEETINGS:

Board staff will coordinate with the Advisory Board on Massage Therapy members on availability for a meeting in April 2019 and confirm exact date when possible.

ADJOURNMENT:

Mr. Mincey made a motion to conclude the meeting. The motion was seconded by Ms. Hogue and carried unanimously. The meeting was adjourned at 12:08 p.m.



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