

Article for Massage Board Newsletter

By: Board Member Camille Baughman, BS, MA, LMT

We live in a world in which there is overabundance of information available to us at our fingertips. This is good news and bad news, as I am sure many of you are aware. As an educator and continuing education provider I have the opportunity to meet with massage therapists all over the state and it has been brought to my attention that a large number of the licensed massage therapists in Pennsylvania are unaware or confused about the role and function of the State Board of Massage Therapy.

My goal for writing this article is to educate you, the massage therapists of the state, in a clear and concise manner that doesn't require you to try to maneuver through the confusing websites associated with the state system. The Massage Therapy Law and the Massage Therapy Regulations are two very different documents that are separate, yet inseparable, and both add clarity to the regulation of our profession in Pennsylvania. The law and regulations are accessible via the Board's website.

This article will use the tried-and-true method of sharing information by asking questions that get directly to the point: "Who, What, When, Where, Why and How"

FAQ's About the State Board of Massage Therapy

(General FAQ can be found [here](#) and Continuing Education FAQ can be found at [here](#).)

Q: What is the purpose of the Board?

A: The short answer is to protect the public. The Commonwealth's 29 professional licensing entities play a pivotal role in safeguarding the interest and well-being of our citizens and businesses and protect the health and safety of the public from fraudulent and unethical practitioners. As board members, we are responsible for maintaining a balance between the

protection and safety of our residents and the fiscal and competitive positions of our professional practitioners.

Q: What is the difference between a professional association and a licensing board?

A: Professional associations create networking opportunities, publish information of interest to members, conduct research and stage conferences, seminars and workshops. They have job boards, they pull together affinity programs for members, and they lobby on behalf of members' interests. Professional associations exist to serve the interests of members and are accountable to members.

Licensing boards are something else altogether. Based on qualifications for licensure drafted by the legislature, licensing boards set requirements for individuals to enter the profession and they draft rules by which licensees must abide while practicing the profession. They develop and maintain processes to ensure the ongoing education and competence of licensees, and they discipline licensees when appropriate.

In short, professional associations exist to provide for and protect the membership. Licensing boards exist to protect the public from incompetent, underqualified or unethical practitioners.

Q: The Board is comprised of eleven (11) members, but what is the Board's composition?

A: Two (2) positions are for members of the public who have an interest in massage therapy but are NOT massage therapists. Six (6) positions are reserved for Licensed Massage Therapists. One (1) position for the Secretary of Health or a designee. One (1) position for the Attorney General or a designee. One (1) position for the Commissioner of the Bureau of Professional and Occupational Affairs, or a designee.

Q: If I wanted to serve on the Board, what would I have to do?

A: Contact your State Senator and express your interest in being appointed to the Board. Provide a resume.

Q: How much are Board members compensated for serving on the Board?

A: By law, Board members receive a per diem rate of \$60 when attending to the work of the Board. Additionally, Board members are reimbursed for reasonable travel, lodging, and other necessary expenses.

Q: When are Board meetings and are they open to public?

A: Board meetings are typically held every other month on the 2nd Tuesday from 9:30 until all agenda items have been attended to, and meetings usually adjourn by 4:30 at the latest. Meeting dates and times are always posted to the Board website at: www.dos.pa.gov/massagetherapy.

All Board meetings are open to the public and all Board business must be conducted in view of the public as required by law. However, the Board may discuss certain matters in a closed session called "Executive Session."

Q: What is "Executive Session" and why are Board meetings closed to the public during that time?

A: Executive Session is a closed session of a Board meeting which may be held to discuss personnel matters, to consult with the Board's attorney regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed, and to review and discuss agency business which if conducted in public would violate a lawful privilege or lead to the disclosure of confidential information or information protected by law, including quasi-judicial deliberations. Only Board members, legal advisors, and

Board administrators are typically allowed to attend Executive Session.

Q: How can a licensee or a consumer file a complaint about a massage therapist, or an unlicensed practitioner?

A: A complaint can be filed by going to <https://www.dos.pa.gov>. Click on the "File a Complaint" tab and follow the instructions.

Q: How often does the Board review and amend the Massage Therapy Regulations and what is the process involved in changing the regulations?

A: The Board is required to constantly review the regulations. The massage therapy profession is ever-changing, which means existing regulations may become out-of-date or may ultimately impose unnecessary or unrealistic requirements of either individual licensees or the Board.

The Pennsylvania General Assembly (the Legislature) enacts the law, and the law both creates the Board and empowers the Board to "promulgate *regulations*" that carry out the Legislature's intent. Accordingly, the Board may change the *regulations*, but the Board may not make changes to the *law*.

The Commonwealth Documents Law establishes the procedure for rulemaking (i.e. drafting and amending regulations). Each draft regulation must be published as a "proposed rulemaking" in the Pennsylvania Bulletin, a weekly publication of important state documents. Once published, the public is afforded an opportunity to submit written comments or objections. The comments are reviewed by the Board, and the proposed regulation is amended accordingly. For this reason, it is important that you read the regulations and give feedback. **We value your input.**

The Regulatory Review Act gives the Legislature and the Independent Regulatory Review Commission (IRRC) the ability to comment on proposed regulations, as well. The final rulemaking

takes effect upon publication of the same in the Pennsylvania Bulletin.

The regulation approval process oftentimes takes months, if not years and many individuals, agencies and associations review the proposed changes. Take the time to review proposed regulations and make your voice heard.

Although this article is not complete in-and-of-itself, it is a start. It is important for you, the professional massage therapists of the Commonwealth of Pennsylvania, to be educated about the structure and function of our state laws and regulations. Education is knowledge, and knowledge is empowering. Become involved in your profession, attend the Board meetings, ask questions and attend professional association meetings. You do have a voice and you can make a difference.