

MASSAGE THERAPY TECHNICAL ADVISORY COMMITTEE  
Quarterly meeting  
Monday, June 13, 2022  
5800 West Tenth Street, Room 906  
Little Rock, AR  
MINUTES

Members present: Wendy Scott, Julie Eckert, Kristy Strother, Krista Moore, Lena Strickland, Glen Scott Fleming, By phone - Lamar Anderson

Presiding - Wendy Scott

Called to order at 9:05 a.m.

Call to order  
Wendy Scott

Roll call

Approval of minutes  
motion by Eckert, second by Strickland

Continuing Education Applications

**Old applications - approved:**

1. History of Massage - revised to six hours, motion by Moore, second by Strother

**Old applications - tabled:**

1. Stretches and Lymph Pumping for Sports - no lymph drainage massage education CEUs; no certificates provided.

motion by Strickland, second by Fleming

2. E-Stim, Cupping and Tenderpoints - need hours for cupping and e-stim education. motion by Strickland, second by Fleming

**New applications -- approved:**

1. Manual Lymphatic Massage with Introduction to Oncology Massage. motion by Moore, second by Strickland

2. Advanced Orthopedic Pain Provocation Testing - Lower Body. motion by Strother, second by Eckert

3. Hypermobility Awareness and Treatment Guidelines - motion by Fleming, second by Moore

4. Lymphatic Face and Neck Massage - motion by Moore, second by Strother

(New applications - approved) - continued

5. Pump Up the Lymph Part 2 - motion by Strother, second by Fleming
6. Prenatal Massage for the Therapeutic Massage Therapist - motion by Strickland, second by Fleming
7. A Different Side of Massage, Side Lying Techniques - motion by Eckert, second by Strother
8. Understanding the Diagnosis, Tennis Elbow - motion by Moore, second by Strother

Pre-Licensure Petitions

None

Program Update

Verbatim transcript of Program Update under separate cover

Public Comment

1. Ms. Warriner re: CEs - there is a huge increased interest in lymphatic massage. Very small section in most textbooks, and it does teach that there is a contraindication with open wounds. Lymphatic massage poses the greatest risk to the general public when applied inappropriately, could potentially cause metastasis, lymphedema.

Like cupping, which requires additional CEUs to perform, there needs to be at least 12 additional training course hours to perform lymphatic drainage. Need to address lymphatic drainage on a basic level. This area is not well defined in massage therapy.

This is an area MTTAC need to be aware of and address in the future because there is such an uptick in interest and massage therapists are being asked to offer the therapy.

Mr. Thompson - not sure if this area needs just a rule change or legislative change but probably will require legislative action. He will research and review the subject.

2. Ms. Davis and Moore - in rules and regs when a school moves to a larger facility, discussion and concern about

the amount charged for reinspection and licensure of the larger facility.

(Public Comment) continued

Information by staff was that the new, larger facility is considered a new school because of the inspection needed of the new physical space.

**Meeting adjourned at 12:00 p.m.**

**Next meeting September 12, 2022.**



**MESSAGE THERAPY TECHNICAL ADVISORY COMMITTEE**  
**Program Update Section of**  
**Quarterly Meeting**  
**June 13, 2022**

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Transcribed by Stephanie G. Branton, CCR  
Gibson-Branton Reporting Service, 501-960-6313

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PROCEEDINGS

MS. SCOTT: We will move on to program update.  
Kelli.

MS. KERSEY: Sure -- Chuck.

MR. THOMPSON: Thank you, Wendy. For those on the phone, this is Chuck Thompson on the phone, ADH. We -- so we've just gone through the public comment period, and we had public comment, a public comment hearing.

And as we did that, as we have gone through this, through the process, we realized that there were some things that needed further clarification. We think there were some misunderstandings out there.

And also there are some discussions that need to be had here at MTTAC. And so we wanted to go ahead and talk about the main -- the main points on the public comment report, and then also ongoing points of discussion within the occupation.

Before we start, I just wanted to say, make sure everybody was aware that -- and I think there's some misunderstanding out there. The Earn and Learn Act is the law. That was passed by the legislature. It is in effect.

The department has no discretion on the approval of the apprenticeship programs. It is the federal government Office of Apprenticeship that approves those programs, by state law.

So if an apprenticeship program is approved by the feds and they provide the documentation showing as such -- and we

1 have received, recently received the certificates. We know  
2 what they look like now. We weren't aware before, but now we  
3 do. And we know what they look like.

4 That they are approved programs. They are acceptable for  
5 the state purposes. There's no discretion on that. So I just  
6 wanted to make sure that everybody was aware of that. I think  
7 there was some misunderstanding on that front.

8 Now, when it comes to the points of discussion during the  
9 public comment hearing, during the public comment period,  
10 there was a question of whether the apprentices would need to  
11 take one of the tests listed in Section 5.2.

12 I know that when we drafted it, from the ADH perspective,  
13 we intended that to be the case. Could the language have been  
14 more explicit -- yes.

15 When we interpret sections that say 'non-educational  
16 requirements' we interpreted that to include CE in Section 7,  
17 which we did list, and the credentialing tests listed -- one  
18 of the credentialing tests listed in Section 5.2.

19 As an attorney, when I go to get -- when I go to get  
20 credentialed, I take a bar exam to practice law.

21 I have a juris doctorate. That's my education. I have to  
22 go law school and I'm awarded a juris doctorate. That does  
23 not mean I can practice law.

24 They do not teach you the bar exam. You're not taught the

1 law in law school. You take the bar. They teach you how to  
2 think like a lawyer, and then you take the bar exam, which is  
3 the credentialing test. It is not part of your education.

4 So I'm going to take that -- ADH legal, and specifically me  
5 -- I'm going to take the blame for that one. We should have  
6 been more explicit. We know what we meant. We think we know  
7 what MTTAC meant as well, that MTTAC intended for the exams in  
8 5.2 when they approved it.

9 However, we wanted to get that discussion on the record,  
10 and have a vote by MTTAC, to ensure that that is indeed what  
11 MTTAC intended, have a vote on the record regarding that  
12 matter.

13 However, there is also -- as part of that matter, there is  
14 an issue as to -- there are those that, within the occupation,  
15 that think the MBLEX [phonetic spelling] and those other tests  
16 do not fit the needs of the occupation, necessarily.

17 There are some folks that want to talk today on their  
18 concerns, which they've expressed in the public comment  
19 period.

20 And they have some suggestions as to additions to test that  
21 could take the place of MBLEX and the other two. The rules  
22 allow for us to do that. The rules allow for MTTAC to adopt  
23 other tests that they deem fit and worthy for the purposes of  
24 the occupation.



1       So we would like for MTTAC and those members within the  
2 occupation, within the industry, to have that discussion  
3 today.

4       Another thing that came out in the public comment period,  
5 it has come from folks that I would say that are more in line  
6 with -- that are more I would say pro-MBLEX -- I'll use that  
7 term -- that are more think that MBLEX is the route we need to  
8 go, and those that would like to do other alternative tests.

9       There has been this discussion of does massage therapy need  
10 to look into a licensure, dual licensure or tiered licensure  
11 or scope issue.

12       Those that are more geared towards medical that are getting  
13 doctors' referrals, and those that are more on the  
14 therapeutic, relaxation side, and that's not done per some  
15 medical requirement, but it's more of holistic -- I need a  
16 massage.

17       I love massage, try to get one regularly when I can. I  
18 need it -- the stress levels. But -- so I love y'all's -- I  
19 love everybody here and what y'all do.

20       And so from an ADH perspective, we could see that  
21 discussion needing to perhaps happen. Maybe it's time to have  
22 that discussion. So that might was another discussion we  
23 would like to have today. Because it came out of the public  
24 comment period.

1       Ultimately what ADH sees our role as is to help with a  
2 collaborative discussion with MTTAC, with members within the  
3 occupation, and -- okay, sorry -- regarding these issues, and  
4 maybe come to some -- come to a consensus, or at least maybe  
5 sometimes there might be a compromise on some things.

6       So we wanted to have this discussion today, before we moved  
7 forward -- moved forward with the rules.

8       Now, all of that being said, we would -- we are going to  
9 ask that the rules with the addition today of clarification,  
10 noting that 5.2 in the current form is required, be voted upon  
11 so we can move forward and get the rules -- get those rules in  
12 place.

13       That would be one -- that would be ADH's ask and  
14 recommendation, for a vote on that matter today.

15       I think -- so also I would note that there is the option  
16 for the other issues, including alternative tests -- after  
17 discussion today, there may be some options on how to move  
18 forward on that discussion beyond today as to changes, as to  
19 review of rules, and any additions in the future for that.

20       And that could be another revision very soon after the  
21 current one. Our only issue is that we don't want to stop the  
22 current one and go back through Board of Health and all the  
23 other items that we have to do in the administrative  
24 procedures process, because you have laws that need to be

1 implemented, including the fee waiver and some other items.

2 There's also some -- Julie has some ideas that she wants in  
3 there regarding some stuff when it comes to sexual misconduct,  
4 and some additions that she would like to see that we can do  
5 another revision right after this one.

6 So that's another -- maybe another point of discussion of  
7 this, what we're calling comment on public comment. So that's  
8 my spiel. And I know it's a lot thrown at you, Wendy. And I  
9 know you -- because Wendy's got to run this show as the chair.

10 I think I would ask that I think the first point of  
11 discussion is probably the issue as to the intent when it  
12 comes to the language for the apprenticeship program, when it  
13 comes to after the apprentice is about to -- when they're  
14 about to be licensed, whether they have to -- whether they  
15 need to do Section 5.2 exams.

16 If that's what MTTAC understood the -- understood the rules  
17 to -- what their intent was when they voted on the rules for  
18 the first time, prior to going forward with them.

19 So I think that will be our first point of discussion.

20 MS. ECKERT: Well, I think to follow up with  
21 that, I need all of y'all to understand that this is not the  
22 team that approved these rules.

23 That was the old MTTAC. So our -- these were pretty new to  
24 us. So we didn't know [inaudible].

1           MS. SCOTT:           Okay, so, Chuck, you're saying that  
2 we just need to discuss this and make sure that we're all on  
3 the same page?

4           MR. THOMPSON:        As to that, your understanding is  
5 that the apprenticeship program, as approved by the feds,  
6 which we will accept and they will get licensure, but the law  
7 under the act -- the Earn and Learn Act -- provides that the  
8 licensing board can require additional tests, as well as the  
9 other -- and all the other non-educational requirements, which  
10 was the old MTTAC, or the -- not the -- the previous board, in  
11 that -- and ADH's intent at the time.

