



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

BOARD OF THERAPEUTIC MASSAGE
3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102-1335
Telephone: 573/522-6277
Fax: 573/751-0735
800-735-2966 TTY Relay Missouri
800-735-2466 Voice Relay Missouri
massagether@pr.mo.gov

Loree V. Kessler, MPA
Executive Director

Meeting Notice
Missouri Board of Therapeutic Massage
September 13, 2009 – 9:00 a.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 324.001.8 and 324.001.9 RSMo.

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.

**Tentative Open Session Agenda
 Missouri Board of Therapeutic Massage
 September 13, 2009 – 9:00 a.m.
 Division of Professional Registration
 3605 Missouri Boulevard – Jefferson City, Missouri**

Call to Order	Kevin Snedden, Chairperson
1. Approval of Open Session Minutes	
• July 13, 2009 Conference Call	
2. Financial Report	
3. Small Business Regulatory Fairness Board	Loree Kessler
4. Stephen Gould – Mentor Application	
5. Amendments to Code of State Regulations	Loree Kessler
Meeting Schedule	

Motions to Close

Section 610.021 subsections (14), 324.001.8 and 324.001.9 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 action, 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 subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings.

OPEN SESSION MINUTES
Missouri Board of Therapeutic Massage
September 13, 2009 – 9:00 a.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 9:01 a.m., the Missouri Board of Therapeutic Massage meeting was called to order by Kevin Snedden, Chairperson, at the Division of Professional Registration located at 3605 Missouri Boulevard in Jefferson City, Missouri. Roll call was facilitated by the Executive Director.

Board Members Present

Kevin Snedden, Chairperson
Renate Brodecker
Dawn Standley
Carl Nelson

Board Member Absent

Juliet Mee, Non-voting member

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Executive I
Greg Roach, Licensure Technician I
Greg Mitchell, Counsel

Mr. Snedden stated he would be voting in open and closed sessions.

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the open session agenda adding a discussion regarding information to be added to the web site. Motion carried unanimously.

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the open session minutes of the July 13, 2009 conference call meeting. Motion carried unanimously.

Financial Report

The executive director provided an overview of the fund balance noting that the incoming revenue from new applications was replacing lost revenues due to licensees that had not renewed the credential. No official action taken by the board.

Ms. Brodecker and seconded by Ms. Standley to revise the draft and proceed with filing the proposed amendments. Motion carried unanimously. The executive director noted that the regulation regarding massage of the breast and/or genital area would be amended per a previous board discussion.

Small Business Regulatory Fairness Board

The board reviewed the PowerPoint presentation and corresponding forms required for request a regulatory change. No official action taken by the board.

Stephen Gould- Mentorship Application

The board approved the mentorship application of Mr. Gould.

Amendments to the Code of State Regulations

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the regulatory amendments, request for rulemaking and small business impact statements relating to 20 CSR 2107-2.030, 4.010, and the new regulations relating to mentorships. Board members voting aye: Ms. Standley, Ms. Brodecker, Mr. Nelson and Mr. Snedden. Motion carried unanimously. Motion carried unanimously.

A copy of the amendments and forms is included with the open session minutes.

Web Site Update

Following the incident relating to massage therapists advertising on Craig's List and corresponding action by several Attorneys General, the executive requested the public relations section of the Department of Insurance develop information for the board's web site. The board reviewed a draft of information relating to licensees and safe practices as well as a consumer guide to selecting a massage therapist. After updating the information, a motion was made by Mr. Nelson and seconded by Ms. Brodecker to proceed with placing the information on the board's web site.

The executive director reported that outreach efforts would be made with the various travel related associations in the state relating to safe practices for in house massage therapy. Mr. Snedden noted that Kansas City has such an association and recommended the board contact the group about a potential presentation as their luncheon meeting.

Meeting Schedule

The board scheduled a conference call for October 26, 2009 at 11:30 a.m.

Mr. Snedden provided an overview of the upcoming Federation of State Massage Therapy Board meeting in October 8-10 in Nashville, Tennessee. Mr. Snedden invited any member of the board to attend the annual meeting and if no one was able to do so, he would serve as Missouri's delegate since he would be attending as Federation president.

Ms. Brodecker requested the board consider conducting a conference call two weeks prior to a face to face meeting when the agendas were lengthy. The conference call could address applications for licensure, educational reviews, and investigative updates allowing the board to focus on scheduled appearances at the face to face meeting. The board agreed with Ms. Brodecker and advised staff accordingly.

At 9:38 a.m. a motion was made by Ms. Standley and seconded by Mr. Nelson to convene in closed session to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 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 action, 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 subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Ms. Standley, Ms. Brodecker, Mr. Nelson and Mr. Snedden. Motion carried unanimously.

