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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## MICHIGAN BOARD OF MASSAGE THERAPY

**JANUARY 31, 2022, MEETING**

### APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Massage Therapy met on January 31, 2022, at 611 West Ottawa Street, Upper-Level Conference Center Room 4, Lansing, Michigan 48933.

#### CALL TO ORDER

JT Stout, LMT, Chairperson, called the meeting to order at 9:38 a.m.

#### ROLL CALL

**Members Present:** JT Stout, LMT, Chairperson  
Jason Bacchus, LMT  
Dana M. Blank, Public Member  
Kristin L. Brooks, Public Member  
Katie Kiter, Public Member  
Frances E. McCullough, LMT (arrived 9:44 a.m.)  
Irene Savoyat, LMT

**Members Absent:** Allen Fender, LMT  
Amelia Lipovsky, LMT  
Jamel Randall, LMT

**Staff Present:** Laury Brown, Senior Analyst, Compliance Section  
Dena Marks, Departmental Technician,  
Boards and Committees Section  
Kerry Przybylo, Manager, Boards and Committees Section  
Stephanie Wysack, Board Support Technician,  
Boards and Committees Section  
Kaye Thelen, Analyst, Licensing Division

#### ROLL CALL/PUBLIC COMMENT REMINDER

## **APPROVAL OF AGENDA**

MOTION by Kiter, seconded by Savoyat, to approve the agenda, as presented.

A voice vote followed.

MOTION PREVAILED

## **APPROVAL OF MINUTES**

MOTION by Bacchus, seconded by Blank, to approve the July 19, 2021, meeting minutes, as presented.

A voice vote followed.

MOTION PREVAILED

## **REGULATORY CONSIDERATIONS**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

### **2022 Public Notice**

Wysack stated that the Public Notice is uploaded to the Department Resources folder in Egress.

### **Board Member Resolutions**

Stout presented resolutions to Amanda Corley, Charlie Franklin, LMT, and Jodi Wiley, LMT, honoring the time they served on the Michigan Board of Massage Therapy.

### **Elections**

Stout initiated Board member introductions.

Marks ran the election for Chairperson.

MOTION by Bacchus, seconded by Savoyat, to re-elect Stout as Chairperson.

A roll call vote followed: Yeas: Bacchus, Blank, Brooks, Kiter, McCullough, Savoyat  
Nays: None  
Abstain: Stout

MOTION PREVAILED

Marks ran the election for Vice Chairperson.

MOTION by Stout, seconded by Blank, to elect Bacchus as Vice Chairperson.

A roll call vote followed: Yeas: Blank, Brooks, Kiter, McCullough, Savoyat, Stout  
Nays: None  
Abstain: Bacchus

MOTION PREVAILED

### **Committee Assignments**

Stout made the following committee assignments. He stated that as new members are appointed to the Board, these may change.

#### Disciplinary Subcommittee

Blank – Public Chairperson

Brooks – Public

Bacchus – Professional

Lipovsky – Professional

Savoyat – Professional

Kiter – Public Alternate

McCullough – Professional Alternate

#### Board Review Panel

Stout

McCullough

Randall

#### Rules

Lipovsky

Randall

Savoyat

### **Board of Massage Therapy Master Resolution Discussion**

Stout and Marks gave an overview of the Board of Massage Therapy Master Resolution.

MOTION by Kiter, seconded by Blank, to approve the Board of Massage Therapy Master Resolution as presented.

A roll call vote followed: Yeas: Bacchus, Blank, Brooks, Kiter, McCullough, Savoyat,  
Stout  
Nays: None

MOTION PREVAILED

### **HPRP Annual Report**

Marks provided an overview of the Health Professional Recovery Program. Marks presented the HPRP Executive Summary: October 1, 2020, through September 30, 2021.

### **HPRC Appointment**

Marks stated that the board does not currently have a representative on the HPRC Committee. She stated that anyone interested should send their notice of interest and curriculum vitae to the department.

### **Rules Discussion**

Marks provided an overview of the draft rules (Attached).

MOTION by Savoyat, seconded by McCullough, to approve the draft rules as presented.

Discussion was held.

