

BEFORE THE BOARD OF MASSAGE THERAPY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
[Proposed New Rule IV, MAR Notice) ADOPTION
No. 24-155-1] definitions, and the)
adoption of NEW RULES I and II,)
pertaining to licensure requirements)

TO: All Concerned Persons

1. On March 11, 2010, the Board of Massage Therapy (board) published MAR notice no. 24-155-2 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 602 of the 2010 Montana Administrative Register, issue no. 5.

2. On April 1, 2010, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the April 9, 2010, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter opposed the requirement in New Rule I for two letters attesting to the applicant's good moral character. The commenter stated that the letters are meaningless, the requirement is too invasive, and that the disciplinary questions on the license application provide enough information to prove or disprove good moral character.

RESPONSE 1: The board concluded that there is value in requiring letters of good moral character as they are similar in purpose to letters of recommendation commonly used in employment applications. The letters also provide the board with additional witnesses to an applicant's good moral character, and the requirement does not present a real barrier to licensure. The board is adopting this rule exactly as proposed.

COMMENT 2: One commenter opposed New Rule II and stated that certification boards, such as the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), are not appropriate to set curriculum guidelines for state regulatory boards because they may change guidelines without input from the boards. The commenter also stated that if the board intends to accept distance education as part of entry-level license qualifications, the board should further clarify acceptable criteria for distance education.

RESPONSE 2: Section 37-33-502(2)(a), MCA, requires the board to accept the curriculum guidelines of programs accredited by the National Commission for

Certifying Agencies (NCCA), of which NCBTMB is one. New Rule II implements the statutory mandate by naming NCBTMB and setting forth the basic curriculum guidelines of NCBTMB for the guidance of future applicants and programs. Since NCBTMB is accredited by NCCA and permits 300 hours of distance learning, then 300 hours of distance learning would satisfy licensure requirements and must be accepted by the board. New Rule II also clarifies that the curriculum guidelines of other programs can be accepted on a case-by-case basis.

The board notes that it is not clear in the proposed language of New Rule II that the NCBTMB is an accredited program. Therefore, the board is amending this rule accordingly to clarify the matter.

4. The board has amended ARM 24.155.301 exactly as proposed.
5. The board has adopted NEW RULE I (24.155.608) exactly as proposed.
6. The board has adopted NEW RULE II (24.155.605) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II CURRICULUM GUIDELINES (1) ~~The Board of Massage Therapy has recognized the program curriculum guidelines of the National Certification Board for Therapeutic Massage and Bodywork as~~ is a program currently accredited by the National Commission for Certifying Agencies and its curriculum guidelines meeting or exceeding meet or exceed the requirements of 37-33-502, MCA. ~~The recognized~~ Those curriculum guidelines are as follows:
(a) through (2) remain as proposed.

BOARD OF MASSAGE THERAPY
MICHAEL EAYRS, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 3, 2010