At 6:18 p.m. a motion was made by Mr. Nelson and seconded by Ms. Brodecker to convene in open session and adjourn the meeting. Board members voting aye: Ms. Standley, Ms. Brodecker, Mr. Nelson and Mr. Snedden. Motion carried unanimously.



Executive Director

Approved by Board on October 26, 2009

**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 2197—Board of Therapeutic
Massage**

Chapter 2—Massage Therapist Licensure Requirements

20 CSR 2197-2.030 Provisional License

PURPOSE: This rule outlines the requirements to obtain a provisional license.

(1) A person shall request an application for provisional licensure from the Missouri Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO, 65102-1335 by calling (573) 522-6277 or sending an email to massagether@pr.mo.gov. The TDD number is (800) 735-2996. An application for provisional licensure shall include the following information:

(A) An official transcript from the massage therapy program, school, or board approved mentor documenting completion of a massage therapy program pursuant to 20 CSR 2197-2.010(1) or (2). For the purpose of this regulation, the massage therapy program shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s). The board may accept transcripts issued to the applicant and placed in a sealed envelope that carries the massage therapy program, school, or mentor's seal or stamp;

(B) Written verification from the massage therapy school, program, mentor, or testing entity that the applicant has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010(1)(D)1.-3.;

(C) Fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background checks shall be paid

by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and

(D) Any applicable fees.

(2) A provisional license is valid for *[up to ninety (90) days]* **one (1) year** from the date of issuance. *[A provisional license shall expire upon passing the examination as defined in 20 CSR 2197- 2.010(1)(D) or 20 CSR 2197-2.010(2)(D) or conclusion of the ninety (90)-day licensure provisional period whichever comes first.]* Upon expiration of a provisional license the licensee shall no longer engage in the practice of massage therapy. To resume practicing massage therapy a person must either apply to renew the provisional license, *[pursuant to 20 CSR 2197-2.030(3),]* if he/she has not passed the national examination, or obtain a license as a massage therapist pursuant to 20

CSR 2197-2.010(1) or (2).

(3) A provisional license may be renewed for an additional *[ninety (90) days from the date of expiration]* **number of months and no more than one year** at the discretion of the board. To renew a provisional license the applicant must complete an application, submit written verification from the massage therapy school, program, mentor or testing entity that the *[person]* **applicant** has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010(1)(D) or 20 CSR 2197-2.010(2)(D), **provide a written explanation for renewing the provisional license**, and pay the required fee.

(4) A provisional licensee is subject to all statutes and regulations relating to the licensing and regulation of licensed massage therapists and licensed massage therapy businesses.

(5) A provisional license shall not be issued until the results of the criminal background check have been reviewed by the board. The results of the criminal background check shall be valid for two (2) years from receipt of the criminal background check in the board office.

*AUTHORITY: sections 324.245 and 324.265, RSMo Supp. 2007. * This rule originally filed as 4 CSR 197-2.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-2.030, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 21, 2007, effective March 30, 2008.*

**Original authority: 324.245, RSMo 1998, amended 1999, 2003, 2006 and 324.265, RSMo 1998, amended 1999, 2006.*

REQUEST FOR RULEMAKING

Rule Number and Name 20 CSR 2197-2.030 Provisional License

Type of Rulemaking

- New Rule
Amendment
Rescission
Emergency - If so, what is the needed effective date?

Priority of Rulemaking

If not an emergency rulemaking request, explain why an expedited process is warranted.

Purpose of Rulemaking

Purpose Statement for the Proposal (This will be the official statement filed with the proposal.)

The amended language mirrors the statute regarding the time frame for a provisional license.

Please explain why the regulatory language is needed:

During the 2008 regular session, HB 1419 was passed by the general assembly and signed into law. Among other licensure areas, the statutory amendment codifies a one year provisional license. This allows adequate time for the licensee to apply and prepare for the national examination, obtain employment, and work in the profession.

In the past, applicants encountered scheduling delays with a national examination provider and the ninety (90) day time frame would pass before a provisional licensee was able to take the test. Upon expiration of the provisional licensee, the licensee would need to submit another application, verification of being scheduled for the national examination, and fee. The short time frame and additional fee posed a hardship for some provisional licensees.

Finally, language is added regarding applying for a renewal of the provisional license. In the past, the board has received requests to renew a provisional license due to problems with examination scheduling, health related issues, or a licensee becoming a primary care provider. Language is added to clarify the requirements to request a renewal of a provisional license.

Public Entity/State Agency Fiscal Impact

Will this rule have a fiscal impact for your board? YES NO

If yes, please complete the following tables:

Personal Service Costs

- This table will outline the employees and their classifications that are affected by the rule proposal along with a summary of the duties that are being performed and the estimated time it will take to complete the process. Examples are shown in red.

