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Loree V. Kessler, MPA  
Executive Director

## Meeting Notice

**Missouri Board of Therapeutic Massage  
October 9, 2005 – 1:00 p.m.  
Division of Professional Registration  
3605 Missouri Boulevard – Jefferson City, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 522-6277 to ensure available accommodations. The text telephone for the deaf or hard of hearing is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri Board of Therapeutic Massage is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 620.010.14 subsection (7).

The Board may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

Anyone requiring additional detail regarding the telephone conference call should contact the Missouri Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling Loree Kessler, Executive Director at (573) 522-6277. The TTY number for Relay Missouri is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Please see attached agenda for this meeting.

Attachment

**Tentative Open Session Agenda**  
**Missouri Board of Therapeutic Massage**  
**October 9, 2005 – 1:00 p.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

Call to Order

Kevin Snedden, Chairperson

Roll Call

Loree Kessler, Executive Director

Approve Open Session Agenda

Approve Open Session Minutes

- September 12, 2005

Financial Report

Overview of Statutory Changes

Overview of Regulatory Changes

AMTA & Federation Annual Meeting

Juliet Mee

- Correspondence Dated September 22, 2005 (enclosed)

Inspection Update

Review School Seminar Information (Handout)

Meeting Schedule

Convene in closed session pursuant to section 620.010 subsection (14), paragraph (7) 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.

**OPEN SESSION MINUTES**  
**Missouri Board of Therapeutic Massage**  
**October 9, 2005 – 1:00 p.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

At 1:02 p.m., the Missouri Board of Therapeutic Massage conference call meeting was called to order by Denny Fitterling, Vice Chairperson at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. Loree Kessler, Executive Director facilitated roll call.

**Board Members Present**

Denny Fitterling, Vice Chairperson  
Juliet Mee, Non-Voting Member  
Carl Nelson  
Renate Brodecker

**Board Member Absent**

Kevin Snedden, Chairperson (Mr. Snedden joined the meeting at 1:17 p.m. via conference call. However, due to poor reception was unable to participate on the call shortly thereafter.)

**Staff Present**

Loree Kessler, Executive Director  
Sarah Becker, Licensure Tech II

**Visitors**

Esteban Ruvalcaba

Mr. Fitterling indicated he would be voting in open and closed sessions.

A motion was made by Ms. Brodecker and seconded by Mr. Nelson to approve the open session agenda adding a discussion regarding correspondence from Roy Meyer, DC. Motion carried unanimously.

A motion was made by Ms. Brodecker and seconded by Mr. Nelson to approve the open session minutes of the September 12, 2005 conference call meeting. Motion carried unanimously.

A motion was made by Mr. Nelson and seconded by Ms. Brodecker to approve the financial report submitted by the executive director. Motion carried unanimously. The board authorized the executive director to work with division accounting section on determining if a fee decrease was possible within the next fiscal year.

## **Overview of Statutory Changes**

A motion was made by Ms. Brodecker and seconded by Mr. Nelson to amend sections of the law as follows;

### **Amendment to section 327.247 RSMo**

A person desiring to receive a license to operate a massage business in the state of Missouri shall file a written application with the board on a form prescribed by the division and pay the appropriate fee. **It shall be unlawful for a business to employ or contract with any person in this state to provide massage therapy as defined in 324.240(7) RSMo unless such person has obtained a license as provided by this chapter. Failure to comply with the provisions of this section shall be cause to discipline the license.**

### **Amendment to 324.265 RSMo**

**7. The following practitioners are exempt from the provisions of this section upon filing written proof with the board that they meet one or more of the following:**

- (1) Persons who act under a Missouri state license, registration, or certification and perform soft tissue manipulation within their scope of practice;
- (2) Persons who restrict their manipulation of the soft tissues of the human body to the hands, feet or ears;
- (3) Persons who use touch and words to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement;
- (4) Persons who manipulate the human body above the neck, below the elbow, and below the knee and do not disrobe the client in performing such manipulation.

8. Persons who are licensed, registered, or certified by another state or territory of the United States, the District of Columbia, or a foreign country if such persons are incidentally called into this state to teach a course related to massage and/or bodywork therapy, or to provide massage therapy services as part of an emergency response team working in conjunction with disaster relief officials.

**9. Any nonresident person holding a current license or certification in massage therapy from another state or recognized national certification system determined as acceptable by the board shall be exempt from licensure, as defined in this chapter when temporarily present in this state for the purpose of providing massage therapy services at special events such as conventions, sporting events, educational field trips, conferences, and traveling shows or exhibitions.**

At 2:14 p.m., the board took a recess and reconvened at 2:23 p.m.

