

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,)
24.155.401 fee schedule, 24.155.604)
licensure by examination, and)
24.155.608 licensure by)
endorsement, and the adoption of)
NEW RULE I military training or)
experience, NEW RULE II)
anonymous complaints, NEW RULE)
III nonroutine applications, and NEW)
RULE IV inactive license)

NOTICE OF AMENDMENT AND
ADOPTION

TO: All Concerned Persons

1. On March 13, 2014, the Board of Massage Therapy (board) published MAR Notice No. 24-155-4 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 466 of the 2014 Montana Administrative Register, Issue No. 5.

2. On April 3, 2014, 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 11, 2014, comment deadline.

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

GENERAL COMMENTS

COMMENT 1: One commenter generally supported the proposed amendments and new rules.

RESPONSE 1: The board appreciates all comments received during the rulemaking process.

ARM 24.155.604 – LICENSURE BY EXAMINATION

COMMENT 2: Several commenters suggested that the board reconsider adding the National Examination for State Licensing (NESL) as an approved licensing examination, because the commenters believe that exam to be obsolete and no longer supported by the National Certification Board for Therapeutic Massage and Bodywork. One commenter added that the only recognized exams should be the National Certification Examination for Therapeutic Massage and Bodywork

(NCETMB) and the National Certification Examination for Therapeutic Massage (NCETM).

RESPONSE 2: The board determined that it is necessary to add NESL to the rules as an approved licensing examination because the board still accepts the NESL examination from potential applicants applying from other states.

ARM 24.155.608 – LICENSURE BY CREDENTIAL

COMMENT 3: One commenter asserted that the breakdown of the massage therapy course of study curriculum for licensure by credential in the proposal did not match the guidelines of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The commenter stated that if the board's goal was to match the guidelines, the board should amend the rule to accurately reflect the NCBTMB's current guidelines.

RESPONSE 3: The board has determined it is necessary to amend the rule to allow greater flexibility for applicants licensed in other states and concluded that the rule still complies with the education requirements by examination.

COMMENT 4: A commenter asked the board to clarify whether it would allow an applicant to receive credit for online classes taken to satisfy the proposed requirements of (2)(e)(i)(B) and (2)(e)(i)(C).

RESPONSE 4: The board determined that 200 hours have to be physically in class with instructor supervision and the remaining 300 hours could be in class or an online study.

COMMENT 5: A commenter opined that online classes do not prepare students as well as in-class instruction.

RESPONSE 5: The board determined that 200 hours have to be physically in class with instructor supervision and the remaining 300 hours could be in class or an online study.

NEW RULE I – MILITARY TRAINING OR EXPERIENCE

COMMENT 6: A commenter asked how specific the board would be in terms of further defining "relevant military training, service, or education" that would be equivalent to the experience required for licensure.

RESPONSE 6: The board concluded that these decisions will be made by the board on a case-by-case basis depending upon an applicant's actual military training, service, and education.

NEW RULE II – ANONYMOUS COMPLAINTS

COMMENT 7: A commenter expressed concern that the proposed new rule could discourage complaints filed by individuals with valid concerns who are afraid of retaliation if they identify themselves.

RESPONSE 7: The board believes that encouraging individuals to identify themselves will reduce the chance of unnecessary or frivolous complaints being filed. The board is still allowing anonymous complaints to be made, but the identity of the complainant makes the process go a lot smoother.

NEW RULE IV – INACTIVE LICENSE

COMMENT 8: One commenter appreciated the new rule allowing licensees to pay a reduced fee to maintain their licenses on inactive status.

RESPONSE 8: The board appreciates all comments made during the rulemaking process.

4. The board has amended ARM 24.155.301, 24.155.401, 24.155.604, and 24.155.608 exactly as proposed.

5. The board has adopted NEW RULE I (24.155.610), NEW RULE II (24.155.904), NEW RULE III (24.155.613), and NEW RULE IV (24.155.616) exactly as proposed.

BOARD OF MASSAGE THERAPY
CAROLE LOVE, CHAIR

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 16, 2014