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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

MICHIGAN BOARD OF MASSAGE THERAPY RULES COMMITTEE WORK GROUP MEETING

MINUTES OCTOBER 11, 2021

The Michigan Board of Massage Therapy Rules Committee Work Group, met on October 11, 2021. The meeting was held via Zoom.

CALL TO ORDER

Dena Marks, Senior Policy Analyst, called the meeting to order at 8:00 a.m.

ROLL CALL

Members Present: Irene Savoyat, LMT, Professional Member
Jodi Wiley, LMT, Professional Member

Members Absent: Jamel Randall, LMT, Professional Member

Staff: Rebecca Flores, Analyst, Licensing Division
Dena Marks, Senior Policy Analyst, Boards and Committees Section
Kaye Thelen, Analyst, Licensing Division
Stephanie Wysack, Board Support, Boards and Committees Section

Public Present: Mike Krombeen – American Massage Therapy Association of Michigan

WELCOME

Marks explained the next steps in the rules promulgation process. She stated that the statutory references at the beginning of the draft provide the authority to write the rules.

RULES DISCUSSION – Massage Therapy – General Rules (A copy of the draft rules, pursuant to today’s discussion, are attached.)

Marks stated that no recommended changes were made to the following rules:

R 338.701 Definitions.

R 338.702 Telehealth.

R 338.722 Supervised curriculum for students enrolled before August 1, 2017; for students enrolled on or after August 1, 2017 but before January 10, 2020; requirements.

R 338.724 Supervised student clinic; requirements.

R 338.726 Educational standards; adoption by reference.

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

R 338.734 Examinations; passing scores.

R 338.741 Acceptable continuing education; requirements; limitations.

R 338.751 Professional ethics.

The Rules Committee agreed that there were no changes needed.

R 338.735 Initial licensure; requirements.

Marks stated that she included language from R 338.736 as it appeared that they could be incorporated. This would allow for R 338.736 to be rescinded.

Marks stated that pulling the rules together as one would incorporate students who are domestically educated, but not accredited.

Thelen and Flores stated that removing “foreign” could cause confusion as that is a key word that identifies rule application.

Discussion was held.

Flores questioned whether NACES provided credential evaluations to domestic graduates.

Marks confirmed that NACES only provides the credentialing service to foreign trained individuals. Marks stated she would remove the new language from R 338.735 and that R 338.736 will not be rescinded. She stated that R 338.736 will need to be updated to include references to other sections of the rules that apply to obtaining licensure.

The Rules Committee agreed with the above change to the draft.

R 338.737 Licensure by endorsement; requirements.

Marks stated that she added a reference to the statute as it was very specific to massage therapy.

She stated that she reorganized the rule into a chart as that is easier to follow for applicants.

Subdivision (f): Marks stated that this was new language that was being incorporated into all of the health professional rule sets.

The Rules Committee agreed with the language as presented.

R 338.738 Relicensure.

Marks stated that she added a reference to the statute to the rule.

Subdivisions (1)(a)(iv) and (b)(iv): Marks stated that both subdivisions had been updated to reference 18 hours of continuing education, from 45 hours, to coincide with the requirement in the statute.

The Rules Committee agreed with the language as presented.

Subrule (2): Marks stated that this was a new subrule that was being added to all health profession rule sets.

The Rules Committee agreed with the language as presented.

Subdivision (1)(a)(v): Thelen asked if the intent of the Rules Committee was to have the applicant retest, if lapsed greater than 3 years, or if they just needed to show proof of having tested? It is her understanding that the examination given by MBLEX does not expire.

Wiley confirmed that the examination does not expire. However, MBLEX will allow for an individual to retest if needed.

Thelen suggested increasing the timeframe for testing.

Wiley stated that the profession did not change that quickly and increasing the timeframe would be appropriate.

Savoyat agreed and suggested that the timeframe be increased to 7 years.

Marks will add language to subdivision (1)(a)(v), but may have to create a third column to accommodate for the 7 year timeframe.

The Rules Committee agreed with the suggested change.

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

Marks stated that references to the Public Health Code – General Rules were added.

The Rules Committee agreed with the language as presented.

ADJOURNMENT

Marks stated that the next step was to have the board vote on the draft at the meeting on January 31, 2021.

Marks adjourned the meeting at 8:49 a.m.

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

Date: October 11, 2021

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 **and seeking renewal** or seeking **initial** licensure shall ~~have complete~~ **completed** 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 the supervised curriculum 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> <p>(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.</p> <p>(ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification</p>	√	√

	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.		
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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 more than 3 years but less than 7 years or more	Lapsed 7 years or more
(+) (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.			
(a) (i)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(b) (ii)	Good moral character: Establish 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) (iii)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.		√	√
(d) (iv)	Continuing education: submit proof of having completed 45 18 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)	Examination: Pass the examination approved pursuant to R 338.734 within 3 years the 3-year period immediately preceding the		√	√

	of application for relicensure.			
(f) (vi)	<p>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.</p> <p>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:</p> <p>(A) Disclose each license, registration, or certification on the application form.</p> <p>(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.</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 more than 3 years but less than 7 years or more	Lapsed 7 years or more
(a) (i)	Application and fee: submit Submit a completed application on a form provided by the department, together with the required fee.	√	√	√
(b) (ii)	Good moral character: establish Establish 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.	√	√	√
	Fingerprints: submit Submit		√	√

(e) (iii)	fingerprints as required under section 16174(3) of the code, MCL 333.16174.			
(d) (iv)	Continuing education: submit Submit proof of having completed 45 18 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)	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. 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: (A) Disclose each license, registration, or certification on the application form. (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.	√	√	√

(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