Table with 4 columns: EMPLOYEE NAME, JOB TITLE, DUTIES BEING PERFORMED, ESTIMATED AMOUNT OF TIME TO COMPLETE EACH ITEM. Row 1: Jane Doe, Executive I, Reviews Application for Completeness; Prepares, 5 minutes.

		and Sends Follow Up Letters	
John Doe	License Tech I	Prepares File for Board Review	3 minutes
Jane Doe	Executive Director	Approves application; addresses any areas of concern related to review of documents	10 minutes
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Expense and Equipment Costs

- This table will outline the expense and equipment costs (i.e., applications, letterhead envelopes, postage, lodging, meals, etc.). *Examples are shown in red.*

Expenses and Materials	Cost Per Item	Number of Items	Total Cost
Letterhead	\$ 0.20	500	\$100
Envelopes	\$0.15	500	\$75
Postage	\$0.41	500	\$205
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Private Entity Fiscal Impact

Will this rule have a fiscal impact on members of the public (i.e., applicants, licensees, continuing education providers, etc)?
 YES NO

If yes, please complete the following table:

- This table will outline the type, number, and way that entities will be affected by this proposal and the date that these figures are based on. *Examples are shown in red.*

Classification of Entities Affected	# of Licensees/Applicants Affected by Change	How the Licensees will be Affected	What are the Figures Based On?
Applicants for Initial Licensure	45	Fee \$20 increase	FY05-FY07 Actuals
Applicants for Initial Licensure	45	Notary \$2.50	
Applicants for Initial Licensure	45	Transcript \$10	

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

What is the expected growth rate of the entities affected by this change? *Examples are shown in red.* _____

2% based on FY 05 – FY07 Actuals

20 applicants based on FY 07 Actuals

Will this rulemaking request have an impact on small business? YES NO

If yes, please fill out the Small Business Impact Statement. If no, please give a brief statement explaining why this amendment will not have an impact on small business.

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

Division 2197—Board of Therapeutic Massage

Chapter 4—Apprenticeship

20 CSR 2197-4.010 Certified Mentor

PURPOSE: This rule outlines the requirements for licensure as a certified mentor.

[(1) A certified mentor shall:

(A) Be licensed as a massage therapist;

(B) Complete an application to be certified by the board as a mentor and pay the appropriate fee;

(C) Submit evidence documenting at least five (5) years massage therapy professional practice with an average of four hundred fifty (450) hours per year of massage teaching and/or massage practice hours. Documentation may include but is not limited to a combination of the following:

1. Income tax forms;

2. Professional massage therapy association membership(s);

3. Certificates of continuing education in massage therapy;

4. Business license(s);

5. Office rent or lease agreement(s);

6. Yellow page advertisements with dates;

7. Printed advertisements with dates;

8. Professional insurance;

9. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;

10. Verifiable letter(s) from employer(s);

11. Verifiable letter(s) from a school owner, program director and/or former students;

12. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

13. Verifiable letters of confirmation from clients of massage therapy experience;

14. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; or

15. Student roster consisting of student's name, address and/or telephone number, date of attendance and time period of attendance;

(D) Submit documentation that the mentorship program consists of at least five hundred (500) clock hours of supervised instruction as follows:

1. Three hundred (300) clock hours dedicated to massage theory and practice techniques taught by the certified mentor;

2. One hundred (100) clock hours dedicated to the study of anatomy and physiology taught by one (1) of the following:

A. The board-approved mentor with an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include but are not limited to physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;

B. A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri Coordinating Board for Higher Education (CBHE), or an out-of-state school approved by an agency equivalent to the Missouri CBHE; or

C. The board-approved mentor with fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United

States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours or fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;

3. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri taught by the board-certified mentor with documented experience in a related field; and

4. Fifty (50) clock hours dedicated to ancillary therapies taught by the board-certified mentor with documented experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification; and

(E) Submit verification of instructor credentials and the course of study with proposed time line.

(2) The certified mentor must provide the board with any change(s) in the course of study or time line at least sixty (60) days prior to implementing the change, for board approval. If the board determines that the change(s) is substantive in nature, the board may require the certified mentor to reapply for approval as a certified mentor in accordance with this rule and pay the appropriate fee.

(3) The certified mentor shall provide massage therapy education and direct supervision for no more than four (4) students enrolled at any given time and no more than eight (8) students per calendar year.

(4) When providing massage to the general public, the certified mentor shall conduct such training at a massage therapy business licensed by the board.

(5) The mentorship shall be at least five (5) months in duration and shall be completed within twenty-four (24) months of commencement.

