

**OPEN MINUTES**  
**Missouri Board of Therapeutic Massage**  
**January 7, 2002 – 10:00 a.m.**  
**Ramada Inn – Hermitage Room**  
**1510 Jefferson Street – Jefferson City, Missouri**

At 10:10 a.m. the Missouri Board of Therapeutic Massage was called to order by Elizabeth Miller, Chairperson in the Hermitage Room of the Ramada Inn located at 1510 Jefferson Street in Jefferson City, Missouri. Members convened for a face-to-face meeting; however, due to schedule conflicts some board members joined the meeting via conference call. The minutes will reflect members participating via telephone conference call.

**Board Members Present**

Elizabeth Miller, Chairperson

Bernard Wesley, Vice-Chairperson

Sid Brantley, Secretary (Joined the meeting via telephone conference call)

Derek Alvarez (Departed at 3:30 p.m.)

Kevin Snedden

Juliet Mee – Nonvoting member (Joined the meeting via telephone conference call and exited the call at 3:31 p.m.)

**Board Members Absent**

Dr. Gretchen Locket, Public Member

Christi Warner

**Staff Present**

Loree Kessler, Executive Director

Jeanette Stuenkel, Executive I

Chad Sooter, Licensure Technician

Daryl Hylton, Assistant Attorney General (Departed at 4:10 p.m.)

**Visitors**

Marilyn Williams, Director Division of Professional Registration

Sherry Hess, Division of Professional Registration

Christy Allen, Division of Professional Registration

Ann Chellman

Julie Leeman, Allied Medical College

Anne Hoak

Anne Brow, Spa Shiki

Devon Kopp, Spa Shiki

Carol Schieh, Spa Shiki

Leroy Wade, Department of Higher Education

Ms. Miller stated she would voting in open and closed session.

To better track the order in which the items were taken up on the agenda, each item in the minutes will be listed in the order the item was discussed in the meeting.

A motion was made by Mr. Alvarez and seconded by Mr. Snedden to approve the open session agenda. The executive director noted that the board had received additional correspondence relating to the scope of practice as well clarification of the time period a license encompasses. These topics were added to the open session agenda. Motion carried unanimously.

A motion was made by Mr. Snedden and seconded by Mr. Alvarez to approve the open session conference call minutes of October 29, 2001 and November 28, 2001. Motion carried unanimously.

### **Financial Update**

Ms. Hess and the executive director provided a financial overview of the operational costs incurred to date, along with incoming revenue, and revenue projections. Additionally, Ms. Hess highlighted the change to allocating costs incurred division-wide explaining the new cost allocation was recommended for implementation during the September 2001 board presidents' meeting. No official action by the board.

### **Licensure & Business Inspection Update**

The executive director provided statistics on the status of applications for licensure as well as business inspections. It was explained that the staff had compared inspections that were completed and those that needed to be done. It was noted that approximately 100 business still needed to be inspected. However, because of CIU resources available it was difficult to get all inspections completed at this time. The executive director indicated that she would try to assist in conducting inspections.

It was noted that there were approximately 700 files that had been initially reviewed for compliance with the grandfather portion of the law and correspondence had been sent, however, no response had been received from the applicant. The additional 200 applications pending with the board were awaiting information such as examination score or verification of education. The board determined members would plan to review the pending files to provide an overview for staff to draft correspondence. The applicant would then be allowed ninety (90) days to either provide the information or respond in writing why additional time was needed. The board targeted the month of February to complete this review.

### **Massage Therapy Program Update**

The board noted several areas of clarification.

- Using an out of state approved program as the first step in complying with Missouri's educational requirements when the out-of-state curriculum was not equivalent to Missouri
- Programs required to obtain a business license
- Working with programs to insure graduates are applying for the correct license

The board recommended the staff assemble a general information mailing for the massage therapy programs to include the business inspection information, frequently asked questions,

overview on applying for a student license, and how a recent graduate applies for provisional licensure.