12         Now, Julie is correct. There's a number of people who have  
13 come on the board, we have new chairs, and all that stuff. So  
14 that is -- it is within y'all's right to sit there and say --  
15 or it's -- if that would not be MTTAC's intent, y'all can --  
16 you can take that vote today and talk about it.

17         Otherwise, but we need clarity and so we can move forward.  
18 If that's not your intent, that would kind of change our  
19 course of action.

20           MS. SCOTT:           So I think the question that I need  
21 to ask is in our last MTTAC meeting we did bring this up, and  
22 talked about it.

23         Do any of MTTAC members have other feelings on, or ideas  
24 for these -- placements of these kinds of tests?

1 Do we all still agree on MBLEX as necessary, or have you  
2 guys researched anything else that could be viable as a  
3 replacement.

4 MS. ECKERT: I feel the three options are good  
5 to stay in place. My concern is this number 11 here that --  
6 it basically says that if you do the time, then you can be a  
7 massage therapist. Licensure for massage therapist through  
8 apprenticeship, under the [inaudible]

9 MS. SCOTT: Which -- this documentation may  
10 only be in the form of certificate, diploma or similar  
11 official credential or letter of an official program --  
12 letterhead.

13 My thoughts on this was if we went ahead and say okay, you  
14 don't have to take the MBLEX, but you can take a test -- the  
15 choice of your provider, who is in the apprenticeship program  
16 -- under them.

17 Yeah, I don't feel that anything less than the MBLEX should  
18 be on the table and approved. Because with this  
19 apprenticeship program, it says 2,000 hours they are going to  
20 receive in this program.

21 After 2,000, my opinion is you should be able to pass any  
22 kind of test with that kind of information download in that  
23 program.

24 I mean, normal programs are five to six hundred hours. I

1 mean, that is double, if not triple, the information they're  
2 getting. So I don't see why anyone could not, or would be  
3 afraid to take the MBLEX when they get all that downloaded.  
4 They are getting so much more than in a regular school  
5 setting.

6 You know, so the MBLEX is imperative to weed out the ones  
7 that are really not meant for this business, this occupation.  
8 If you don't have the smarts to do that, you know, common  
9 sense is always involved.

10 But if you cannot learn with the education provided, learn  
11 enough to pass a test, then we need to question the education  
12 provided.

13 UNIDENTIFIED: I want to speak to that.

14 MR. THOMPSON: We're going to get to -- before a  
15 vote, we're going to allow y'all to speak.

16 UNIDENTIFIED: All right.

17 MS. SCOTT: What are your thoughts? We're  
18 still talking about whether the MTTAC -- the -- or the MBLEX  
19 should be -- should stay in --

20 MR. THOMPSON: It's MBLEX or one of the other two.

21 MS. SCOTT: Or one of the other --

22 MR. THOMPSON: Right now when you get -- for prior  
23 licensures, you had to pass one of those other three. One of  
24 those three right now are the enumerated tests, under 5.2.

1       That was the language we should have -- we should have  
2 referenced 5.2 explicitly in Section 11 and 311, which we did  
3 not.

4       Like I said, we should have. It was intended that way.  
5 That was our understanding by MTTAC, it was the intent.  
6 That was what -- our clarification is what the intent of the  
7 rules are, as they read today.

8           MS. SCOTT:           My opinion is we should leave them  
9 as they are.

10          MS. MOORE:           I'm the only school on the MTTAC --

11          MS. ANDERSON:        I agree with the MBLEX.

12          MS. MOORE:           And I -- I said I was going to be  
13 quiet because I'm probably the one that's going to be most  
14 affected by this.

15        And I want to say that yes, the MBLEX can be very hard and  
16 daunting. I get that. And I will also say that some people  
17 don't test well -- I get that.

18        But I have seen people that have struggled, and when they  
19 came out victorious that they could, it just validated what  
20 they were.

21        And I'm a new school owner. I did not apply for an  
22 apprenticeship program. I'm still trying to get hold of some  
23 -- maybe even figure out all that entails.

24        But I also have some that the MBLEX is daunting for. But

1 I've seen them and the work that they have put in, and they  
2 don't want to just be tested by me.

3 They want to know that they can do that. And again, I  
4 understand that some people just don't test well, and that's  
5 hard for some people. But if anything, the 2,000 hours, that  
6 should prepare them for some kind of licensing exam. It  
7 doesn't have to be the MBLEX; there's two other options.

8 I would not feel comfortable just saying that the  
9 apprenticeship program is the one that gets to give them their  
10 test.

11 If they want some kind of opposite test, then it needs to  
12 be something that Arkansas comes up with, that's tested not  
13 with that. It needs to -- there has to be something that  
14 holds us accountable, to protect the public and to protect  
15 their apprenticeship.

16 I mean, so I'm not saying that the MBLEX is the only  
17 answer. I'm just saying that there has to be something to  
18 hold these people accountable, so that they know that they're  
19 going to be prepared for the real world when they're thrown  
20 out to the sharks.

21 MS. ECKERT: I know that one of the things that  
22 would come up when I was in school was there was some issues  
23 coming out of California with some diploma mills, where  
24 someone would just show up and just say that they have -- they



1 pay a certain amount of money, and they would give them a form  
2 and say that, okay, you've done this number of hours.

3 And that was going on. So I mean, this program is federal.  
4 It states in there that they can take this occupational  
5 certificate anywhere in the nation to practice. But it  
6 doesn't say that they have to take a test. It doesn't -- it's  
7 actually like it's a little misleading.

8 If you're a carpenter, okay. But that's not -- that's not  
9 what we are.

10 MR. THOMPSON: So just for clarification, the law  
11 does say that the licensing entity can require them to take a  
12 test.

13 MS. ECKERT: Okay.

14 MR. THOMPSON: We did not put that code section in  
15 there.

16 MS. ECKERT: Ah.

17 MR. THOMPSON: Now, under 'C' -- under 11C -- an  
18 applicant for licensure under this rule shall meet all the  
19 non-educational requirements for licensure under these rules,  
20 including Section 7. That should be 5.2 and Section 7.

21 That was my point in that we -- that was ADH's drafting.  
22 We should have been more clear. We know what we meant. We  
23 think we know what MTTAC -- the prior version of MTTAC meant.  
24 We could have been more clear, to the individual's point. Mr.

1 Pilkington noted that.

2 You know, and he -- I mean, he has a point. We could have  
3 been more clear. We know what we intended, but it could have  
4 -- that could have been clearer.

5 So that's -- that's what that is. So we did -- in the  
6 original rules, we did intend that. We believe MTTAC -- prior  
7 version -- they intended that.

8 So that's really -- ultimately what your discussion point  
9 is, is that what this current version of -- this current  
10 incarnation of MTTAC intending as well, I guess is what I'm  
11 saying.

12 MS. MOORE: Also, Julie, I will -- I'm sorry.

13 MR. THOMPSON: Go ahead.

14 MS. MOORE: I've contacted several states  
15 around our state, their licensure. And if they have the  
16 apprenticeship and they don't have to take the MBLEX when they  
17 -- if they try to go to a different state, they will have to  
18 take whatever is required from that state.

19 So it's going to make it a little bit more difficult if  
20 they did want to move, if we were to do away with this.

21 MR. THOMPSON: So I will -- before a vote, I think  
22 we had -- Mr. Pilkington has some things he wants to say.  
23 He's been open and -- very open and transparent with what he  
24 thinks and his ideas.

1 He has developed something himself that -- for -- that may  
2 be for consideration down in an ad hoc committee, or something  
3 of that nature.

4 Ms. Davis -- I think she lives in Camden -- she came all  
5 the way up from Camden. So I think before y'all take a vote,  
6 I would like these folks to be able to discuss their concerns,  
7 their points regarding this as they've expressed in the public  
8 comment period.

9 But I -- like I said, this is an open and transparent -- we  
10 try to be collaborative discussion and effort on the part of  
11 everyone.

12 So I don't -- I would like for Mr. Pilkington to come and  
13 maybe address y'all, to give you some information from his  
14 standpoint before y'all take a vote, or further discussion.

15 I would ask that privilege be provided.

16 MS. SCOTT: Mr. Pilkington, would you like to  
17 make your statement?

18 MR. PILKINGTON: Yes, thank you.

19 MS. KERSEY: And try to speak loud, so that the  
20 people on the phone can hear you, and she can hear you.

21 MR. PILKINGTON: Okay, I'll move up a little bit  
22 closer. I usually speak too loud, so I'll try to get a little  
23 closer here. [inaudible]

24 When we originally started the apprenticeship program, we

1 -- and all of us own traditional schools. I own a traditional  
2 school now. We've got people that are getting ready to take  
3 the test.

4 So one of the things that we're commonly seeing and we  
5 commonly see in the industry is that we're getting a lot of  
6 people out of the 500-hour programs that --

7 MR. THOMPSON: Mr. Pilkington, I'm sorry to  
8 interrupt. The court reporter -- if you would just be a  
9 little slower because she's trying to get everything down.

10 MR. PILKINGTON: Sorry, too much caffeine this  
11 morning. So --

12 MS. ANDERSON: And louder.

13 MR. THOMPSON: And a little louder.

14 MR. PILKINGTON: Okay, all right.

15 MR. THOMPSON: And if you want to take a chair, or  
16 sit closer to the -- you can even sit in my chair, if you  
17 want.

18 MR. PILKINGTON: Well, so when we looked at the --  
19 the programs that were out there, we were running into two  
20 common denominators in the industry that was plaguing us as we  
21 were trying to provide access to care.

22 Because you know, I'm -- I have a pretty deep health care  
23 background. And in the end health and safety becomes more  
24 than just you know, credentialing people. It is all about

1 access to care as well.

2 We don't provide health care if we don't provide access.

3 And the other thing is that we've got an economic

4 responsibility to people who take the test.

5 And people that typically are going through these programs

6 -- as you mentioned -- struggle with a lot of test-taking

7 anxiety, and elements like that.

8 And so the MBLEX is running at a 53 percent failure rate --

9 53 percent. 47 percent of the people pass, more fail than  
10 pass.

11 And I just don't -- and message for some people, it's  
12 finally doing something they want to do, and it's also an  
13 economic jumpstart for them.