(6) For the purpose of this regulation, the course of instruction meeting the educational requirements for licensure shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).]

AUTHORITY: section 324.240, RSMo 2000 and section 325.245, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-4.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-4.010, effective Aug. 28, 2006. Amended: Filed Aug.21, 2007, effective March 30, 2008.*

**Original authority: 324.240, RSMo 1998, amended 1999; 324.245, RSMo 1998, amended 1999, 2003, 2006.*

20 CSR 2197-4.010 Certified Mentor

PURPOSE: This regulation outlines the requirements to be a certified mentor.

(1) For the purpose of this regulation “certified mentor” shall mean a licensed massage therapist, approved by the board, to provide a board approved apprenticeship training program. An “apprentice” shall be defined as any person enrolled in a board approved apprenticeship training program.

(2) Any person desiring to be a certified mentor shall submit an application, provided by the board, and applicable fee along with evidence documenting at least five (5) years professional practice in massage therapy with an average of four hundred fifty (450) hours per year of massage teaching and/or massage practice hours. Documentation may include, but is not limited to, a combination of the following:

- (A) Income tax forms;**
- (B) Professional massage therapy association membership(s);**
- (C) Certificates of continuing education in massage therapy;**
- (D) Business license(s);**
- (E) Office rent or lease agreement(s);**
- (F) Yellow page advertisements with dates;**
- (G) Printed advertisements with dates;**
- (H) Professional liability insurance;**
- (I) Cancelled checks related to the massage therapy practice that shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;**
- (J) Verifiable letter(s) from employer(s);**
- (K) Verifiable letter(s) from a school owner, program director and/or former students;**
- (L) Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;**
- (M) Verifiable letters of confirmation from clients of massage therapy experience;**
- (N) Work log or client records consisting of client’s name, address and/or telephone number, appointment date, and time period worked on client; or**
- (O) Student roster consisting of student’s name, address and/or telephone number, date of attendance and time period of attendance.**

(3) Upon board approval of the apprenticeship training program, the certified mentor shall represent the program as, “approved to operate by the Missouri Board of Therapeutic Massage” on all advertisements, publications, and solicitations.

20 CSR 2197-4.0?? Apprenticeship Training Program

Purpose: This regulation outlines the composition of an apprenticeship training program.

(1) An apprenticeship training program shall encompass those activities as defined within section 324.240(7) RSMo and shall consist of at least five hundred (500) hours of supervised instruction pursuant to section 324.265.1(2) RSMo. The content of supervised instruction shall consist of the following and subject to board approval;

(A) One clock hour of instruction within an apprenticeship training program shall consist of no less than fifty (50) minutes;

(B) Three hundred (300) clock hours dedicated to the study of massage theory and practice techniques taught by the certified mentor;

(C) One hundred (100) clock hours dedicated to the study of anatomy and physiology taught by one (1) of the following:

1. A certified mentor with an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include but are not limited to physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;

2. A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri Coordinating Board for Higher Education (CBHE), or an out-of-state school approved by an agency equivalent to the Missouri CBHE; or

3. A certified mentor with fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours or fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;

(C) Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri taught by the certified mentor with documented experience in the course of instruction; and

(D) Fifty (50) clock hours dedicated to ancillary therapies taught by the certified mentor with documented experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification. If the certified mentor is unable to provide a course of instruction in CPR and/or first aid, an apprentice may obtain the required training from a massage therapy program approved by the Missouri Coordinating Board for Higher Education (CBHE) or organization such as the American Heart Association or American Red Cross.

(E) The proposed apprenticeship training program shall include a proposed time line for completion of the apprenticeship training program.

1. The apprenticeship training program shall be at least five (5) months in duration and shall be completed within twenty-four (24) months of commencement. A request to extend an apprenticeship beyond twenty-four months (24) shall be at the board's discretion and upon receipt of a written request outlining the reason(s) for additional time.

2. A certified mentor shall provide an apprenticeship training program for no more than four (4) apprentices enrolled at any given time and no more than eight (8) apprentices per calendar year.

3. The apprenticeship training program is not intended to be a method of providing massage therapy in the absence of progress toward licensure. A certified mentor shall discontinue an apprenticeship if the certified mentor has knowledge the apprentice does not intend to obtain a license or is enrolled in the apprenticeship training program with the intent to evade the licensing requirements.

4. An apprentice shall be under the direct supervision of a certified mentor and shall be subject to all applicable laws and regulations relating to massage therapy. As used in this section, direct supervision shall mean face to face direction, guidance and support of the apprentice by the mentor during the course of study and student clinic/internship/practicum, and at any time an apprentice is providing massage therapy. The apprentice shall not receive reimbursement for massage therapy services provided as part of the approved apprenticeship program.

