

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

In the matter of the amendment of)
ARM 24.155.301 definitions, and the)
adoption of NEW RULES I and II)
continuing education, unprofessional)
conduct)

NOTICE OF AMENDMENT AND
ADOPTION

TO: All Concerned Persons

1. On May 27, 2010, the Board of Massage Therapy (board) published MAR notice no. 24-155-3 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1239 of the 2010 Montana Administrative Register, issue no. 10.

2. On June 17, 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 June 25, 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 supported the proposed amendment to the definitions rule, ARM 24.155.301, stating that the amendment is fair because it aligns the policies of the board on lapsed, expired, and terminated licenses with other licensing agencies.

RESPONSE 1: The board believes that this amendment is a fair and accurate implementation of the Legislature's intent.

COMMENT 2: Several commenters were generally in favor of New Rule I on continuing education (CE). A few of the commenters suggested that the board amend (5) to include correspondence courses with online courses, rather than with CE obtained through books and audio tapes.

RESPONSE 2: The board agrees that the suggested change is a logical and appropriate amendment, and the board is amending New Rule I accordingly.

COMMENT 3: One commenter specifically addressed New Rule II. Generally in favor of this new rule, the commenter opined that the board can only perform inspections in conjunction with discipline. Out of concern for client privacy, the commenter suggested that the board establish guidelines for such inspections.

RESPONSE 3: The board will place the topic of inspections and inspection guidelines on a future meeting agenda. The board acknowledges they may very well be faced with these issues in the future.

COMMENT 4: One commenter addressed the discussion of breast massage and spa techniques at a recent board meeting, and made suggestions as to the board's regulation in these areas.

RESPONSE 4: The board notes that these comments are outside the scope of this rules notice, but may be placed on a future meeting's agenda.

4. The board has amended ARM 24.155.301 exactly as proposed.
5. The board has adopted NEW RULE II (24.155.901) exactly as proposed.
6. The board has adopted NEW RULE I (24.155.801) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I CONTINUING EDUCATION REQUIREMENTS (1) through (5) remain as proposed.

- (a) courses, seminars, or workshops taken in person, by correspondence, or online or by other electronic means;
- (b) and (c) remain as proposed
- (d) ~~correspondence courses~~, books, or audio tapes documented by notes summarizing the course content; and
- (e) through (7) 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 October 4, 2010