14 And so I don't think it would serve any greater good when  
15 we -- if we limit ourselves only to the one testing option.

16 Now, that -- let me jump back real quick and --

17 MS. STRICKLAND: Can I say also that the last I  
18 checked it was 66 percent pass rate.

19 MR. PILKINGTON: [inaudible]

20 [inaudible simultaneous conversation]

21 MR. PILKINGTON: Well, that's worse than my number.

22 MS. STRICKLAND: 66 percent pass rate.

23 MR. PILKINGTON: Pass rate -- okay. Okay --

24 MS. KERSEY: Is yours -- was yours nationwide --

1 UNIDENTIFIED: Yeah, that was --

2 [inaudible simultaneous conversation]

3 MS. KERSEY: So hers is probably --

4 MR. PILKINGTON: Well [inaudible] -- so the  
5 apprenticeship program, we have all built into ours saying  
6 required academic legal code requirements for the State of  
7 Arkansas message.

8 So all of our programs, in addition to the 2,000 overall  
9 hours [inaudible] there's an educational component in there  
10 that is required of the traditional school.

11 And then we are teaching everybody all that we need to, to  
12 be able to pass any type of test they take. And that's what  
13 we're -- that's the obligation that we made to the people that  
14 give us their money and their time to do our school.

15 But in the end, a lot are failing. And a lot are failing  
16 in other schools. And it's -- and we're not generating enough  
17 people, and we have a lot of people leave the industry.

18 And we're not serving people, or we're not -- the access to  
19 care is horrible. You've got to turn people away all the  
20 time; so does everybody else. And it's just we don't have  
21 enough people.

22 So the MBLEX, we agree -- we -- initially we felt like that  
23 since we do the 500 hours or education and then we do another  
24 1,500 hours of hands-on training. So in a sense, all that we

1 do for test preparation, shall we say, is the same amount as a  
2 traditional school student.

3 So when we do that 1,500 hours, once they've done their  
4 academics, then we're moving on to develop their skillsets  
5 just beyond just the basic massage, you know, to more advanced  
6 techniques -- sort of CEU within the school.

7 And so we're really not -- it's really not 2,000 hours of  
8 preparation for passing the MBLEx; it's really the same amount  
9 that you have in a traditional school. So just a little bit  
10 of clarification about how the program works.

11 So we originally felt like since they had put this much  
12 hands-on time, that we shouldn't have to test -- that we  
13 shouldn't have to have the students take a test. The State of  
14 Delaware and I think Utah as well has two levels of license,  
15 as you mentioned, to where you could be just a certified  
16 massage therapist, which is what we -- apprenticeship programs  
17 defines 'graduate', or you can be a licensed massage  
18 therapist.

19 And I believe, just as you discussed, whether or not they  
20 can go within the state or go outside the state is a  
21 [inaudible] -- and then since we have a propensity -- we have  
22 a large amount of people that always want to stay within the  
23 state, we felt like this was a good application as well.

24 But you know, with Earn and Learn, we pay for all their

1 school, and we pay them while they go to school. So single  
2 moms, people that can't afford to go to school otherwise,  
3 great therapists -- people that need us and that we need them  
4 -- are basically blocked.

5 I mean, they either don't want to get school loans. They  
6 don't have any credit to get school loans. They can't afford  
7 to pay for day care. And we're in a terrible economy right  
8 now and we have been so for a long time, and a lot of people  
9 are really struggling.

10 And I think that we could inadvertently create a barrier of  
11 entry to the market because of simple prices of what it takes  
12 to go to school sometimes.

13 And such people that would really benefit or would be great  
14 therapists for us, they just simply made a mistake in their  
15 youth, and have the economic inability forward.

16 So the apprenticeship program we felt like was a great  
17 doorway for a lot of our citizens. Because now they can go to  
18 school, they can be paid while they go to school, and school  
19 is free.

20 But we're asking them to invest 2,000 hours, which  
21 essentially is going to be about a year of time. And so our  
22 original feeling was that we're asking these people to take a  
23 chance, and that if we're running at a 53 percent failure  
24 rate, assuming that [inaudible] and in a sense, we have taken



1 the out of the economy.

2 We're asking them to make an investment and then we've tied  
3 them to a test that was nationally develops that limits their  
4 ability to be able to pay for themselves and their bills after  
5 they invest all this time.

6 So we kind of look at an apprenticeship as more of just a  
7 way of getting therapists to deal with their massage courses.  
8 I personally think of it like it's a gateway. It's a gateway  
9 for a lot of people in Arkansas right now to get a hand up and  
10 get a leg up.

11 And I think it -- and we're dying for therapists. So in my  
12 mind, let's match the two together and move forward. And the  
13 MBLEX is a problem.

14 So we originally felt like that yeah, we shouldn't have to  
15 do any testing [inaudible] -- we talked to Chuck, and yeah,  
16 we visited a little bit, spoke to Mr. Thompson.

17 And since I have a health care background, I have a deep  
18 appreciation for the need for verification. [inaudible]  
19 You're exactly right. You're not a lawyer when you graduate.  
20 You're only a lawyer when you pass the bar.

21 So I have to appreciate that, and I believe that some form  
22 of testing is appropriate and should be done. However, I do  
23 not feel the MBLEX is an adequate measure of the education of  
24 those -- nor the skillsets of the therapists that are being

1 generated.

2 And we have multiple examples of that. The State of  
3 Delaware -- much for liberal leaning state than ours -- has a  
4 two-tier system [inaudible] -- and I believe Utah has the same  
5 -- has -- I'm sorry I didn't have the regs for Utah, I think.

6 So that's our position. So what we would propose and what  
7 we would like to ask is that we be able to work with the  
8 committee, or whatever, or develop a committee, or whatever,  
9 and be able to provide questions that go more towards the  
10 practical knowledge and the practical education -- A and P,  
11 contraindications, kinesiology and stuff -- and less about  
12 what is the history of massage.

13 And essentially, that's -- we just want to get people to  
14 where they can -- are good therapists, we know that they know  
15 what contraindications are, we know they know what basic  
16 anatomy is -- the things that they have to do, the educational  
17 background they have to have to be a great therapist -- we  
18 want them to know that.

19 But we do not feel that you need to kill them with a test  
20 that's nationally done with a high failure rate. Because it  
21 just doesn't seem to fit in the industry and it doesn't even  
22 seem to fit the individuals.

23 I think the Arkansas law already has provisions for a  
24 state-sponsored test, or the rules and regs -- for a state-

1 sponsored test, or any of the list of five items, I think you  
2 said, that are on there.

3 And I think there's a good avenue for them. So as I said,  
4 our original position was we felt like that graduates in an  
5 apprenticeship program with 2,000 shouldn't have to take any  
6 type of test, that they ought to be licensed in the State of  
7 Arkansas.

8 But we decided to yield that to the general consensus,  
9 general meeting in the middle. The guidelines of the ADH that  
10 said well, we agree, some testing isn't perfect for education  
11 verification.

12 We just don't think MBLEX is a representative sampling. We  
13 think we -- as a community, industry providers, clinicians --  
14 can come up with a better system of testing for the State of  
15 Arkansas.

16 And that's kind of our position on that. And I yield the  
17 floor to my --

18 MS. MOORE: I would like to say something real  
19 quickly. I'm so sorry. The MBLEX does not test on the  
20 history of massage. It was taken out in 2018. It does not  
21 test on history of massage any more.

22 MR. PILKINGTON: Okay. I'm just using that as an  
23 example.

24 MS. MOORE: It's anatomy and physiology,

1 kinesiology, pathology, contraindications, technique -- those  
2 things. It also doesn't do energy work any more as well.

3 So it gives the things that you are talking about that we  
4 want to know that they can understand, and application  
5 questions.

6 MR. THOMPSON: So I think we finish public comment  
7 and then any points that you wanted to clarify, or anything  
8 like that, you can come back.

9 MS. MOORE: Yes sir, I'm sorry.

10 MR. THOMPSON: No, you're fine. I just wanted to  
11 make sure we keep it -- we just want to keep it clear and  
12 especially for the court reporter as well. Because Ms.  
13 Branton has to get all that down.

14 MR. PILKINGTON: So the bottom line is that we had  
15 MBLEX test in place, and this was developed by older boards  
16 and stuff like that. And there is some problems with using  
17 only that as a testing method.

18 And I think that's obvious with the drop in graduation  
19 rates, and the fact that we're in a dire situation where we  
20 don't have enough therapists available to be able to give  
21 people access to care.

22 We all believe massage therapy is valid. We all believe  
23 it's very good. We -- like we all believe going to your  
24 doctor is very good. But it is of no value to go to the

1 doctor if you can never get in to see him.

2 And I think we've created somewhat of that situation. I  
3 think we've limited access to care, which is a hallmark of the  
4 Arkansas Department of Health.

5 And I think that we need to look at something a little bit  
6 different as far as how [inaudible]. And that's our main  
7 point.

8 MR. THOMPSON: And I think -- and I would say  
9 before we go to the next public comment, then maybe y'all ask  
10 questions now while we have Mr. Pilkington up there.

11 MR. PILKINGTON: Jacked up on caffeine. I can go  
12 another 20 minutes.

13 MS. ECKERT: I just have a follow-up to what  
14 Wendy was saying earlier. Mr. Pilkington said that they were  
15 still getting the 500 hours of required education.

16 MR. PILKINGTON: State law.

17 MS. ECKERT: State law. But -- and -- but and  
18 -- but then they also have 1,500 more hours to study that 500  
19 hours that they got before they take the MBLEX, or whatever  
20 test we decide.

21 MR. PILKINGTON: Yes ma'am.

22 MS. ECKERT: So I mean, people take off months,  
23 you know, and just focus on testing and they buy books that  
24 they didn't get at their schools, and things like that, to be

1 able to pass that.

2 And I'm just in agreeance with Wendy. If you got 2,000  
3 hours to study, you ought to be able to pass the test. And if  
4 you can't, then that can cause some issues for the public.  
5 And I don't want to -- also that comes back on the Department  
6 of Health.

7 Because now there's issues with well, this massage  
8 therapist is certified, well this one actually has a license,  
9 so what does that mean. The public's not going to understand  
10 what that means, and that someone could pass the national test  
11 and then someone didn't have to take a test.

12 The MBLEx is in place to help and to raise up the  
13 professionalism of massage therapists. And it is at a  
14 difficult level, to keep out people -- you know, part of the  
15 thing that they talk about is human trafficking that's been  
16 going on so long.

