



June 8, 2015

Ms. Bianca Hoffman, Executive Director  
Massachusetts Board of Registration of Massage Therapy  
1000 Washington Street, Suite 710  
Boston, Massachusetts 02118

Dear Ms. Hoffman:

On behalf of the 3,300 members of the Massachusetts Chapter of the American Massage Therapy Association ("AMTA-MA"), I am writing to provide comments to the Massachusetts Board of Registration of Massage Therapy ("the Board") relative to proposed changes to 269 CMR 2.00 *et seq.* I thank you in advance for this opportunity to share the following points for the Board's consideration in connection with its review of the current regulations:

1. **Add the term "kinesio taping" to the definition of "massage". 269 CMR 2.00.** Kinesiology tape is an elastic therapeutic tape that is applied to the skin usually following massage therapy. It acts to facilitate the body's natural healing process by lifting the tissue and supporting and stabilizing the affected muscles prolonging the benefits of massage therapy. The definition of "massage" is silent on the use of kinesiology tape and, thereby, fails to explicitly address a technique that is regularly practiced by massage therapists nationwide. There exists no statutory prohibition against massage therapists using kinesio tape. Accordingly, the AMTA-MA respectfully requests that the Board insert the term the term "kinesio tape" after the words "hot and cold packs" in the definition of "Massage".
2. **Strike the breakdown of the 650 hours of education currently outlined in the regulations. 269 CMR 3.01(e)(2).** The AMTA-MA is aware that the breakdown of education contained in the regulations has created some inadvertent hardships. That said, the AMTA-MA strongly urges the Commonwealth to maintain 650 hours of education overall, but to strike the artificial breakdown of the 650 hours contained in 269 CMR 3.01(e)(2). If the Board is interested in making sure that a massage therapist has received a wide breadth of learning, mechanisms or protections for such diversity can be included in the school regulations when promulgated. This is not to say that the school regulations should contain the same breakdown of hours, but the school regulations can provide flexibility in allowing schools to develop curriculums that touch upon the essential areas identified in the current regulation. (i.e. massage theory, kinesiology, pathology, etc.)..
3. **Provide the Board with flexibility to determine "reasonable equivalency" in reciprocal licensure. 269 CMR 3.01(4)(b).** While adopting the aforementioned suggestion should address most of the difficulties faced by the Board with respect to reciprocity, the Board should continue to wield its authority to determine what standards are acceptable for licensure. Accordingly, the AMTA-MA suggests that the Board amend 269 CMR 3.02(4)(b) by inserting the following words at the beginning thereof:- "As determined by the Board, the applicant meets the requirements of 269 CMR 3.01(2)(a) through 3.01(2)(h)." (amendment underlined).

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4. **Extend the renewal period from one (1) year to two (2) years. 269 CMR 3.02(1)(a).** Mass. Gen. Laws ch. 112, §229(b) provides that “[t]he director of professional licensure shall determine the renewal cycle and renewal period for massage therapy licenses.” There is no provision within the Mass. Gen. Laws that requires massage therapists to be licensed at a one (1) year renewal period. Further, there is no actual justification why massage therapists are licensed on a yearly basis. When the state licensure of massage therapists was undertaken by the Commonwealth, the idea of a yearly renewal was patterned on prior municipal practices requiring the same. Now that the licensure of massage therapists has been in place for over seven (7) years, the need for the one year renewal cycle can be expanded to a two year cycle. In doing so, the Board will be providing massage therapists financial and administrative relief without sacrificing public safety or consumer protection.
5. **Amend renewal language in the regulations to reflect changes contained in recent law. 269 CMR 3.02(2)(b).** According to Section 32 of Chapter 236 of the Acts of 2014, “[n]otwithstanding any general law or special law to the contrary, the fee for reinstating a lapsed or expired license issued by a board of registration under the supervision of the division of professional licensure shall be not more than the cost of the current renewal fee for 2 missed renewal cycles. The fee for reinstatement shall be in addition to any applicable late fee.” 269 CMR 3.02(2)(b) currently reflects the old standard reflecting five (5) years; accordingly, the AMTA-MA respectfully requests that the regulations be changed to reflect the new law.
6. **Amend the advertising language to reflect “electronic means” in accordance with Chapter 444 of the Acts of 2014. 269 CMR 5.02(12).** Currently, the regulation fails to directly address advertising through electronic means, which leaves open a window through which unlicensed individuals (and/or entities) may freely solicit illicit business under the façade of “massage” services, but beyond the reach of the Board. Moreover, as currently written, a licensed massage therapist offering illegal escort services and the like, under the façade of “massage” can evade Board discipline simply by marketing those illicit services online or through other electronic means.