5. Instruction meeting the educational requirements for licensure shall not include unsupervised instruction provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between the certified mentor and the apprentice(s).

6. When providing massage therapy to the general public, the certified mentor shall conduct such training at a massage therapy business licensed by the board.

7. Any certified mentor desiring to change or modify the board approved apprenticeship training program shall submit a written request to the board at least sixty (60) days in advance of the proposed changes.

(4) In order to enroll in an approved apprenticeship training program, an apprentice shall submit an enrollment application, provided by the board, at least fourteen (14) days prior to the anticipated commencement of the apprentice's training. No apprentice shall receive credit for education received from a certified mentor of an approved apprenticeship training program until approved by the board.

(A) When an apprentice completes or withdraws from an apprenticeship training program, the certified mentor shall submit written notification on a form provided by the board, within fourteen (14) days of completion or withdrawal from the program.

(B) For the purpose of meeting the requirements for licensure, training received from an apprenticeship training program is applicable towards the licensure requirements for no more than (5) years from the date it was received from the certified mentor.

20 CSR 2197-4.0?? Apprenticeship Training Documentation

Purpose: This regulation outlines the documentation to be maintained by the certified mentor regarding an approved apprenticeship training program.

- (1) Prior to enrolling an apprentice in an approved training program, the certified mentor shall provide, in writing, the following information to the apprentice:**
 - (A) Course of instruction to include delivery method, textbooks or reading materials;**
 - (B) Anticipated timeframe for completion of course of instruction;**
 - (C) Attendance requirements to include time and dress code;**
 - (D) Grading system;**
 - (E) Hours certified mentor is accessible outside of regular course of instruction; and**
 - (F) Required cost(s) of apprenticeship program.**
- (2) Documentation of this information shall be submitted with apprentice enrollment application pursuant to 20 CSR 2197-4.0??(4) referencing regulation from apprenticeship training program.**
- (3) Annually, the certified mentor shall submit an apprenticeship progress report, on a form provided by the board, regarding apprentice(s) enrolled, attendance record and evaluation of apprentice. The form shall be signed by the certified mentor and apprentice.**
- (4) The certified mentor shall maintain an individual transcript record for each apprentice currently or formerly enrolled in the approved apprenticeship training program. The transcript shall be maintained by the certified mentor for at least five (5) years from the date of the last course attended by the apprentice and include the following elements:**
 - (A) Name and license number of certified mentor and address of the approved apprenticeship program as reported on the application pursuant to 20 CSR 2197-4.010(2);**
 - (B) Full name of the apprentice;**
 - (C) Date apprentice entered approved apprenticeship program;**
 - (C) Information relating to each course taken under the supervision of the certified mentor to include:**
 - 1. Course title or name;**
 - 2. Course program or credit hours offered;**
 - 4. Course program or credit hours attended;**
 - 5. Course completion date;**
 - 6. Date training program was completed;**
 - 7. Notation and date of withdrawal from approved apprenticeship program, designated with the word “withdrawal” and the grade “W” for any course from which the apprentice withdrew;**
 - 8. Name, title and signature of certified mentor;**
 - 9. Date transcript was issued.**
- (5) Upon renewal of the massage therapy license, the certified mentor shall indicate whether s/he wishes to maintain the mentorship certification. Upon relinquishing the mentorship certification, the massage therapist shall discontinue the approved apprenticeship training program and may apply for reinstatement upon submitting an application pursuant to 20 CSR 2197-4.010 and 4.0??.**

REQUEST FOR RULEMAKING

Rule Number and Name 20 CSR 2197-4.010 Certified Mentor

Type of Rulemaking

- New Rule
Amendment
Rescission
Emergency - If so, what is the needed effective date?

Priority of Rulemaking

If not an emergency rulemaking request, explain why an expedited process is warranted.

Purpose of Rulemaking

Purpose Statement for the Proposal (This will be the official statement filed with the proposal.)

The regulation is being rescinded and replaced with three new regulations addressing the apprenticeship training program as it relates to; 1) mentor credentials, 2) program administration, and 3) documentation.

Please explain why the regulatory language is needed:

Massage therapy started as a cottage industry comprised of experience practitioners or mentors teaching massage theory and technique, anatomy and physiology, and pathology to inexperienced practitioners via an apprenticeship. Over time, the delivery model for massage therapy education has evolved into a formal course of study accredited by bodies recognized by the US Department of Education, a state's department of education, or similar regulatory entity.

An apprenticeship training program in Missouri utilizes the early delivery model of massage therapy education and provides an alternative method for a person to obtain the education for licensure as required in section 324.265.1(2)(a) RSMo. While the hours must meet the regulatory requirement of the law, the delivery method offers flexibility in scheduling and theoretical approach, based upon the mentor's philosophy regarding massage technique. For example, an apprenticeship training program may emphasize medical or sports massage versus swedish or shiatsu based massage.

