

**Arkansas Department of Health
Proposed Rules Pertaining to Arkansas State Board of Massage Therapy
Public Comments Received**

A public hearing was conducted August 24, 2015, at 10:00 a.m. in Room #801 of the Freeway Medical Center, 5800 W 10th St., Little Rock, Arkansas.

Written comments were received by the deadline prior to the hearing and oral comments were received at the hearing. Those comments are summarized as follows:

Comment	Response
<p><i>Responses to written comments from Brenda Midkiff received August 18, 2015, and oral comments from George Hrenchir received August 24, 2015:</i></p>	
<p>1. The proposed changes to the ASBMT Rules & Regulations for adoption of post-secondary massage school classification is an unfortunate example of the current massage therapy board's approach to policy. Rather than examine the document in full, and compare and contrast approaches to more readily delineate the document in a legible and concise manner, it appears that the editor for the proposed changes simply used a find and replace word processing function which increased the overall size of the Rules and Regulations by three pages without clarifying. Rather than the unnecessary wording throughout the document, we propose the following changes:</p> <ul style="list-style-type: none"> • <i>Article 1, 12. Massage school as used throughout this document includes, unless otherwise indicated, both Massage Therapy Schools and Post-Secondary Massage Therapy Schools.</i> • <i>Article 1, 13. Massage Therapy School means a registered and licensed facility that meets and follows the required educational standards as established by 17-86-306 and all pertinent rules and regulations.</i> • <i>Article 1, 14. Post-Secondary Massage Therapy School means a massage therapy school that offers a post-secondary curriculum approved by the State Board of Health and whose enrollment is made up of only students with a high school diploma or its equivalent.</i> <p>With the proposed change in definitions, there is no need to change Article 2 with the addition of paragraph 9. Article 8 outlines applicants as being considered after completion of a minimum of 500 hours of education, which does not change. Completion of 500 hours of education still meets qualification</p>	<p>Will use the word "school" in Article Seven to apply to both massage therapy schools and postsecondary massage therapy schools, unless otherwise indicated. Other areas will not be changed because they do not apply to both types of schools.</p> <p>The Definitions as proposed meet the USDE requirements. We will leave them as proposed at this time.</p>

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<p>standards for Arkansas licensure, and completion of a post-secondary program instead of a minimum requirement program does not change the licensing process.</p>	
<p>2. With the proposed change in definitions, there is no need to change Article 2 with the addition of paragraph 9. Article 8 outlines applicants as being considered after completion of a minimum of 500 hours of education, which does not change. Completion of 500 hours of education still meets qualification standards for Arkansas licensure, and completion of a post-secondary program instead of a minimum requirement program does not change the licensing process.</p>	<p>Federal Government regulations require the state licensing agency to outline a licensing process that includes federal requirements. This is needed to ensure Title IV funding for Schools who wish to receive it.</p>
<p>3. Additionally, there is no need for the inclusion of proposed Article 5.5.c.3. The inclusion as written implies that someone may qualify as a continuing education provider by completing specialized training, attaining instructor credentials in a special skill, have two years of experience, and who graduated from both a 500 hour massage therapy program and a 600 hour massage therapy program. This means the person attempting to attain instructor recognition does not need to hold a current massage therapy license, bachelor's degree or higher, nor do they have to present evidence of training to qualify their expertise There is not a need to add the post-secondary school definition, as long as Article 5.5.c.2 is changed to:</p> <ul style="list-style-type: none"> • 2. <i>Graduated from a massage school or one which has a comparable in-classroom hours curriculum;</i> 	<p>The Rule Amendment does not add a new requirement; it only adds another option for fulfilling the requirement of two of the criteria listed in (c).</p>
<p>4. The significant changes to Article 7 are unnecessary save the addition of paragraph 6 and paragraph 11. Paragraph 6 should read: <i>Any massage school wishing to teach both secondary and post-secondary students shall obtain both a license for a Massage Therapy School and a Post-Secondary Massage Therapy School. The school shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the postsecondary school.</i> The inclusion of defining receipt of Title IV funds is moot, as to receive those funds the student must be enrolled in a post-secondary program, which is covered as written above.</p> <p>Paragraph 11 is adequate as written within the ASBMT changes.</p>	<p>Changed the Title of Article Seven and added the note referenced above. This change is not considered substantive as it only changes the terminology used, not the meaning of the Rule. Otherwise, the language addressed in this comment is required by the Federal Government. Licensed schools in other programs administered by ADH have expressed an interest in having dual</p>

Comment	Response
	enrollment for their programs. It was felt that Massage Therapy Schools would also like that option.
<i>Response to a written comment from Jean Robinson received August 19, 2015:</i>	
1. Concern of definition of Postsecondary Massage Therapy School, concern for setting standards for two different types of schools “massage therapy schools” and “postsecondary massage therapy schools”, concerns for 600 hour requirement by postsecondary schools.	The new language is required by the Federal Government and Act 1020 of 2015.
<i>Responses to verbal comments from Audra Findley received August 24, 2015:</i>	
1. What is the purpose of dual license?	It Allow schools to offer dual enrollment of students (those with Federal Funding and those without).
2. Definition of massage therapy school and postsecondary massage therapy school:	The new language is required by the Federal Government and Act 1020 of 2015.
<i>Responses to written comments from Sybil Davis received August 24, 2015:</i>	
1. Article Three 1. Complaint Committee make-up, 4 and 5 misuse, neglected and abused.	Does not apply to this Rule Revision; will be addressed by later rule amendments.
2. Article Four – state funding needed for testing instead of nonprofit organization	Does not apply to this Rule Revision; will be addressed by later rule amendments.
3. Article Five Continuing Education- should be anything related to health and additional information with health and wellness.	Does not apply to this Rule Revision; will be addressed by later rule amendments.
4. Article 7- 24: 75 % pass/fail rate not believable and not reliable and 38. a. guest instructors rule should be null and	Does not apply to this Rule Revision; will be

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void.	addressed by later rule amendments.