

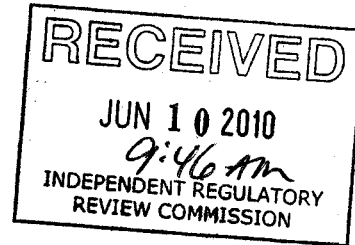
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Federation of State Massage Therapy Boards

June 4, 2010

Judy Harner
Board Administrator
PA State Board of Massage Therapy
PO Box 2649
Harrisburg, PA 17105-2649



Dear Ms. Harner:

RE: Reference Regulation # 16A-721, Massage Therapy

The Federation of State Massage Therapy Boards (FSMTB) appreciates the opportunity to provide feedback regarding Regulation #16A-721. We have been monitoring the process in Pennsylvania and are pleased that the commonwealth joins our other massage therapy and bodywork licensure states in the interest of serving the public.

I am writing to you on behalf of the FSMTB primarily to support and congratulate the members and staff of the Pennsylvania State Board of Massage Therapy for their diligent work in reaching this stage in the rulemaking process. Our sole mission is to support our member boards in their work to ensure that massage and bodywork is provided to the public in a safe and effective manner and it is in this spirit that I also wish to provide feedback that pertains to content and possible consequences, as follows:

Regarding Chapter 20.23

1. I would be remiss if I did not point out that the Massage & Bodywork Licensing Examination (MBLEx) is recommended as the sole examination in the United States for massage therapy licensure. This position is supported by the FSMTB, the American Massage Therapy Association (AMTA) and Associated Bodywork and Massage Professionals (ABMP). As background information in support of this position, the (MBLEx) was developed by the regulatory community specifically to meet their common public protection mandate. It provides the regulatory community with the *only* reliable, valid exam to assess entry-level competence for licensure – and it is owned and governed by the regulatory community, including, of course, the PA State Board of Massage Therapy. Further, the MBLEx has more than one third of its content devoted to the topic of ethics and professional practice, greater than any other massage therapy or bodywork exam, (including any private sector certification exams), reflecting the Federation's and the profession's commitment to practitioner professionalism and consumer safety.
2. Please note that there is a typographical error when referring to the Federation of State Massage Therapy Boards using the acronym FSBMT instead of FSMTB.
3. Contrary to the sentence that indicates fees paid to the FSMTB are nonrefundable; fees paid to the FSMTB are in fact refunded, minus a processing fee, if a candidate withdraws his/her application.

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4. Since the MBLEx is designed for licensure and public protection, the FSMTB imposes no restrictions on the number of times a candidate can fail the exam without having to undertake some kind of intervention before subsequent attempts. This is an example of a policy introduced by private, voluntary certification organizations that are entitled to restrict access to receiving their certification credential but it is not typical for a state agency to impose such parallel restrictions because licensure, unlike certification, pertains to entering the workforce and public protection.
5. Pertinent to item 4 above, and with the Federation's intent of looking out for the interests of our member board, it appears as if you may be placing a burden (potentially unenforceable) upon the PA Board in terms of monitoring compliance with the number of times a licensure applicant can take any combination of the exams you propose accepting. For example, an applicant could fail two of the certification exams and the MBLEx, yet no entity could collate the three independent failures that would prevent subsequent examination attempts. Similarly, other States do not use the arbitrary standard (three failed attempts and further education is required) set by a private certification organization so you could have a candidate applying to PA from out of state who may have tested more than three times yet holds a current license in another jurisdiction. It would not be fair to place a greater burden on the applicants from PA than those who are transferring from out of State would have to meet. The matter seems to be further complicated for you to enforce with the proposal to accept the NESL – which is not a unique exam – it is actually the identical certification exams (NCETM and NCETMB), offered and administered by the NCBTMB under another name.

Regarding Chapter 20.33

1. The FSMTB has received requests from many licensing boards to provide continuing education review and approval services. Although not currently implemented, you may wish to include FSMTB among your list of acceptable CE approval entities. Since PA is a member board, the FSMTB could also act on behalf of the PA Board, should you so choose, in performing the approval process to allow the ultimate final conclusions to be conferred by the Board.

The FSMTB is pleased to support you in your important work of protecting the citizens in Pennsylvania. Please contact me at dpersinger@fsmtb.org / 913.681.0380 or our Director of Government Relations, Sally Hacking at 727.686.0966 if you have any questions.

Sincerely,

Debra A. Persinger

Debra A. Persinger, PhD
Executive Director