Effective March 30, 2008, this regulation was amended to eliminate confusing and duplicative language. Since that time, the board has noted the regulation does not adequately define the administrative aspect of an apprenticeship training program, as it relates to the enrollment and supervision of an apprentice.

Secondly, in the past year the board has received complaints regarding the content and oversight of apprenticeship training programs and, as a result, regulatory language has been developed.

Public Entity/State Agency Fiscal Impact

Will this rule have a fiscal impact for your board? YES NO

If yes, please complete the following tables:

Personal Service Costs

- This table will outline the employees and their classifications that are affected by the rule proposal along with a summary of the duties that are being performed and the estimated time it will take to complete the process.

Examples are shown in red.

EMPLOYEE NAME	JOB TITLE	DUTIES BEING PERFORMED	ESTIMATED AMOUNT OF TIME TO COMPLETE EACH ITEM
Jane Doe	Executive I	Reviews Application for Completeness; Prepares and Sends Follow Up Letters	5 minutes
John Doe	License Tech I	Prepares File for Board Review	3 minutes
Jane Doe	Executive Director	Approves application; addresses any areas of concern related to review of documents	10 minutes
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Expense and Equipment Costs

- This table will outline the expense and equipment costs (i.e., applications, letterhead envelopes, postage, lodging, meals, etc.). *Examples are shown in red.*

Expenses and Materials	Cost Per Item	Number of Items	Total Cost
Letterhead	\$ 0.20	500	\$100
Envelopes	\$0.15	500	\$75
Postage	\$0.41	500	\$205
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Private Entity Fiscal Impact

Will this rule have a fiscal impact on members of the public (i.e., applicants, licensees, continuing education providers, etc)?

YES NO

If yes, please complete the following table:

- This table will outline the type, number, and way that entities will be affected by this proposal and the date that these figures are based on. *Examples are shown in red.*

Classification of Entities Affected	# of Licensees/Applicants Affected by Change	How the Licensees will be Affected	What are the Figures Based On?
Applicants for	45	Fee \$20 increase	FY05-FY07 Actuals

Initial Licensure			
Applicants for Initial Licensure	45	Notary \$2.50	
Applicants for Initial Licensure	45	Transcript \$10	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

What is the expected growth rate of the entities affected by this change? *Examples are shown in red.* _____

2% based on FY 05 – FY07 Actuals
 20 applicants based on FY 07 Actuals

Will this rulemaking request have an impact on small business? YES NO

If yes, please fill out the Small Business Impact Statement. If no, please give a brief statement explaining why this amendment will not have an impact on small business.

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: July 28, 2009

Rule Number: 20 CSR 2197-4.010 Certified Mentor

Name of Agency Preparing Statement: Department of Insurance, Financial Institutions and Professional Registration, Division of Professional Registration, Board of Therapeutic Massage

Name of Person Preparing Statement: Loree Kessler

Phone Number: 522-6277 Email: loree.kessler@pr.mo.gov

Name of Person Approving Statement:

Please describe the methods your agency considered or used to reduce the impact on small businesses (examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).

Prior to formalized education provided by accredited massage therapy schools, and higher education institutions, early massage therapists relied upon experienced practitioners for training. Once a cottage industry, based upon a loosely defined mentor/apprenticeship relationship, the profession grew into a recognized field of study.

Currently, two members of the board are certified as mentors. Thus, their practical experience helped the board to gain insight into the day-to-day management of an apprenticeship training program. Additionally, through the investigation of complaints concerning mentorships and the corresponding resulting dialog with mentors and apprentices, the board learned of deficiencies within the current regulatory language.

Please explain how your agency has involved small businesses in the development of the proposed rule. The board relied on the practical experience of the two certified mentors currently serving on the board at the time the regulatory language was developed, as well as information obtained from mentors and apprentices through the course of a complaint investigations.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

Agency Cost

Licensure Technician II = \$1.55 per application

(Cost break down - annual salary w/fringe benefits \$37,972 /52 weeks = \$730 per week/40 hours per week = \$18.25 per hour/60 minutes per hour = .31 per minute x 5 minutes to assemble application = \$1.55)

Executive Director = \$11.70 per application

(Cost breakdown - annual salary w/fringe benefits \$97.238/52 weeks = \$1,860 per week/40 hours per week = \$46.74 per hour/60 minutes = .78 per minute x 15 minutes to review an application and advise board of completeness = \$11.70)

Board Members = \$10.50

(Cost break down - \$70 per diem/8 hours = \$8.75 per hour/60 minutes = .15 per minute x 10 minutes per application = \$1.50 x 7 board members = \$10.50)

Total expense and equipment = .79 per application

Letterhead = .20

Envelope = .15

Postage = .44

Income = 2 applications @ \$100 each = \$200

Costs associated with the administration of the licensure law are paid according to various fees within the regulation pursuant to section 324.245.1(5) RSMo. Such fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administration of the law.