17 And you know, that -- that's going to knock a lot of that  
18 out. Because they're not going to take --

19 MS. STRICKLAND: And that's my opinion is you don't  
20 think about the lowest common denominator. [inaudible]  
21 Someone going to open a school, someone's going to do the bare  
22 minimum. Someone's going to pass these people. Someone's  
23 going to --

24 MS. ECKERT: And just --

1 MS. STRICKLAND: Someone's going to have low testing  
2 standards. And it could be a hub for human trafficking.

3 MR. PILKINGTON: Well, we --

4 MR. THOMPSON: You're going to have to talk a  
5 little louder. We're having problems hearing over here.  
6 But again, this is question time, not discussion time. So  
7 again, if you have any questions for Mr. Pilkington.

8 MR. PILKINGTON: We would all agree that that  
9 element is there. I mean, there are --

10 MS. STRICKLAND: That element is there and is very  
11 prevalent and --

12 MR. PILKINGTON: And I would say that there's two  
13 avenues that we can pursue this. I mean, I think different  
14 states will issue a [inaudible] license, you know. It's a  
15 [inaudible] --

16 MS. ANDERSON: I can't hear you.

17 MR. PILKINGTON: I would agree that --

18 MS. ANDERSON: I can barely hear you.

19 MR. PILKINGTON: So I would agree that the  
20 opportunity that you and Julie make is very valid. I think we  
21 can deal with that with a temporary license system.

22 But that's administratively a burden. And you know, we  
23 can do something different as far as that goes.

24 But they are all over the place, and they will take

1 advantage of it. And we don't have an enforcement arm on  
2 these things anyway. It's hard to get the police to go out  
3 and raid these places on a regular basis.

4 And I appreciate that, and I really don't want to be  
5 competing, as a businessman, with somebody that's got  
6 [inaudible], that had no education or no knowledge and are  
7 providing the same thing.

8 So I -- that's unfair to competition. I'm with you on  
9 that. I'm totally with you on that. And I think that -- and  
10 I agree. My point is not any more that we should not have any  
11 type of test in the apprenticeship program -- I agree.

12 I just don't think the MBLEX as the only representative is  
13 fair. And I don't think that that it's -- I don't think it's  
14 got a good record right now -- whatever the magic number might  
15 be.

16 I don't think -- I think we've created an accidental  
17 barrier to people that are valid and good. And then the other  
18 thing that we've consistently seen with students coming  
19 through -- at my school as well as -- is that you've got a lot  
20 of people that for whatever reason -- ADHD or some sort of  
21 dyslexia or something -- are struggling, has struggled  
22 academically all their life.

23 And they've got a lot of self doubts. They've got a lot of  
24 self doubts. And a lot of these people we say well, I've seen



1 people take tests and then they feel better about themselves.

2 But what we see is a lot of people take it twice and then  
3 they quit, they're done, they don't do it any more. They're  
4 gone. They're never coming back.

5 I've got three people now that were going to -- like we  
6 tried to do test prep. And so that seems to be a chronic side  
7 effect is that the majority of the people don't just keep  
8 taking the test, unless they have some good mentorship. They  
9 just quit.

10 And that's fueling this huge shortage that we have within  
11 the market. I'm just telling you, you know, as -- you know,  
12 we don't have enough people. And it's not just massage  
13 limited, it's everywhere.

14 And I think that we just -- it just creates artificial  
15 barriers, and I think we have within our way to be able to  
16 create jobs for people, to be able to get people out of this  
17 economic ditch, and be able to make a better life for a lot of  
18 people, with really rules and regs that are already in place.

19 Like everything that we're asking for, everything that  
20 we're suggesting, the rules and regs are already in place.

21 You can have a state-sponsored test. You've got more than  
22 one test on that list. I just think with a little bit of  
23 openness you can make a difference in a lot of lives. And I  
24 think we can also protect ourselves from what you and Julie

1 mentioned, and are very valid concerns.

2 MS. MOORE: I have a question for you.

3 MR. PILKINGTON: Yes.

4 MS. MOORE: Besides the pass rate -- because  
5 you can be successful and get them to the pass rate -- but is  
6 the only other concern with you the economic hardship of it?  
7 Because it's \$265 a test -- is that an issue?

8 MR. PILKINGTON: We pay for -- everybody that goes  
9 through our program, we pay for the test.

10 MS. MOORE: Okay.

11 MR. PILKINGTON: We -- when we were so vested with  
12 getting these people through school, I pay for their school, I  
13 pay for their books, and we pay for their tests.

14 MS. MOORE: My question was you said that it  
15 was difficult for single moms, but they're going through the  
16 apprenticeship for free and they're making money while they're  
17 there. So that's -

18 MR. PILKINGTON: And the tuition is free.

19 MS. MOORE: And the tuition is free. That's  
20 why I was trying to figure out was it because they were having  
21 to pay \$265 to take a test. That was my question. I'm sorry.

22 MR. PILKINGTON: Oh, as to why they wouldn't want to  
23 take the test? Oh -- no ma'am, that was not -- that was not  
24 -- that was not our --

1 MS. MOORE: I just wanted to --

2 MR. PILKINGTON: -- motivation. Our motivation was  
3 --

4 MS. MOORE: -- be clear.

5 MR. PILKINGTON: No ma'am, my motivation -- and I  
6 think my partners' as well -- motivation is that simply that  
7 after they've invested this much effort and time, and they are  
8 already been struggling academically in the first half of  
9 their lives, and they've got a lot of self-esteem issues, and  
10 so on and so forth, that if -- that they take a test, take it  
11 once, take it twice, and then they're gone. And they've  
12 invested a year, maybe a year and a half, in their life.

13 And then they can't afford to go to traditional school  
14 because either they can't get a school loan, or they can't  
15 come up with the cash, or really just can't be away from home  
16 because they can't afford day care.

17 They have to work to pay for the day care -- I'm sure you  
18 understand where I'm coming from. That was my point.

19 MS. STROTHER: I have a question. The  
20 requirements to be an apprentice and things like that -- I  
21 mean, schools have to have requirements too. I'm not very  
22 clear on what the requirements are for y'all to -- I mean, you  
23 have to have qualifications --

24 MR. PILKINGTON: Same qualifications. Yes ma'am.

1 MS. STROTHER: What you're teaching them and all  
2 that -- that goes to the Department of Labor, and all that?

3 MR. PILKINGTON: Yes ma'am. We intentionally  
4 structured -- when we were interacting with the Department of  
5 Labor and getting our program together, we intentionally  
6 structured the entire program to where it mirrored the  
7 traditional school -- same curriculum, same curriculum.

8 And in addition, we have to sign off on competencies. We  
9 have to attest to the federal government a list of 25, 30  
10 competencies that they can do. [inaudible]

11 We have to attest to that, and if they're clearly -- if  
12 they don't have that, we're on the hook with the feds for it.  
13 So we have to attest for -- we have to teach those  
14 competencies. We have to attest that they can go those  
15 competencies. And we have the same academic curriculum as the  
16 -- all the books -- as in the traditional program.

17 And it's just -- the same things as traditional school.  
18 The only difference -- with same entry level, you know, GED or  
19 a high school equivalent. Same -- everything's the same.  
20 Only difference is they do 2,000 hours instead of 500.

21 MS. STROTHER: Do business owners [inaudible] --  
22 and things like that?

23 MR. PILKINGTON: Huh?

24 MS. STROTHER: Could they just be owners and still

1 do those -- have those qualifications, or they don't have  
2 anything to do with massage therapy [inaudible] --

3 MR. PILKINGTON: Can you ask that question again?

4 MS. MOORE: She's asking if a spa owner that is  
5 not a massage therapist, or has no background in anatomy,  
6 physiology could just open up an apprenticeship program and  
7 say --

8 MS. KERSEY: No.

9 MR. PILKINGTON: They've got to be approved by the  
10 feds. But you have to be a licensed massage therapist to open  
11 a school now.

12 MS. MOORE: No, I understand that. But you do  
13 have to have background stuff going on --  
14 [inaudible simultaneous conversation]

15 MR. THOMPSON: Hold on, hold on. Everybody's  
16 going to have an opportunity. We want to make sure everybody  
17 has an opportunity of robust discussion. But we've got to  
18 make sure it's regimented.

19 MR. PILKINGTON: And would you mind asking again,  
20 because I'm not sure -- if I answered correctly or not.  
21 [inaudible simultaneous conversation]

22 MR. MOORE: Like she's wanting to know like  
23 what is required for someone to teach the apprenticeship  
24 program.

1 MR. PILKINGTON: Oh, the instructors.

2 MS. STROTHER: Yes.

3 MR. PILKINGTON: Well, it's -- they call it a  
4 journeyman. And you know, we're classified as a master  
5 massage therapist.

6 So you know, what we've done is we've raised our level to  
7 that -- yeah, yeah. So I mean, if you look at the  
8 electricians and plumbers -- if you're a licensed electrician,  
9 you're a journeyman. If you're a licensed plumber, you're a  
10 journeyman.

11 And we've actually gone one notch more, and we say we want  
12 master therapists. Because once again, you know, our whole  
13 intent when we got into this was to make it -- we wanted it to  
14 fit. Because we're not here to fight. We're not here to take  
15 something away.

16 We wanted it to fit with the State of Arkansas, with the  
17 boards that have preceded them, and this board as well. And  
18 that was the entire way we tried to structure the program.

19 Even though we're not tied at all under state law, we felt  
20 like we're Arkansans, and we wanted to make it fit state law.

21 MS. MOORE: Just to clarify -- so an MMT is who  
22 can be the apprentice [sic]? And are they -- do they -- the  
23 MMT -- master massage therapist --

24 MR. PILKINGTON: The MMT can be the instructor.

1 MS. MOORE: Can be the instructor.

2 MR. PILKINGTON: Yeah, you said 'apprentice'.

3 MS. MOORE: I'm sorry -- I meant can lead the  
4 apprenticeship program.

5 MR. PILKINGTON: Yes.

6 MS. MOORE: Do they have to have an MTI over  
7 them, like in a traditional school?

8 MR. PILKINGTON: No, you wouldn't have to have MTI  
9 over them [inaudible] traditional school. That's not there.

10 MS. MOORE: Yes, it is there, for a traditional  
11 school --

12 MR. PILKINGTON: I said unlike a traditional school.

13 MS. MOORE: Unlike a traditional school.

14 MR. PILKINGTON: Unlike a traditional school, you  
15 wouldn't -- but I mean, their criteria is much lower anyways.  
16 The feds' criteria is [inaudible] --

17 I mean, I think Arkansas is -- I'm not sure how many states  
18 actually have masters programs. But it is a federal program.  
19 The feds would probably never put that in unless every state  
20 had master therapist programs.

