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June 3, 2010

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

RE: Regulation #16A-721, Massage Therapy

Dear Ms. Harner:

We certainly appreciate all the hard work that went into creating these regulations. We also want to thank you for incorporating some of our earlier suggestions.

The following comments have come from all our association members with massage schools and we hope they will help clarify and strengthen the regulations.

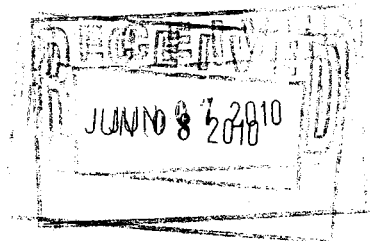
20.3 Fees: Verification of a license – For other Board licensees, this is provided free on line. Can this verification be provided free?

20.12 Information that must be provided to prospective students – Schools accredited by NACCAS must provide an overall licensure pass rate to students for all programs at the school. Those schools will then have to provide a separate licensure pass rate only for massage. This could be confusing to students.

20.13 Online CPR – There are several on-line sites that offer “nationally recognized” CPR courses that lend to a certificate. We would suggest that the Board not accept on-line CPR courses because of their brief duration and lack of supervised practice.

20.14(b) Student Practice – Some school administrators were concerned that by giving students homework to massage family and friends under indirect supervision, the school may be opening itself up to serious liability if the student hurts someone. This is an important consumer protection issue.

20.14(f) Maintenance of records for service provided by students for three years. Is that three years from the first date of service or the last date of service?



20.21(c) For associate degree students, will they be permitted to take the massage licensing exam after they complete the required 600 hours (the equivalent of a diploma program) even though they still have a minimum of an additional 900 hours to complete to obtain their degree?

20.21(d)(3) A number of massage students have expressed concern to school administrators that they may be unable to obtain a license because they were arrested or charged with a crime, although they were not convicted.

The law states that applicants may not be approved for a license if they have been “convicted” of a crime. Yet, the regulations extend the barrier to licensure by adding “arrested or charged”. This appears to go beyond the scope of the law.

In addition, students are concerned that if they prepare for a massage career by attending school, paying the tuition and joining professional massage associations, they could still be denied a license by the Board because of an arrest or criminal charge having been filed. This is a serious consumer protection issue. Even with full disclosure prior to enrolling in school, it is still a major economic gamble for students who have had an arrest or charge filed against them.

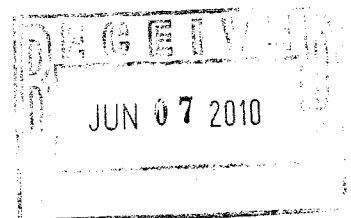
At the very least, Section 20.21 (d)(3) should be changed to “convicted” only and applicants given some consumer information on the types of convictions that would constitute a barrier to licensure. In addition, it would be extremely helpful if the Board would provide guidelines for the review process of a conviction that would help schools better determine if a prospective student will be able to secure a license when they graduate.

20.24 For those applicants who will be grandfathered, will they need to provide proof of CPR, submit a background check, and provide proof of high school or equivalent with their initial application?

20.26(e) Application requirements for temporary practice permits – “Individuals who have been issued a temporary practice permit may not hold themselves out as a licensed massage therapist, use the initials LMT or advertise their practice of massage therapy.”

How will a student build their practice, become gainfully employed and start paying back their school loans if they can’t market themselves as LMTs or advertise? They will not be able to free lance without advertising. This is a big problem for students and recent graduates. We would suggest removing 20.26(e) or allow graduates to advertise as a temporary permit holder.

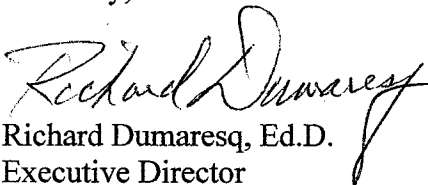
20.33 Continuing education content and providers – The PA Association of Private School Administrators (PAPSA) provides continuing education for massage therapy faculty in the latest teaching techniques, learning theory, classroom management, etc. While these topics are not directly massage related, they are indirectly related and do provide an important learning component in the development of massage teachers’ skills. Can at least 6 hours of pedagogical technique be counted towards continuing education for massage faculty only?



20.51(3) Massage therapy treatment areas – “illumination for cleaning” – Does this mean the lights are on while cleaning? Is it that obvious?

Thank you for the opportunity to comment.

Sincerely,

  
Richard Dumaresq, Ed.D.  
Executive Director