In amending the current regulation, the board intends to better organize the information with three separate regulations relating to; mentor credentials, training program composition and administration, and documentation. The proposed regulatory language clearly identifies the experience requirements to assemble a massage therapy training program.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Any Missouri licensed massage therapist providing an apprenticeship training program in this state, will be required comply with this regulation.

The regulatory language benefits potential licensees by defining an alternative method of obtaining the required education in massage therapy in order to become licensed.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

Cost of compliance

Application fee = \$100

Postage = \$1

Copy fee = \$4.00

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Any Missouri licensed massage therapist providing an apprenticeship training program in this state will be directly affected by the regulation to include applicable private sector costs.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_x__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: July 27, 2009

Rule Number: 20 CSR 2197-4.0?? Apprenticeship Training Program

Name of Agency Preparing Statement: Department of Insurance, Financial Institutions, and Professional Registration, Board of Therapeutic Massage

Name of Person Preparing Statement: Loree Kessler

Phone Number: 522-6277

Email: loree.kessler@pr.mo.gov

Name of Person Approving Statement:

Please describe the methods your agency considered or used to reduce the impact on small businesses (examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).

The board examined the original regulatory language effective September 30, 2000 and amended language effective March 30, 2008 along with reasons applications for apprenticeship training programs were not approved.

Even with changes in the regulation that became effective March 30, 2008, the board noted continued confusion concerning the apprenticeship training program application process and administration.

Please explain how your agency has involved small businesses in the development of the proposed rule.

Two board members are mentors and provided input regarding their experience with the application process and how it could be easier for an applicant if the regulation was broken down into three distinct areas; a mentor's qualifications to facilitate a training program and compliance with section 324.265.1(2) (a) RSMo and the administrative aspects of an apprenticeship training program.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

Agency cost

Licensure Technician II = \$1.55 per application

(Cost breakdown - annual salary w/fringe benefits \$37,972 /52 weeks = \$730 per week/40 hours per week = \$18.25 per hour/60 minutes per hour = .31 per minute x 5 minutes to assemble application = \$1.55)

Executive Director = \$11.70 per application

(Cost breakdown - annual salary w/fringe benefits \$97,238/52 weeks = \$1,860 per week/40 hours per week = \$46.74 per hour/60 minutes = .78 per minute x 15 minutes to review an application and advise board of completeness = \$11.70)

Board Members = \$21.00 per application

(Cost break down - \$70 per diem/8 hours = \$8.75 per hour/60 minutes = .15 per minute x 20 minutes per application = \$3.00 x 7 board members = \$21.00)

The results of the content review would be communicated in the same correspondence as the review of mentor credentials; therefore, there is no expense and equipment included with the agency cost and no resulting revenue as the application fee for mentorship application encompasses 20 CSR 2197-4.010 and this regulation.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

A mentor wanting to provide an apprenticeship training program must apply for board approval. It is anticipated that a potential mentor will benefit from the requirement and not be adversely affected because the regulation clearly identifies the experience required to provide a course of instruction for a massage therapy training program.

The apprentice enrolled in the program because s/he will meet the educational requirements for licensure and national examination.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

Mentor cost = .64 per apprentice enrolled in an approved massage therapy training program. Mentors are allowed up to four apprentices at one time and no more than eight apprentices annually.

Apprentice Costs

The cost estimate for an apprentice to enroll in a massage training program will vary depending upon whether the training program includes books and supplies or such materials are purchased by the apprentice on an as needed basis. In contacting a current approved mentor, the board was advised that the training program cost of \$7,000 included books, massage table, massage chair, and supplies.

In determining a cost estimate for equipment needed for massage therapy training, multiple web sites were visited in order to obtain the cost of a massage therapy table and massage therapy chair. If an apprentice needed to purchase equipment the price range for a massage table was from \$160 to \$500 and for a massage chair \$200 to \$500. Costs varied according to materials and additional features of the table or chair. Items such as massage lotions, oils, towels, and linens are additional costs that an apprentice could incur also.

The law requires an applicant for licensure complete at least 100 program hours of study in the area of anatomy and physiology. If a mentor does not have the qualifications to this core area of instruction, an

apprentice can obtain the required 100 program hours from a Missouri approved massage therapy school, or regionally accredited college or university.