21 But we thought -- you know, since Arkansas has that, and  
22 kind of raised the bar to be a good criteria -- then I --

23 MS. STROTHER: I just -- her question earlier  
24 was trying to avoid the ones that would take the easy route --

1 people that don't have anything to do with our industry could  
2 just jump in there, that would take the easy route.

3 MS. STRICKLAND: Because everything you're saying is  
4 [inaudible] and I agree. I also agree that there's too many  
5 ways for them to take advantage of.

6 MR. PILKINGTON: I think some elements -- yeah, and  
7 I think -- you know, as I said earlier, that trying to --  
8 [inaudible] -- I'm going to agree with all of you here is that  
9 some element of testing is required. [inaudible] we need some  
10 sort of education verification.

11 And I think that's a valid point. We tried the temporary  
12 licenses, but it just put more work on Kelli and it's  
13 [inaudible] -- so if there's an easier way with some element  
14 of testing, I think that's a better approach.

15 And I know this is a big concern for this board. And I  
16 know it's a big issue about the whole sex trafficking that's  
17 going on. And it's out there, and it's not getting stopped.  
18 [inaudible]

19 MS. STROTHER: I guess the question with me would  
20 be what qualifications are you saying it has to be under the  
21 federal government. What are some options that these people  
22 that you're discussing --

23 MS. MOORE: So yeah, you're agreeing to state  
24 testing --



1 MS. STROTHER: [inaudible]

2 MR. PILKINGTON: Agreeing to state testing, yeah.  
3 I'm just not -- not just MBLEX and MBLEX only.

4 MS. STROTHER: So you're agreeing to not MBLEX,  
5 but to some degree of state testing. Who's going to be in  
6 charge of developing these tests? Who's going to be  
7 proctoring these tests? And who's going to be ensuring that  
8 these are to the level --

9 MR. THOMPSON: I think so right now we're getting  
10 into other issues. You're going into details for further  
11 discussion, that may could -- you could do an ad hoc committee  
12 with members of MTTAC and like Mr. Pilkington, and have  
13 regular meetings -- and Ms. Davis -- whoever deemed necessary.

14 I mean, have meetings and have discussions on these issues,  
15 and even look at development of a state-specific test that may  
16 meet your needs. That can be done through an ad hoc  
17 committee.

18 You're not going to do that here today. You're not going  
19 to answer those questions here today.

20 The question before us today is, is the rules currently --  
21 should -- are the rules for those that go through an  
22 apprenticeship program. as approved by the federal government,  
23 are they subject to Section 5.2 of the rules, which are the  
24 list of current exams -- which include the MBLEX, and there's

1 two others.

2 MR. PILKINGTON: Well, the -- on the 5, it says in  
3 lieu of a state sponsored test.

4 MR. THOMPSON: Correct, Mr. Pilkington. And I  
5 think that --

6 MR. PILKINGTON: I want that part included.

7 MR. THOMPSON: No, right. And -- absolutely. And  
8 I think that obviously there's not been a test that's been  
9 approved yet. But one could be approved. One could be  
10 discussed within an ad hoc committee.

11 And one could -- everybody could come to a test that they  
12 feel comfortable with that could be approved.

13 But I'm talking right now the question before us is prior  
14 to getting to deeper down the road on that, the question  
15 before us is does Section 5 apply to the rules that are going  
16 through the promulgation right now. That is going to be your  
17 first vote.

18 That is going to be your first vote. Development of a  
19 state-specific test to explore that, and including an ad hoc  
20 committee to develop such a thing, that would be a second  
21 vote.

22 Our vote before us right now is Section 5.2. And so -- and  
23 the if anybody has any more questions for Mr. Pilkington on  
24 the other items, we can discuss that.

1 But I think right now it's probably need to go ahead -- I  
2 think we're getting down the road some.

3 MS. ANDERSON: Mr. Pilkington.

4 MR. PILKINGTON: Yes ma'am.

5 MS. ANDERSON: Did I say it right?

6 MR. PILKINGTON: Yes, you did. You did. So many  
7 people get it wrong. You got it right.

8 MS. ANDERSON: You mentioned some of the students  
9 may have ADHD.

10 MR. PILKINGTON: Well, or other things. I just  
11 threw that -- I just was kind of talking. And other things  
12 that limited. The biggest thing of this is, is severe test  
13 anxiety, and bad home life where somebody's kind of beaten  
14 down, they have no self-esteem. It's a lot of things like  
15 that. It's pretty comprehensive.

16 MS. ANDERSON: So ADHD seems like a disability.  
17 Would that not be considered a disability?

18 [inaudible simultaneous conversation]

19 MS. KERSEY: Yes.

20 MS. ANDERSON: Okay -- thanks.

21 MR. THOMPSON: If you have no -- I'm sorry, I took  
22 over, Wendy.

23 MS. SCOTT: That's okay.

24 MR. THOMPSON: Are you okay with that? You

1 designate me for the purpose of rules of order?

2 MS. SCOTT: Yes, yes, absolutely.

3 MR. THOMPSON: I'm sorry.

4 MS. SCOTT: I do have one question.

5 MR. THOMPSON: Sure.

6 MR. PILKINGTON: [inaudible]

7 MS. SCOTT: So per our conversation, my idea of  
8 what you're representing and what you are saying today -- I  
9 keep hearing in it that this is a loophole trying to do for  
10 those that are deemed maybe below the level of academics that  
11 others might be with their competence, and stuff like that. I  
12 mean, if you took a random poll of who grew up in a household  
13 that was either domestic violence, etcetera, etcetera,  
14 etcetera, almost everyone could say hey yeah, I was part of  
15 that, you know.

16 My life -- I grew up, I overcame a lot. I had to. So when  
17 massage came and presented itself to me, I walked through that  
18 door. I was afraid, heck yeah, I was afraid. But I found a  
19 school that was amazing and my teacher was amazing.

20 And he taught me even in that schooling of accelerated,  
21 advanced treatments, within the 500 hours. We got bits and  
22 pieces of that.

23 So when I went to take the MBLEX, yeah, I was scared. I  
24 prepped myself. I have test anxiety. I have anxiety, period,

1 if you want to know the facts.

2 So -- but I pushed myself, and you know, praise God -- and  
3 I'm going to say that. Praise God, I passed. I passed. But  
4 I didn't let my fear -- I didn't let my fear stop me. I  
5 didn't let my economic standings stop me.

6 I have support from family. And even if these people in  
7 the -- and what I get is you're basically recruiting younger  
8 people, with these lifestyles that they're trying to get out  
9 of, and what not.

10 But with the federal -- with the apprenticeship being paid  
11 for, the testing being paid for, and then they have anxiety  
12 and say oh, I can't do this, can't we find another way -- that  
13 is enabling someone with no skin in the game, because they  
14 haven't had to pay for anything out of their pocket, to find a  
15 loophole where they can actually get in and be somebody that  
16 is really not qualified.

17 MR. PILKINGTON: Well, they're not asking us --

18 MS. SCOTT: No, I know. You're offering that.

19 MR. PILKINGTON: I mean, and I -- so in bad  
20 households, only about one in four children ever make it out.  
21 And there's always one that does. But not everybody has that  
22 ability. Not everyone has that internal drive and that  
23 ability.

24 And we're not asking -- a loophole is not what we're asking

1 for. What we're asking -- and we're not asking -- we're not  
2 doing it because we think they might fail.

3 What we're saying is, is that after these people who are  
4 typically a single parent who've taken all the money they  
5 got, all the time they got -- they're basically rolling the  
6 dice on can I get through a massage program, that at the end  
7 of 2,000 hours or whatever, then they have a test that's got a  
8 bad pass rate. And we're putting them at that.

9 And then -- so you picked a good school, right? I mean,  
10 and you had a good instructor?

11 MS. SCOTT: Yes.

12 MR. PILKINGTON: Okay. But what if you hadn't  
13 picked a good school?

14 MS. SCOTT: Well --

15 MR. PILKINGTON: Then --

16 MS. SCOTT: -- maybe I would have struggled.  
17 But --

18 MR. PILKINGTON: But that's what I'm -- that's the  
19 point I'm making is -- is that you take a person that's a  
20 single parent, and they're working one, two jobs to get by and  
21 they're trying to pay for day care, and they're stuck, they  
22 can't move up, they're stuck at that economic level.

23 And we've got an opportunity to create a gateway for them,  
24 create a doorway for them to go through to have a better life,

1 and to have a life better for their kids.

2 So the problems of the generation that they grew up in does  
3 not get replicated onto the next generation, so that families  
4 can move forward.

5 Then if we could create that opportunity, why not do so?  
6 And I'm -- all I'm saying is that if the MBLEX was running in  
7 a 70 percent pass rate, 80 percent pass rate, I don't think we  
8 would be here, to be quite honest.

9 So it's not about taking tests. It's about only having one  
10 choice for a test. And we -- and we feel like -- or from our  
11 experience, from having -- from running schools -- that you  
12 know, just -- the failure rate is too high.

13 And it's just -- it's a bit of the people, and it's a bit  
14 of the test. And that's kind of where we're coming from. And  
15 we feel like that -- you know, 2,000 hours versus 500 hours is  
16 a significantly better level of training, just based on time,  
17 just based on time.

18 And -- but -- and -- but for that, for that free school,  
19 for that free tuition, their sacrifice is time. And so if  
20 you're asking to make that investment, I don't think it's fair  
21 that we ask them to take a chance on a test with a high  
22 failure rate. And that's kind of our point.

23 MS. SCOTT: You're not asking them to make that  
24 investment because you're making the investment.

1 MR. THOMPSON: So we're -- at this point we're in  
2 argument mode, and we're not in question mode. So I don't  
3 hear any questions.

4 MS. DAVIS: I don't hear any new information.

5 MR. THOMPSON: So I think we need to move on to  
6 the next public comment. And I think -- again, I think this  
7 goes back to -- the discussion we had at the end here goes  
8 back to would MTTAC be interested in a committee or something  
9 to review another type of test development, and how that would  
10 look, and the nuts and bolts of that, and would they be  
11 interested in forming a committee to do that.