### **Amendment to 324.257 RSMo**

After completion of each board survey inspection, a written report of the findings with respect to the massage business' compliance or noncompliance with the provisions of sections 324.240 to 324.275 and the standards established hereunder as well as a list of deficiencies found shall be prepared. A copy of the report and the list of deficiencies found shall be sent to the massage business within [fifteen] **thirty** business days following the survey inspection. The list of deficiencies shall specifically state the statute or rule which the massage business is

alleged to have violated. If the massage business acknowledges the deficiencies found by the survey inspection, the massage business shall inform the board of the time necessary for compliance and shall file a plan of correction with the board. If the massage business does not acknowledge the deficiencies, or file an acceptable plan of correction with the board or timely complete an acceptable plan of correction, the board may file a complaint with the administrative hearing commission as set forth and as provided in sections 324.240 to 324

#### **Amendment to section 324.262.2(5) RSMo**

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to 324.275;

**(a) Providing massage therapy pursuant to section 324.240(7) RSMo at a massage business as defined in 324.240(5) RSMo that is not licensed pursuant to this chapter.**

#### **Amendment to section 324.245.1 RSMo**

324.245. 1. The board is authorized to promulgate rules and regulations regarding:

**(7) Establishment of requirements for granting a license, as defined by rule, to a person who has completed an accredited massage therapy program in another state that is less than five hundred hours.**

#### **Amendment to section 324.265.3 RSMo**

Each license issued pursuant to the provisions of this section [shall be valid for two years and] shall expire on its renewal date. The board shall renew any license upon:

- (1) Application for renewal;
- (2) Proof that the therapist has completed twelve hours of continuing education; and
- (3) Payment of the appropriate renewal fee.

#### **Amendment to 324.265.3 RSMo**

3. Each license issued pursuant to the provisions of this section [shall be valid for two years and] shall expire on its renewal date. The board shall renew any license upon:

- (1) Application for renewal;
- (2) Proof, **as provided by rule**, that the therapist has completed twelve hours of continuing education; and
- (3) Payment of the appropriate renewal fee.

**Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain documentation is a violation of section 324.265.3. As provided by rule, the board may waive and/or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency or for other good cause. All requests for waivers and/or extensions of time shall be made in writing and submitted to the board before the renewal date.**

#### **Amendment to 324.270 RSMo**

324.270 RSMo "A person who does not hold a license to practice massage therapy or a license to operate a massage business or is not exempted from obtaining a license pursuant to subsection 7 of section 324.265 shall not use the words "massage", "body work", or any of their synonyms on any sign or in any other form of advertising, unless specifically exempted by

the board. [Any advertisement by a massage therapist or a massage business shall contain the license or registration number of such therapist or business. “]

At 3:34 p.m. the board took a recess and reconvened at 3:42 p.m.

### **Overview of Regulatory Changes**

A motion was made by Mr. Nelson and seconded by Ms. Brodecker to approve regulatory changes to the following sections;

197-010 regarding use of the term LMT

197-1.040 fee language regarding refunds

197-2.010 instructor requirement for anatomy and physiology in a massage therapy program or mentorship

Delete section of the regulations regarding temporary licensure

197-2.020 revise reciprocal licensure language using the terminology “substantially the same” when comparing licensure requirements from other states

197-2.030 add language requiring verification of being scheduled for the examination prior to the issuance of a provisional license

197-2.040 regarding maintaining student licenses

197-2.050 deleting reference to reinstatement of a lapsed license

197-3.010 merge section on Representation of Service with Client Welfare

197-4.010 Add language regarding A & P instruction within a mentorship and increase number of apprentices allowed annually

197-5.030 Modify language regarding requirements for change of location and posting temporary business license

197-6.010 Revise language referencing board along with division

197-6.020 Delete the section

### **AMTA & Federation Annual Meeting**

Ms. Mee provided an update of the annual meetings. Kevin Snedden was elected as a director at large for the Federation. No official action taken by the board.

### **Inspection Update**

The executive director provided information regarding revisions to the inspection form. The board instructed the executive director to remove the section concerning a policy and procedures manual.

### **Roy Meyer, DC Correspondence**

The board reviewed the letter from Dr. Meyer concerning the use of acupressure and massage therapy and determined that acupressure was a treatment modality that can be used by a licensee that is educated and/or trained in that area.

### **Meeting Schedule**

The board is scheduled to convene for a conference call on November 14, 2005 at noon.

At 3:56 p.m., a motion was made by Ms. Brodecker and seconded by Mr. Nelson to convene in closed session pursuant to section 610.021 subsection (14) and 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and /or complaints and/or audits and applicants for licensure and/or other information pertaining to the licensee or applicant and, section 610.021 subsection (1) RSMo for the purpose of discussion general legal actions, causes of action litigation, and any confidential or privileged communications 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. Fitterling, Mr. Nelson, and Ms. Brodecker. Motion carried unanimously.

At 5:17 p.m., a motion was made by Ms. Brodecker and seconded by Ms. Nelson to convene in open session and adjourn the meeting. Board members voting aye; Mr. Fitterling, Mr. Nelson, and Ms. Brodecker. Motion carried unanimously.



Executive Director

Approved by Board November 14, 2005