A roll call vote followed: Yeas: Bacchus, Blank, Brooks, Kiter, McCullough, Savoyat,  
Stout  
Nays: None

MOTION PREVAILED

### **Chair Report**

Stout stated that he will be naming a new representative from the Board to the Federation of State Massage Therapy Boards (FSMTB) before the next Board meeting on April 4, 2022.

## **Department Update**

Marks explained the process for rules promulgation.

Wysack reminded the board members to check their state email address regularly as it is the source of communication with the department.

Przybylo stated that the next board member training is scheduled for August 15, 2022, via Zoom. All board members are welcome to attend.

Przybylo provided introductions of department staff.

## **PUBLIC COMMENT**

Mike Krombeen with the American Massage Therapy Association – Michigan (AMTA), thanked the Board for their work on the rules.

## **ANNOUNCEMENTS**

The next regularly scheduled meeting will be held April 4, 2021, at 9:30 a.m. at 611 W. Ottawa Street, Upper-Level Conference Center Room 3, Lansing, Michigan 48933.

## **ADJOURNMENT**

MOTION by Kiter, seconded by McCullough, to adjourn the meeting at 10:39 a.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on: January 30, 2023

Prepared by:  
Stephanie Wysack, Board Support Technician  
Bureau of Professional Licensing

February 1, 2022

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MASSAGE THERAPY - GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16287, 17959, 17961, 17963, and 17965 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16287, 333.17959, 333.17961, 333.17963, and 333.17965, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.732, 338.735, R 338.736, R 338.737, R 338.738, and R 338.739, of the Michigan Administrative Code are amended, as follows:

PART 3. LICENSURE

R 338.732 Training standards for identifying victims of human trafficking; requirements.

Rule 32. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and 333.17060, an individual who is licensed or seeking licensure shall **have completed** ~~complete~~ training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
  - (i) Understanding the types and venues of human trafficking in the United States.
  - (ii) Identifying victims of human trafficking in health care settings.
  - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
  - (iv) Identifying resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
  - (i) Training offered by a nationally recognized or state-recognized health-related organization.
  - (ii) Training offered by, or in conjunction with, a state or federal agency.
  - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
  - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
  - (i) Teleconference or webinar.

- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

~~(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to all license renewals and for initial licenses issued after March 14, 2022.~~

R 338.735 **Initial licensure licensure; massage therapist; requirements.**

Rule 35. An applicant for a massage therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and ~~the~~ **these rules promulgated under the code**, the applicant shall satisfy both of the following requirements:

(a) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 or R 338.722a, as applicable.

(b) Pass an examination required under R 338.734.

R 338.736 Foreign-trained applicants; licensure; requirements.

Rule 36. An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and ~~these~~ **the rules promulgated under the code**, the applicant shall satisfy ~~all~~ **both** of the following requirements:

(a) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722 or R 338.722a, as applicable. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.

(b) Pass an examination required under R 338.734.

R 338.737 Licensure by endorsement; requirements.

Rule 37. ~~(1)~~ An applicant for a license by endorsement, **pursuant to section 17959(2) of the code, MCL 333.17959**, shall hold an active massage therapist license **in good standing** ~~or registration~~ in another state, country, jurisdiction, territory, or province at the time of

application. In addition to meeting the requirements of the code and the administrative rules promulgated under the code, the applicant shall submit a completed application on a form provided by the department together with the required fee and shall satisfy all of the following requirements as noted by (√) below: ~~, be of good moral character, and be at least 18 years of age.~~

~~-(2) The applicant shall submit the required fee and a completed application on a form provided by the department.~~

~~-(3) An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for 3 years or more preceding the date of application satisfies the requirements for licensure pursuant to section 19759(2) of the code, MCL 333.17959.~~

~~-(4) An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for less than 3 years immediately preceding the date of application shall satisfy both of the following requirements:~~

~~(a) Have successfully completed a supervised curriculum that meets the requirements in R 338.722, R 338.722a, or R 338.736(a), as applicable.~~

~~(b) Have passed an examination required under R 338.734.~~

~~-(5) An applicant shall have his or her license, certification, or registration in good standing verified by the licensing, certifying, or registering agency of each state, country, jurisdiction, territory, or province in which the applicant holds, or has ever held, a license, certification, or registration as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.~~