12 So -- but we're not at that point yet. We're still at what  
13 the rules are going to read right now.

14 So Mr. Pilkington, I appreciate you. I hope you stick  
15 around and --

16 MR. PILKINGTON: Yeah -- [inaudible] --

17 MR. THOMPSON: I want to make sure everybody gets  
18 an opportunity. We need a robust discussion, a good record.  
19 We need to make sure that if the public comes in or the  
20 legislature has questions, that everybody had an opportunity  
21 to discuss this issue.

22 MR. PILKINGTON: Yes sir.

23 MR. THOMPSON: So Ms. Davis, I think you're up.  
24 And please speak loudly so they hear you down here.



1 MS. DAVIS: Oh, I'll speak loudly. First of  
2 all, I want to say that y'all were questioning that to a  
3 businessman. I'm an instructor. I'm one of the oldest  
4 massage people in Arkansas. Thirty-five years worth I have  
5 done massage.

6 When I was trained, like so many more of you, you probably  
7 only had 250 hours of training. We had to put down the  
8 muscles. We had to put down the bones. We did that to learn.

9 We knew what we were doing. We did not harm the public.  
10 We did not have to be tested like we were neurologists,  
11 psychologists. It shouldn't be that way today.

12 In our program, which we worked very hard with the  
13 Department of Labor. I personally have been working with them  
14 for three years, and got this done for the therapists in  
15 Arkansas that are not going to be sex trafficking -- that's  
16 not what the name of the game is.

17 The name of the game is to do massage therapy, as a  
18 licensed massage therapist. Within our law, as it is right  
19 now, it says an acceptable examination. All we're asking is  
20 for the ones who want to go this 2,000 hours, which will build  
21 in more education. That 1,500 hours is not just hands-on in  
22 the end results; it's continuing education.

23 We would like to address the fact that right now with  
24 continuing education, people -- they are helped out of the

1 schools because if there's a -- there's rules and regs that  
2 they can only so much percent that they can come in. We would  
3 eventually like to see that changed.

4 Because we'd like to be able for them after -- after -- I  
5 want you to understand -- after 500 hours of what our law now  
6 says that we teach these people, if we're going to have coming  
7 in that has to be 18 years old. That's our choice in the  
8 schools. The only thing it's going to do is the schools --  
9 with an instructor, with an instructor who we have gained the  
10 right, as instructors, with more and more and more and more  
11 continuing education to get to those levels.

12 When someone comes in just to be a therapist that just  
13 starts out, out here, there's no way they're going to know  
14 what I know, no way. They're not going to know what you know.  
15 They're not going to know what they need to know.

16 They got a right to work. [inaudible] They got a right to  
17 have a choice to be tested by the State of Arkansas. Some of  
18 them never going to move out of these rural areas. They're  
19 going to feed their kids from these rural areas and they have  
20 a right to work. They got a right to be tested by Arkansas.

21 They don't care what California does. They never going to  
22 care what California does. Perhaps maybe so when they go, let  
23 California deal with them. Is that not right?

24 MS. STRICKLAND: The body doesn't change from state

1 to state.

2 MS. DAVIS: The rules and regs and law does.  
3 Basically, if you want to ask some questions, ask me, not a  
4 business owner.

5 A businessman is trying to create jobs for people, and at  
6 the same time trying to teach them, by bringing in these  
7 instructors -- his masters.

8 That's what we're doing. And we're asking you as this  
9 committee to at least go forward with us, providing our  
10 industry that is growing, health care places with doctors. I  
11 personally right now have a nurse practitioner who wants her  
12 license so she can set up a wellness clinic.

13 We're talking about south Arkansas where people don't even  
14 know what the massage field is. And there's the ones out  
15 south there trying to teach them, so that they can go from  
16 relaxation or whether they're ticked out at their husband or  
17 their kids, or whatever. They want a massage.

18 They don't know about the [inaudible] that much. They  
19 don't know about the nerves, what goes through what channel.  
20 They don't care. And neither does a 500 or a 2,000 trained  
21 person when they're first out here trying to rub the backs or  
22 the legs. We go to senior citizens centers and wrap their  
23 feet in hot towels. And they loved it, for circulation.

24 We are circulation, we are touch with the body, compassion.

1 We help in rotation. And like I say, I probably couldn't pass  
2 the MBLEX today if I had to. But I'm one of the best  
3 therapists in Arkansas.

4 I'm a manual worker, have been for 35 years. That's my  
5 story and I'm sticking with it. I'm asking you to at least  
6 move forward to let the Department of Health and y'all create  
7 a test that will let these people work, and let these  
8 businesses -- whether it be the doctors or the health care  
9 places -- let's provide them with the people that's not going  
10 to go in talking about sex. We're sick of hearing that.

11 Anybody going to ask me anything? I wanted to make it  
12 short because we're all tired and we've had a long battle with  
13 all this, in my case, three years. Don't have anything to do  
14 with --

15 MS. STROTHER: You are asking us to move forward  
16 with another exam?

17 MS. DAVIS: Yes ma'am.

18 MS. STROTHER: Are you asking us to do away with  
19 the MBLEX?

20 MS. DAVIS: No, it should be a choice.

21 MS. STROTHER: Okay.

22 MS. DAVIS: A choice for anybody, no matter  
23 what state they're in, no matter where they've gone to school  
24 -- whatever. Let them have a choice. And make a test that

1 can be made up, fixed up and done. Y'all all go over it,  
2 change it, do what you want to.

3 MS. SCOTT: And a test that is more passable is  
4 what you're requesting?

5 MS. DAVIS: More fit for some of the Arkansas  
6 beginning therapists. And then let them take the continuing  
7 education, year by year by year, just like I did. [inaudible]  
8 Just like you're doing, like all the rest of your are doing.

9 MS. STROTHER: You're wanting to offer another  
10 option for schooling and --

11 MS. DAVIS: Not for school. We want them  
12 trained. We want them schooled, just like --

13 MS. STROTHER: That's what I was saying --

14 MS. DAVIS: 500 hours from an instructor.

15 MS. STRICKLAND: So my understanding is you're just  
16 asking for an Arkansas based test, as well as the option of  
17 the MBLEX?

18 MS. DAVIS: That's right. That's all. And for  
19 y'all to work at it. And why would you not work at it? I  
20 mean, why would you not? Can any of you tell me why you  
21 would not?

22 UNIDENTIFIED: [inaudible]

23 MR. THOMPSON: Questions -- remember, questions.  
24 The first point of the vote will be after this, and then we'll

1 have -- you'll have another vote on potentially exploring what  
2 Ms. Davis and Mr. Pilkington are advocating.

3 MS. DAVIS: Any more questions? I'll be happy  
4 to answer anything for you. We just ask -- we're petitioning  
5 the board -- you, the committee -- that's supposed to be  
6 elected for us, and to remember what we really are and have  
7 been. And I'm speaking 35 years worth. I remember massage  
8 from the beginning. We couldn't even get any schooling out  
9 of Hot Springs. Folks called the old bathhouse row and things  
10 like that.

11 I helped to get it to where -- probably 27 years ago.  
12 [inaudible] And now we've got education all over the state  
13 now.

14 MS. SCOTT: Lamar, did you have a comment or a  
15 question?

16 MS. ANDERSON: No.

17 MS. SCOTT: Lamar, did you have a question for  
18 Ms. Davis?

19 MS. ANDERSON: No.

20 MS. SCOTT: Okay. Does anybody else have any  
21 questions for Ms. Davis?

22 MS. ALEXANDER: Hello, hello. My name is Robin  
23 Alexander and I am just listening in on the call. And it is  
24 very difficult to hear everyone clearly. I would just ask if

1 people could state their name, first and last name, for the  
2 record, and who they're affiliated with when they're speaking,  
3 so that we can understand the dialogue and the back and forth  
4 conversations.

5 And I just wanted to ask -- and the final point too. That  
6 is the state code in regards to entry level examination  
7 requirements to be licensed in Arkansas. Is that correct?  
8 The attorney that's on --

9 MR. THOMPSON: Ms. Alexander, right now we're  
10 having public comment on the public comment. These were  
11 people that spoke at the original public comment period.

12 So we'll be happy to follow up with you off line regarding  
13 any further discussion or anything outside of that original  
14 public comment report.

15 But this is specifically for the purpose of getting down  
16 what we have in the rules, as drafted right now.

17 MS. ALEXANDER: Okay.

18 UNIDENTIFIED: [inaudible]

19 MS. ALEXANDER: No, that's why I was saying I can't  
20 -- yeah, that's what I'm saying. I can't hear everything  
21 clearly. So --

22 MR. THOMPSON: We're going to ask everybody to  
23 identify themselves and speak louder.

24 MS. ALEXANDER: Thank you.

1 MS. DAVIS: Can I identify myself?

2 MR. THOMPSON: Yeah. Ms. Davis is the one -- the  
3 individual that just spoke. She wants to identify herself.  
4 Go ahead.

5 MS. DAVIS: I'm Cindy Davis [phonetic  
6 spelling], and I own a school in Camden, Arkansas, for going  
7 on 23 years.

8 Also I wanted to bring out that we're trying to ask y'all  
9 what to do here. Audra, over here, has a school in  
10 Russellville, which is -- she is with the Department of  
11 Education also.

12 MR. THOMPSON: Yeah, Ms. Davis, let's let Ms.  
13 Audra speak on her own behalf.

14 MS. DAVIS: Anyway, I wanted to say that who we  
15 are representing.

16 MR. THOMPSON: Okay, thank you.

17 MS. DAVIS: That we've already been approved  
18 and we're sponsoring through the U.S. Department of Education  
19 this program. It's already passed. That's not what we're  
20 talking about today.

21 We're talking about for y'all to perhaps let us move  
22 forward with some more things, as we have moved forward with  
23 the U.S. Department of Education -- with the U.S. Department  
24 of Labor, on this.



1       We also have other agencies in Arkansas that we've had to  
2 go before, just like we're sitting for y'all, for funding for  
3 the schools, which have instructors. They seem to know that  
4 we know what we're doing and what's going to take place.

5       They've offered to fund us. And we -- the schools need  
6 this. The schools need to get in on this and help us take it  
7 to the places that we want it taken. And the places that we  
8 want it taken and the end results, after putting in all of our  
9 time in these people to have a job and to learn, and to try to  
10 be able to make a living out here, and improve their own life  
11 as well as the lives of other people. We're just asking you  
12 to help us. My Lord, when you hear that and be willing to  
13 work. Other agencies have, as well as the U.S. Department of  
14 Labor.