### **Heritage College of Denver, Colorado**

The board requested additional time to review the information.

### **Scope of Practice**

The board reviewed several letters, emails and telephone messages requesting clarification of the scope of practice. Visitors also provided comments that business want to comply with the licensure requirements for both the massage board and Board of Cosmetology concerning licensed estheticians.

The board recommended that a letter be sent to the individuals that had made inquiries highlighting that the scope of practice for massage therapists is defined by law. One area the therapist must examine is if the service falls within this scope. Also, because massage therapists are required to keep records of the treatment provided to clients, the records must accurately document the service provided and purpose of the service, specifically if the service was therapeutic in nature.

At approximately 10:30 a.m. the board took a brief recess and reconvened at approximately 10:45 a.m.

### **Comments Marilyn Williams, Director Division of Professional Registration**

Ms. Williams welcomed board members and meeting visitors and highlighted briefly the importance of expediting application reviews. She also noted the discussion on the cost allocation and the need for boards to be fiscally conscientious as the state budget situation has resulted in many reductions for agencies. She concluded with a word of thanks to the board and meeting visitors for their interest in the profession.

### **Education Requirement Correspondence – Amy Wolter**

The board determined that transferring the education obtained from a Texas program would depend on the program content.

The board asked Mr. Wade if there were specific guidelines addressing the amount of credit a Missouri program could accept from another school. Mr. Wade indicated a program could transfer up to 75% of a program.

Until Ms. Wolter applies, the board would be unable to make any final determination concerning education obtained in Texas.

### **Clarification of Expiration Date**

The board reviewed a letter from Kathleen Eagan requesting the expiration date be changed to reflect the two years from the date of issuance.

The board determined that it did not have the statutory authority to make such a change as the Division of Professional Registration establishes the expiration date. The board requested the response provide an overview of the fees received and applicable license issued.

### **Review of Regulations**

The board requested the executive director work with counsel concerning an amendment to 4 CSR 2.010(1) to allow an applicant, deficient in course requirements, to use course work from an approved program in another state and add to those hours to a Missouri approved massage therapy program thereby meeting Missouri's requirements.

The board recommended 4 CSR 197-2.030(2) to be amended to allow a provisional license to be issued for 150 days instead of sixty days. The board noted this should allow applicants ample time to apply and take the national test.

**Correspondence Regarding Teaching Assistants** – The board had received an email from Mr. Holbrook requesting this discussion be tabled until he was able to attend the meeting.

### **Election of Officers**

The board requested the election of officers be discussed at the next meeting.

### **Meeting Schedule**

The board requested that the staff contact the board members to obtain a date in February for a conference call.

### **Exempt Settings**

The board discussed an inquiry received concerning whether chiropractors, MDs, and DOs that provide massage therapy at their setting or clinic would need to have a business license. The board requested that the matter be tabled for the time being to allow the executive director and counsel to obtain information on the definition of a healthcare setting.

The board took a recess at 1:04 p.m. for lunch and reconvened in open session at 1:44 p.m.

At 1:45 p.m., a motion was made by Mr. Alvarez and seconded by Mr. Snedden to convene in closed session pursuant to sections 610.021(14) and 620.010.14(7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation, and any confidential or privileged communication between this agency and its attorney and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings. Board members voting aye; Mr. Alvarez, Mr. Wesley, Mr. Snedden, Mr. Brantley and Ms. Miller. Motion carried unanimously.

At 4:15 p.m., a motion was made by Mr. Snedden and seconded by Mr. Wesley to convene in open session. Board members voting aye; Mr. Snedden, Mr. Wesley, Mr. Brantley and Ms. Miller. Motion carried unanimously.

At 4:16 p.m., a motion was made by Mr. Snedden and seconded by Mr. Wesley to adjourn the meeting. Board members voting aye; Mr. Snedden, Mr. Wesley, Mr. Brantley and Ms. Miller. Motion carried unanimously.

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Executive Director

Approved by Board on February 25, 2002