The Coordinating Board for Higher Education was consulted regarding conversion of semester hours into program hours and was advised one semester hour is the equivalent to fifteen program hours. It has been the board's experience that an undergraduate program provides three hours of anatomy and physiology lecture and two hours lab. In order for an apprentice to meet the 100 program hour massage therapy requirement s/he would need to enroll in an additional course of at least two semester hours. Given the format of undergraduate courses in colleges and universities, an apprentice would likely enroll in a five hour anatomy physiology course and a three semester hour pathology course. It has been the board's experience that a course in pathology relates to understanding the mechanisms of injury to cells and tissues and the body's means of responding to and repairing an injury. Pathology is directly related to anatomy and physiology and can be used toward this core area requirement.

The board reviewed the hourly fees of Missouri State University, Southeast Missouri State University, Northwest Missouri State University and Lincoln University to obtain an average hourly fee of \$198 x 8 semester hours = \$1,584 to complete a course of study in compliance with the statutory requirement regarding anatomy and physiology.

If a mentor is not certified to teach CPR and first aid by the Red Cross, an apprentice may need to take the course at a local hospital, public health department, or online. The average cost for a course in CPR/first aid is \$22. This cost was derived from checking online and classroom based CPR/first aid courses.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Individuals wanting to provide an apprenticeship training program will be affected by and bear the application costs.

Individuals seeking education and training in massage therapy via an apprenticeship training program will benefit from the regulation as the composition of the program meets the educational requirements for licensure.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_x__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: July 27, 2009

Rule Number: 20 CSR2197-4.01? Apprenticeship Training Documentation

Name of Agency Preparing Statement: Department of Insurance, Financial Institutions,
Professional Registration, Board of Therapeutic Massage

Name of Person Preparing Statement: Loree Kessler

Phone Number: 522-6277

Email: loree.kessler@pr.mo.gov

Name of Person Approving Statement:

Please describe the methods your agency considered or used to reduce the impact on small businesses (examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).

Mentors and their apprentices must have the flexibility to structure an apprenticeship training program that matches a mutually agreed upon approach to massage technique in compliance with the law.

In considering small business impact, the board was faced with balancing flexibility and insuring proper protection of the apprentice and consumers of their services. Two board members are mentors and provided insight into the day to day requirements of providing an apprenticeship training program.

Please explain how your agency has involved small businesses in the development of the proposed rule.

In many circumstances regulatory language stems from ongoing dialog between board members, staff, and massage therapy educators and licensees. Unfortunately, there are cases where negative experience prompts regulatory amendments and such is the case with this regulation.

Based upon complaints filed with the board and corresponding interviews conducted by investigators and the board, it was discovered that some training programs did not provide adequate documentation of enrollment, progress or completion. Apprentices were unable to transfer to other training programs or massage therapy schools due to lack of documentation of course completion. The board concluded that the regulation did not adequately inform mentors of recordkeeping that accompanies the administration of apprenticeship training program.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

There are no anticipated costs or income to the agency. However, the anticipated benefit is that mentors and apprentices will understand training program expectations and obligations thus avoiding misunderstandings and confusion. A direct benefit to the agency will be a reduction in complaints and corresponding investigations regarding apprenticeship training programs.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

An apprenticeship training program must disclose information regarding composition, duration, and cost. The anticipated benefit for the mentor and apprentice is a clear understanding of training program administration.

Secondly, notification of training program enrollment allows the board to monitor training program participation statewide and provide assistance to individuals that may seek assistance in locating a board approved mentor.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

An apprenticeship training program may consist of no more than eight apprentices during a calendar year. Thus, the cost to the mentor to submit an enrollment application will vary according to the number of apprentices enrolled in the apprenticeship training program.

While not required by the regulation, a mentor may want to utilize forms or software for the enrollment agreement. In reviewing various websites providing generic forms, the average cost was \$45.

While not required by the regulation, a mentor may wish to obtain legal advice regarding the content of an enrollment agreement or general regulatory compliance. While the legal fees vary the board estimated an hourly rate of \$130 which is contract rate assessed to the board for legal counsel.

In the past, the board was not advised of the number of apprentices working with a mentor in a massage therapy apprenticeship training program. Therefore, the board has no statistics from prior fiscal years. However, it is anticipated that an apprentice seeking licensure will need at least two transcripts; one to accompany the application for licensure and one to have sent to the national examination service. The average cost per transcript is estimated at \$15 based upon the cost assessed by college and university registrar offices.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Mentors will bear the cost of submitting the enrollment form to the board.

Apprentices will bear the cost of obtaining official transcripts.

Both mentors and apprentices will benefit from the regulation as there will be an official record of enrollment, progress, and course completion that can be used to document compliance with the educational requirements for licensure and qualify an apprentice to take a national examination in massage therapy.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_x__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.