15       I just don't understand that you wouldn't, especially as  
16 massage therapists, that you wouldn't. I think that wraps it  
17 up for me.

18               MR. THOMPSON:       Thank you, Ms. Davis.

19               MS. DAVIS:         Thank you.

20               MR. THOMPSON:       Anybody that spoke that wants to  
21 speak on the public comments that were made at the public  
22 comment hearing? Does anybody else want to speak on this --  
23 let's talk about this matter first before we get to the other  
24 matter -- that speaks on the question of requiring a test of

1 those that have passed a federally approved apprenticeship  
2 program -- that specific section, that Section 5.2 applies in  
3 the rules.

4 And Ms. McGriff, please identify yourself when you get up  
5 here, and who you represent.

6 MS. MCGRIFF: My name is Donna McGriff. I am a  
7 massage therapy instructor. I owned a school for 23 years and  
8 have recently started into my retirement phase. So really I  
9 am here to represent the massage therapists in the state, and  
10 also to attempt to protect the public.

11 Because I know from owning a school and having students do  
12 student clinicals how much they don't listen. I know from  
13 clients who came in who wanted me to do deep tissue, which is  
14 -- the therapeutic medical deep tissue is mostly what I do --  
15 who had had two massage therapists already crack his ribs.

16 And I said no way I'm doing deep tissue on you. He had  
17 been asthmatic for years, been on steroids for years, was  
18 severely osteoporotic.

19 Why in the world did two massage therapists do deep tissue  
20 on him? Why would a therapist allow a person who is diabetic  
21 to allow them to -- the client -- talk them into doing deep  
22 tissue when they should know that that is dangerous. And the  
23 person was in the hospital with blood clots the next day.

24 If you are not putting these people through a high quality

1 education that really focuses on pathology and  
2 contraindications, then you are putting the public at risk.

3 I've hired so many different instructors that it's unreal.  
4 I have hired a lot of them as well. And our schooling system  
5 and MMT can only teach under the supervision of an MTI. What  
6 does it take to be an MTI? Oh -- or an MMT?

7 Get your 500 hours, stay licensed for a couple of years,  
8 take 125 hours of continuing ed. That does not mean those  
9 people can teach, by any stretch of the imagination.

10 And you're going to put these people out in apprenticeship  
11 programs under an MMT without any supervision for an MTI?  
12 That's dangerous to the public.

13 In traditional schools, we're limited to the amount of  
14 student massages these students can do -- to 50. What about  
15 the extra 1,500 hours -- how many student massages are they  
16 going to do to make the owner some additional money?

17 MR. THOMPSON: Ms. McGriff, I'm going to ask you -  
18 - I appreciate -- I'm going to give you a lot of latitude  
19 because we want to have robust discussion. But we need to tie  
20 this to back to the test. The issue before us is the test.

21 The apprenticeship programs are already under Arkansas law.  
22 There is no discretion, as you know.

23 MS. MCGRIFF: I do understand that.

24 MR. THOMPSON: Yes ma'am, I just wanted to -- I

1 just wanted to make sure we're tying it back. Thank you.

2 MS. MCGRIFF: I cannot imagine setting two levels  
3 of examination in this state, one that is a little less easy,  
4 or more easy to pass than the MBLEX or the other options  
5 people have.

6 It's not they only have one option, because I've heard that  
7 so many times already today. It's not like there's one  
8 option. And I know -- I've been doing this in Arkansas for a  
9 long time. And I've been a board member three different  
10 times. I've been involved in the law every time a changes are  
11 made.

12 Yes, we used to have an Arkansas exam. There's a reason we  
13 went away from it, and went to the MBLEX exam. There's a  
14 reason we were one of the founding members of the Federation  
15 of State Massage Therapy Boards.

16 There's a reason in 1991 we went from basically a 250-hour  
17 in-class program, even though it was like 1,250 they said on  
18 your certificate -- in 1991, to a 500 in-classroom hours of  
19 training.

20 We need to hold our education standards high, not diminish  
21 those, if for nothing else the protection of the public.

22 Now, I realize they want to draw your heartstrings in and  
23 let's make it easier for them, the MBLEX doesn't have a great  
24 rate -- well, I would like to look at the schools in

1 Arkansas, and what their MBLEX pass/fail rate is. There used  
2 to be a standard that schools had to meet.

3 And why did the Arkansas state exams go away? Mostly  
4 because school owners bitched and raised heck when their  
5 students did not pass that exam. And who wrote it -- oh yeah,  
6 I did.

7 And a school pitched a fit because their students, a few of  
8 their students failed, and it was the first failure they had  
9 ever had.

10 I would really hate to see the State of Arkansas to  
11 administer -- and for the Department of Health and he grief  
12 you're going to have, to administer an alternative exam that  
13 they are hoping will be more pertinent.

14 And I'm not sure how anatomy and physiology, indications,  
15 contraindications are not pertinent, because that's mostly  
16 what the MBLEX is.

17 And I'll leave it at that. I'll be happy to answer any  
18 questions if you have any. Thank you for your time.

19 MR. THOMPSON: Thank you. So anyone that wants  
20 to speak on the question of the rule requirement regarding the  
21 current three tests as listed under Section 5.2.

22 MS. WARRINER: My name is Leigh Ann Warriner  
23 [phonetic spelling] and I'm from Conway. And I practice at  
24 the Oasis Massage Therapy in Conway.

1 In speaking directly to Section 5.2, in regards to options  
2 for licensing, it is my proposal and plea to you today that  
3 you pass this, as it reads, which allows for three different  
4 tests.

5 There are options in Arkansas. You can choose which of  
6 these three that you take, and that we allow this to stand and  
7 go forward.

8 In addition to that, I would invite you to create an ad hoc  
9 committee that moving forward will explore the massage therapy  
10 program in Arkansas. Do we need to create separate pathways?  
11 Does there need to be a designation for a basic massage  
12 therapy or a more spa-based program, versus a program that is  
13 more on a medical track that requires additional hours in  
14 addition, so that we come out -- that we are educated with  
15 what we need to work in the field that we want, that the  
16 general public are protected.

17 And all three of these exams, as currently outlined, allow  
18 us portability from state to state. Should we move, these are  
19 all tests that would go with us and would allow for us to go.  
20 If I decide -- if my husband and I decide to retire and move  
21 out of state, currently with my MBLEX, I can go anywhere in  
22 the states of the U.S. and practice.

23 So in a nutshell, I am asking that you cast as proposed  
24 Section 5.2, which allows for accepting any of these three

1 exams today. And then also create an ad hoc, looking at  
2 massage therapy in the State of Arkansas, changes that are  
3 taking place nationally, and the demands that are being placed  
4 on us in the massage therapy practice, so that we do have the  
5 education that we need and we are keeping the general public  
6 safe.

7 And that's all.

8 MR. THOMPSON: Thank you.

9 MS. SCOTT: Thank you.

10 MR. THOMPSON: Anyone else on this particular rule  
11 matter?

12 MS. SEXTON: I would like to speak.

13 MR. THOMPSON: Sure. Identify yourself and who  
14 you represent.

15 MS. SEXTON: I'm [inaudible] Sexton, and I am a  
16 current student at Medical -- I'm sorry, I'm nervous right  
17 now.

18 MR. THOMPSON: Take your time.

19 MS. SEXTON: Lena's and Jessica's school. So I  
20 -- in regards to the testing as concerned, as a student I  
21 would like to state to everybody I am a single mother. I have  
22 started a new education and a business in the middle of the  
23 pandemic.

24 I understand the needs and wants of others who want an

1 education. I hear you completely and I think everyone should  
2 have a fair chance of that, especially for single moms and who  
3 are struggling and who can't go to school.

4 I used to own a day care. And I can say that as a  
5 solution, thanks to the health department, I'm pretty sure  
6 that day care vouchers are back in place. And I used to  
7 actually work with programs like Pulaski Tech that provided a  
8 program for students who were going to vocational school or  
9 getting an education as such. So there's that for a solution.

10 Another thing is that if they don't have a right to work,  
11 we can introduce or think about -- for another discussion, I  
12 know -- is virtual, being allowed to do virtual learning, and  
13 then doing a practical and testing later.

14 As far as the MBLEX is concerned, and the three choices  
15 that we currently have, I do think that's very good. I too  
16 have studying issues, but I also found a school that was a  
17 good fit for me. If we have more options that provide  
18 education to the students -- such as virtual learning -- that  
19 they are able to better serviced or better provide for them,  
20 you know, I think that would be a good option as well,  
21 something that should be thought about.

22 But I have spent a lot of time. I have other licenses.  
23 I'm a licensed cosmetologist as well. And I have spent a lot  
24 of money and a lot of time in my education, and I hold myself



1 to a very high standard.

2 And I don't care how many times I have to take this test.  
3 That is one of the reasons that I did decide that, is because  
4 of that high standard.

5 I think it should be the responsibility of the school, if  
6 someone is not able to pass the test, that it should be on the  
7 school, that they hold them to a certain standard, and that  
8 they are able to take the test and help them pass it.

9 I also think that if you are going to do an apprenticeship,  
10 and there is no reason -- if I was given a free education and  
11 my test is paid for, there is no reason in the world that I  
12 should not pass this test.

13 Because I don't have that stress or that financial burden  
14 behind me. And also that -- just thinking about the test.  
15 And I also feel that if you're -- if you cannot pass the MBLEX  
16 and you are in an apprenticeship, that you should not be able  
17 to work or be licensed until you pass that.

18 Because there are those of us who invested a lot of time  
19 and who found a way. And I can go on for days about the  
20 reasons why I should be a failure, the reasons why I couldn't  
21 make it, or the reasons why. But I am more than willing, and  
22 I have mentored people. And I am more than willing to help be  
23 a part of that cost. But I am one of those people.

24 And there is no excuse. We have -- we can better service,

1 and you can find a school. And I'm pretty sure everyone here  
2 in this room is on the same page as being able to serve the  
3 public and have them protected, as well as providing really  
4 good service. That is legit.

5 And being a minority -- woman -- already, the stigma of  
6 trying to -- and the stupidity and ignorance against massage  
7 therapists, I mean, we're already going up to bat for that.  
8 So don't even get me started.