		Licensed for less than 3 years.	Licensed 3 years or more.
(a)	Establish that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.	√	√
(b)	Establish that he or she is at least 18 years of age.	√	√
(c)	Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√	√
(d)	Have satisfied 1 of the following requirements: (i) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 or R 338.722a, as applicable. (ii) Have provided	√	



	<p>evidence that the applicant has completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements in R 338.722 or R 338.722a, as applicable. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency that is a member of the National Association of Credential Evaluation Services.</p>		
(e)	<p>Achieve a passing score on an examination adopted under R 338.734.</p>	√	
(f)	<p>Comply with both of the following:</p> <ul style="list-style-type: none"> <li>(i) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.</li> <li>(ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which</li> </ul>	√	√

	<b>includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</b>		
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R 338.738 Relicensure.

Rule 38. (1) An applicant whose license has lapsed may be relicensed **under section 16201(3) or (4) of the code, as applicable, MCL 333.16201, if the applicant meets the requirements of the code, the administrative rules promulgated under the code, and satisfies the following requirements as indicated by a (√) upon submission of the appropriate documentation as noted in the table below:**

		Lapsed less than 3 years	Lapsed 3 years <b>but less than 7 years or more</b>	Lapsed 7 years or more
<del>(a)</del> (a)	For a massage therapist who has let his or her Michigan license lapse and is not currently licensed in another state, country, jurisdiction, territory, or province.			
<del>(a)</del> (i)	<del>Application and fee:</del> <b>submit</b> a completed application on a form provided by the department, together with the required fee.	√	√	√
<del>(b)</del> (ii)	<del>Good moral character:</del> <b>establish</b> that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
<del>(c)</del> (iii)	<del>Fingerprints:</del> <b>submit</b> fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
<del>(d)</del> (iv)	<del>Continuing education:</del> <b>submit</b> proof of having completed <del>45</del> <b>18</b> hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
<del>(e)</del> (v)	<del>Examination:</del> <b>Pass</b> the examination approved pursuant to R 338.734 within <del>3 years</del> <b>the 3-year period immediately preceding the</b>		√	√

	of <b>application</b> for relicensure.			
(f) (vi)	<p><del>License verification: an applicant's license in good standing must be verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.</del></p> <p><b>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:</b></p> <p><b>(A) Disclose each license, registration, or certification on the application form.</b></p> <p><b>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</b></p>	√	√	√
	–(2) (b) For a massage therapist who has let his or her Michigan license lapse and is currently licensed in another state, country, jurisdiction, territory, or province.	Lapsed less than 3 years	Lapsed 3 years <b>but less than 7 years or more</b>	<b>Lapsed 7 years or more</b>
(a) (i)	<del>Application and fee: submit</del> <b>Submit</b> a completed application on a form provided by the department, together with the required fee.	√	√	√
(b) (ii)	<del>Good moral character: establish</del> <b>Establish</b> that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c)	<del>Fingerprints: submit</del> <b>Submit</b> fingerprints as required under section		√	√

(iii)	16174(3) of the code, MCL 333.16174.			
(d) (iv)	<del>Continuing education: submit</del> <b>Submit</b> proof of having completed <b>45 18</b> hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√	√
(e) (v)	<del>License verification: an applicant's license in good standing must be verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.</del> <b>An applicant who is or has ever been licensed, registered, or certified in a health profession or specialty by any other state, the United States military, the federal government, or another country, shall do both of the following:</b> <b>(A) Disclose each license, registration, or certification on the application form.</b> <b>(B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</b>	√	√	√

**(2) If relicensure is granted and it is determined that a sanction has been imposed by another state, the United States military, the federal government, or another country, the disciplinary subcommittee may impose appropriate sanctions under section 16174(5) of the code, MCL 333.16174.**

R 338.739 License renewals; massage therapist; requirements; applicability.

Rule 39. (1) An applicant for license renewal shall **satisfy the requirements of the Public Health Code General Rules, R 338.7001 to R 338.7005, and shall** accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during each license cycle.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of meeting the requirements of this rule for a period of 5 years from the date of application for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(3) The requirements of this rule do not apply if a licensee has been licensed for less than 3 years.

(4) A request for a waiver pursuant to section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(5) The department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (1) of this rule.

DRAFT