Electronic means of advertising through the dissemination of marketing materials via email, websites, blogs, and text messages is a major component of marketing in today’s world. Unfortunately, individuals are using these avenues to perpetuate illicit activities, the marketing of which often remains below the radar, going unnoticed for far too long. The recent change in law, Chapter 444 of the Acts of 2014, provides another enforcement mechanism that will help to ensure that individuals and entities in the Commonwealth are not using electronic means to market what is essentially prostitution.
7. **Strike the eight (8) hour “Occasional” / “Regular” distinction in establishment licensure. 269 CMR 6.02 et. seq. / 269 CMR 6.03(8) & (9).** When the regulations governing massage therapy establishments were first developed, there was significant concern that the census of individuals who engaged in occasional massage services – not “regular” massage -- would be adversely impacted. Since that time, it appears that the 8 hour “occasional” rule has been used by individuals to circumvent the requirement to acquire an establishment license instead of its intended purpose providing relief for part time massage therapists. In an effort to maintain high professional standards and ensure that the regulation of the massage therapy profession is not undermined by those seeking to provide illicit or illegal actions, the AMTA-MA respectfully requests that the Board eliminate the distinction between “occasional” and “regular” for purposes of massage therapy establishment licensure.
8. **Change establishment licensure regulations for local compliance to reflect municipalities that require a massage therapy establishment license before issuance of a local permit. 269 CMR 6.04(8).** Certain municipalities continue to regulate massage

therapy establishments despite state preemption. In doing so, certain municipalities have used zoning or process requirements to prevent massage establishments from operating within their town borders. One such example involves the requirement for a massage therapy establishment to produce evidence of licensure by the Commonwealth before a local business license can be issued. Unfortunately, the Board's establishment license application process requires the massage therapist to comply with all local laws and regulations before he or she can get the establishment license.

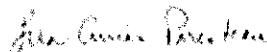
As a result, the AMTA-MA requests that 269 CMR 6.04(8) be amended, by inserting at the end thereof, the following words:-- "provided further, that if a municipality requires a state massage therapy establishment license before issuing a local permit, the Board may issue an establishment license if the establishment otherwise meets the necessary requirements."

9. **Promulgate the continuing education regulations.** Licensed massage therapists are subject to mandatory continuing education requirements under Massachusetts law. (*See* Mass. Gen. Laws ch. 13, §99(a)(iv)). The Board has already considered, developed and approved continuing education regulations. It is time to promulgate these same regulations. The concept behind continuing education is that an established practitioner is reminded of key principles and new advances or theories within a certain field. Thorough continuing education requirements not only serve to further protect the public, but also help to provide high standards for the profession itself. (Note: it has been noted that the mere requirement of continuing education will drive less than reputable practitioners from using a massage therapy license as an aegis for illegal activity).

The massage therapy profession continues to grow within the United States, generally, and the Commonwealth, specifically. As it has grown, massage therapists have become integral parts of their clients' lives. With this growth comes great responsibility. As the Board considers the regulations of 269 CMR 2.00 *et. seq.* in light of Governor Baker's Executive Order 562, it is imperative that public safety and high standards of practice are of foremost consideration. Without distancing itself from those who would otherwise engage in illicit or illegal activities, the massage therapy profession will not be able to expand and grow as a profession. The recommendations offered above will ensure that Massachusetts massage therapists practice to high standards while, most importantly, the public, our clients, remain safe.

I appreciate your consideration of this important matter. The AMTA-MA stands ready to work with the Board in making sure that the Commonwealth's regulation of massage therapy is a model for the rest of the Nation. If you have any questions or concerns, please do not hesitate to let me know.

Sincerely,



Lisa Parenteau  
President

Cc: Mr Peter Kelley, Board Counsel  
Massachusetts Board of Registration of Massage Therapy