9 So if we're going to lower the standard, you can best  
10 believe that the loophole for people to come in for human  
11 trafficking -- I'm from New York City. And the male [phonetic  
12 spelling] industry -- I don't even have to tell you this, like  
13 you probably already know this.

14 But with manicurists, okay, there's loopholes. I mean,  
15 there's a reason why people are going and getting infections  
16 because they're from out of state and really didn't go to  
17 school; somebody sat in for them, and they came and took a  
18 test here.

19 So if we do this, that's going to be a loophole, and it's  
20 going to lower the standard, and we're going to have a lot  
21 more headaches than you anticipated.

22 That's all I have to say.

23 MR. THOMPSON: Thank you. Anyone else before I  
24 ask the chair to take a couple of votes?

1 Do you want to have discussion before the vote? Ultimately  
2 -- your first question is does Section 5.2 apply to the  
3 current draft. That is your first question.

4 MR. FLEMING: For the apprentice?

5 MR. THOMPSON: For the apprentice language.

6 Does Section 5.2 apply to apprenticeships in Arkansas, the  
7 current draft. And we will add non-substantive clarifying  
8 language to it.

9 MS. SCOTT: Let's discuss this. Do in the  
10 discussions we've heard and the comments, and what not, and  
11 your own personal --

12 MS. ANDERSON: Can't hear you.

13 MS. SCOTT: Sorry, I was formulating my words.

14 Your own personal responsibility as far as being massage  
15 therapists, and what not, as MTTAC. We'll just go around.  
16 Does Section 5.2 apply to apprenticeship programs in Arkansas  
17 as it is currently drafted, with the three choices? Do we  
18 want to keep that?

19 That's the question -- do we want to keep this, or do we  
20 want to revise it?

21 MS. MOORE: I make a motion that we keep.

22 MS. SCOTT: Krista Moore makes the motion that  
23 we keep. Do we have a second?

24 MS. ECKERT: I second, and adding the non-

1 substantive language to that section.

2 MR. THOMPSON: Yeah, you can make a motion to add  
3 that.

4 MS. MOORE: Yes, I'm sorry, that's what I  
5 meant. Yes, that's my motion.

6 MS. ECKERT: And yes, I second that motion.

7 MS. SCOTT: So -- okay, so we will do that.

8 MR. THOMPSON: Vote.

9 MS. SCOTT: All in favor.

10 BODY: Aye.

11 MS. SCOTT: Lamar?

12 MS. ANDERSON: What are we voting for?

13 MR. THOMPSON: Lamar, that the draft -- the  
14 current draft includes the requirement for apprenticeship  
15 programs. Upon completion they must take one of the three  
16 tests listed in Section 5.2, and that ADH shall add non-  
17 substantive language clarifying that.

18 MS. ANDERSON: And the three tests are?

19 MR. THOMPSON: The -- what's currently listed --  
20 the MBLEX, NCETM, and NCETM-B is what's currently already in  
21 the rules.

22 MS. SCOTT: Are you in favor of keeping these  
23 three tests as documented, or are you wanting to --

24 MS. ANDERSON: Yes.

1 MS. SCOTT: Yes -- okay. So MTTAC is all in  
2 favor of keeping the current draft, that upon completion --

3 MR. THOMPSON: And -- oh, I'm sorry. Go ahead.

4 MS. SCOTT: So we agree with the non-  
5 substantive language, adding that to it on the three that are  
6 still listed.

7 MR. THOMPSON: And I was going to say if we could  
8 let the record reflect, Ms. Branton, that that was a unanimous  
9 vote.

10 Now, your second vote would be do you want to form an ad  
11 hoc committee? And an ad hoc committee would include members  
12 of MTTAC, members in the industry, maybe even members of the  
13 public, a committee to study these issues, including addition  
14 of another test, state-specific or otherwise, addition of and  
15 development of such a test, as well as a discussion of whether  
16 there needs to be some sort of tiered or alternative system of  
17 licensure when it comes to medical versus more spa or  
18 therapeutic relaxation style massage.

19 And you can split those into two separate groups, or you  
20 can have one group to have that discussion.

21 And you can -- and I would say that as for the nuts and  
22 bolts, we can assist with that later. And y'all would be  
23 welcome to use -- we can set up the zooms and any of that. We  
24 could have staff members there to assist.

1       So this wouldn't be y'all doing it all on your own. But  
2 that's a discussion. That's up to MTTAC whether they want to  
3 go that route and form such a committee.

4       So I'm going to let y'all talk. And I'm going to shut up.

5               MS. ECKERT:           I'll make a motion to form an ad  
6 hoc committee to study the issues we talked about today,  
7 including a development of a state test and what that would  
8 look like.

9       You know, there were a lot of comments about administration  
10 of the test, proctoring the test -- all of those things that  
11 we also have to do any time you give a test like that.

12       And also to study whether or not there needs to be two  
13 different tracks of massage therapy.

14               MS. SCOTT:           I second that -- Wendy.

15               MS. ANDERSON:       What was that?

16               MS. SCOTT:           I second the motion to create a  
17 committee to discuss these items that we just voted on, and  
18 heard public comment on.

19               MR. THOMPSON:       So you have a motion and a second  
20 and now you would take a vote.

21               MS. SCOTT:           Oh yes -- all in favor?

22               BODY:               Aye.

23               MS. ANDERSON:       Well, I don't know about that.

24

1 MS. SCOTT: Do you have a question, Lamar?

2 MS. ANDERSON: Why did that -- the current MTTAC  
3 committee can't make that decision, or --

4 MR. THOMPSON: Well, Lamar, an ad hoc committee  
5 would include other people, not just the MTTAC members. It's  
6 more flexible at meeting times. It's not making decisions and  
7 votes, but making recommendations.

8 There's a difference. We're not -- it's not a final  
9 decision-maker. It is the experts getting down and having  
10 discussions, like we just had, and maybe coming to some  
11 compromise -- I won't say compromise, but come to some  
12 understandings. Maybe not. Maybe they won't have -- maybe  
13 there won't be a recommendation out of it.

14 But it allows a voice that's a little bit outside, and it  
15 allows a specific more detailed analysis, discussion of the  
16 matter.

17 It's hard to have discussions at an MTTAC meeting that's  
18 usually an hour or two, every quarter. This allows them to  
19 meet more regularly, more flexibility at the meeting, and have  
20 really in depth discussions among the occupational licensure  
21 industry.

22 MS. ANDERSON: And afterwards, they would present  
23 their findings to the committee?

24 MR. THOMPSON: Correct.

1 MS. ANDERSON: Okay. I agree.

2 MS. SCOTT: The approval is unanimous on that.  
3 Now, Chuck, I have a question for you. How do we go about in  
4 doing this, and creating that committee?

5 MR. THOMPSON: What we'll do is we can send out,  
6 and we will do this before -- before the close of tomorrow.  
7 Because I've got a long day today on some other items.

8 But we'll send out the notice that it is being formed, ask  
9 people that want to participate and get a list of folks. And  
10 then we can have a -- then have a very quick meeting to  
11 appoint folks to that, which I presume in a week, maybe.

12 And appoint people to that, and let's see how many people  
13 are interested. And we may get -- and we may get -- maybe  
14 there will be individuals in this room that are interested in  
15 being on it. Or you may get a lot of input.

16 So we'll just have to kind of see what the interest level  
17 is out there. But within two weeks we should be able to have  
18 a meeting -- have a committee appointed, and start getting  
19 work toward some regular meetings and just a real discussion  
20 to dig into this.

21 MS. STROTHER: Does those members include all of  
22 us, plus those people that sign up for it?

23 MR. THOMPSON: It would --

24 MS. STROTHER: Or does it mean that we sign up for



1 that committee?

2 MR. THOMPSON: It would be as many of y'all that  
3 want to participate, and then those folks that are out there  
4 -- other school owners, the apprenticeship programs,  
5 representatives from them, some student representatives maybe  
6 that are interested, to really have a robust discussions about  
7 this.

8 MS. STROTHER: So we are naturally on it --

9 MR. THOMPSON: You're naturally on it as -- yeah  
10 -- but you don't have to be.

11 [inaudible simultaneous conversation]

12 MR. THOMPSON: You're not going to get a demerit  
13 if you can't make it to a meeting.

14 MS. MOORE: I have a question for you.

15 MR. THOMPSON: Sure.

16 MS. MOORE: Are they limited to what they look  
17 at, or are they looking at all of the rules and regs?

18 MR. THOMPSON: I -- they -- this would be limited  
19 to the two items of discussion we've just had.

20 MS. MOORE: Okay.

21 MR. THOMPSON: Now, whether the rules and regs --  
22 those portions of the rules and regs that are relevant. But  
23 this is -- this is strictly do we want to add additional  
24 tests, whether it be state-specific or otherwise, or develop

1 -- do they want to go ahead and add that, which the rules  
2 allows for, and do we want to -- is there a -- is there  
3 potential or do we want to go get some sort of licensure --  
4 different licensure paths when it comes to medical versus the  
5 therapeutic. It will be those two items.

6 Ad hoc is by definition, for a specific purpose. Your  
7 specific purposes are these two items.

8 MS. MOORE: I just wanted to clarify. Thank  
9 you.

10 MS. DAVIS: Can I just ask one question?

11 MR. THOMPSON: Very quickly, Ms. Davis.

12 MS. DAVIS: It is my understanding of the three  
13 tests that are there, one of them don't test anymore. Is that  
14 not right?

15 MR. THOMPSON: And I think -- I don't know, Ms.  
16 Davis. But that would be a point of discussion in this ad hoc  
17 committee, that at this point there may be -- if they're not  
18 testing it, then it may need to be -- it would be part of that  
19 recommendation to be removed.

20 So again, that's why we're not going to get good solid  
21 decisions here today on this. That's why you have an ad hoc  
22 committee.

23 But if we can get it up and running, and get something so  
24 that we have some real good discussion in the next 30 to 60

1 days, and really come up with something, that we could agree  
2 for recommendation changes.

3 MS. DAVIS: I'd like to say far as -- we  
4 appreciate that. Thank you. We want to move forward.

5 MS. SCOTT: Okay, so we did the vote.

6 MR. THOMPSON: And that's all y'all have for the  
7 -- and I know this was long, but I just wanted to make sure  
8 everybody -- that you all -- we needed a robust discussion on  
9 this matter, and just to make sure everybody had a chance.  
10 So that's it for program update.

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