

Regulatory Board Evaluation

Massage Therapy Licensure Board

**Licensure of the Practice of Massage Therapy
is Not Needed to Protect Public Interest**

**The Board is Not Complying with Applicable
Laws and Rules**



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John Sylvia
Director

January 6, 2003

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Regulatory Board Evaluation of the Massage Therapy Licensure Board*, which will be presented to the Joint Committee on Government Operations on Monday, January 6, 2003. The issues covered herein are "Licensure of the Practice of Massage Therapy is Not Needed to Protect Public Interest;" and "The Board is Not Complying with Applicable Laws and Rules."

We transmitted a draft copy of the report to the Massage Therapy Licensure Board on December 19, 2002. The Board opted not to have an Exit Conference. We received the agency response on December 27, 2002.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/wsc

Joint Committee on Government and Finance

Contents

Executive Summary	5
Review Objective, Scope and Methodology.....	9
Issue 1: Licensure of the Practice of Massage Therapy is Not Needed to Protect Public Interest	11
Issue 2: The Board is Not Complying with Applicable Laws and Rules.....	17
 List Of Tables	
Table 1: Level of Massage Therapy Regulation for the 50 States and the District of Columbia.....	13
Table 2: Open Meeting Notices Filed.....	17
Table 3: Board Revenues, Expenditures and Cash Balances.....	18
 List Of Appendices	
Appendix A: Transmittal Letter to Agency.....	23
Appendix B: Agency Response.....	25

Executive Summary

Issue 1: Licensure of the Practice of Massage Therapy is Not Needed to Protect Public Interest.

Two years ago the Legislative Auditor reviewed the Massage Therapy Licensure Board and concluded that the Board was not needed for public protection. The Legislative Auditor arrives at the same conclusion in this current evaluation. There is no compelling evidence to support continued licensure of this profession because there is low risk of physical harm if the profession were unregulated. The Board is also redundant in the sense that a national organization currently certifies many of the massage therapists in the state and the competency standards for the Board are virtually the same as the national organization. The Legislative Auditor determines that if the State terminated the licensing board and relied solely on massage therapists being certified, there would be no change in the level of competency or safety of this profession. **Essentially, the existence of this Board provides no added safety or competency to the practice of massage therapy.**

In fact, the existence of this board adds an unnecessary expense for massage therapists in that many of them are certified and have to pay fees to both the licensing board and the national organization. Furthermore, the existence of this board adds to the workload and administrative costs to the State through the various state agencies that provide it services, such as the Auditor of State, the State Treasurer's Office, the Secretary of State, the Department of Administration, the Attorney General's Office, and the Legislative Auditor's Office.

Most of the complaints made to the Board allege unlicensed activity. All other complaints include such allegations as using fraudulent means to obtain a license and practicing another profession without a license. Documentation of these complaints indicates that all were dismissed. Other states have come to the same conclusion as the Legislative Auditor and a report issued by the Pew Health Professions Commission's Task Force on Health Care Workforce Regulation recommended title protection (often referred to as certification) rather than licensure for professions, such as massage therapy, whose services are not especially risky to consumers.

Insurance carriers such as the Public Employees Insurance Agency (PEIA) require massage therapists to be licensed. However, this is primarily because the State established the licensing board. Prior to the creation of this board in 1997, PEIA, and likely other insurance carriers, did not require the licensure of massage therapists in West Virginia. Medicare reimburses physical therapists not massage therapists and Medicaid does not cover massage therapy

except in limited situations. A voluntary national certification program is available for massage therapists and provides a recognized competency standard which the Board duplicates. The Legislative Auditor recommends that the Legislature consider terminating the Massage Therapy Licensure Board and allow certification to be the standard of competency and safety.

Issue 2: The Board is Not Complying with Applicable Laws and Rules.

The Legislative Auditor finds that the Massage Therapy Licensure Board has complied with the following Chapter 30 General Provisions: held an annual meeting, kept a record of its proceedings, filed its annual report, and has attended the State Auditor's orientation session. The Board does not have its address and telephone number published in the Charleston area telephone book as required.

Continuing education requirements are not being met. The Board is not establishing course content or approving courses. The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), a private organization, is approving courses and course content. Further, while a sample of licensees' files indicates licensees have taken the total number of courses needed for license renewal, it is unclear if those courses meet the guidelines of the NCBTMB, due to a different renewal cycle.

Recommendations

1. *The Legislature should consider terminating the Massage Therapy Licensure Board and allow certification to be the standard for competency and safety. The Legislature may wish to consider having the Board of Physical Therapy maintain a list of certified massage therapists and to address any misuse of the certification title.*

If the Legislature decides not to terminate the Board, the following recommendations apply:

2. *The Board should continue holding all meetings in accordance with the Open Governmental Proceedings Act.*

-
3. *The Board should begin keeping the register of applicants as required by β30-1-12 and the roster as required by β30-1-13.*
 4. *The Board should comply with the general requirements for continuing education found in Article 1 of Chapter 30 of statute.*
 5. *The Board should seek to amend its rules to clearly indicate continuing education requirements.*
 6. *As required by β30-1-3 the Board should annually elect from among its members a president and secretary.*
 7. *The Board should fully comply with β30-1-12 by including in its annual report the statutorily required elements which are a statistical report by county and a list of complaints and Board action on these complaints.*

Review Objective, Scope and Methodology

This *Regulatory Board Evaluation* of the Massage Therapy Licensure Board was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia *Code* as amended. As stated in *Code*, a Regulatory Board Evaluation is to determine the following three items:

- 1) Is continuation of the Board in the public's interests?
- 2) Does the Board follow a disciplinary procedure which observes due process and protects the public?
- 3) Does the Board operate in compliance with Chapter 30 general provisions and other applicable laws and rules?

The regulatory board evaluation of the Board covers the period from January 2000 through November 2002. Information compiled in this report has been acquired from the West Virginia *Code*, interviews with the Board and its staff, annual reports, minutes, and expenditure schedules. This evaluation followed Generally Accepted Government Auditing Standards.

Licensure of the Practice of Massage Therapy is Not Needed to Protect Public Interest.

Two years ago the Legislative Auditor reviewed the Massage Therapy Licensure Board and concluded that the Board was not needed for public protection. The Legislative Auditor arrives at the same conclusion in this current evaluation. There is no compelling evidence to support continued licensure of this profession because there is low risk of physical harm if the profession were not licensed. The Board is also redundant in the sense that a national organization currently certifies many of the massage therapists in the state and the competency standards for the Board are virtually the same as the national organization. The Legislative Auditor determines that if the State terminated the licensing board and relied solely on massage therapists being certified, there would be no change in the level of competency or safety of this profession. **Essentially, the existence of this Board provides no added safety or competency to the practice of massage therapy.** The existence of this Board adds an unnecessary cost for licensees and it adds to the workload and administrative cost of various state agencies.

Massage Therapy has a Low Risk of Harm to the Public

In determining if there is a need for the Massage Therapy Licensure Board, a primary consideration is whether the unregulated practice of the profession clearly harms or endangers the health, safety or welfare of the public. Supporting data indicate that there is no easily recognizable harm to the public if the profession of massage therapy were unregulated. The Board received 22 complaints during the scope of the audit; 82%, or 18, alleged that an individual may be practicing without a license. The remaining complaints involve using fraudulent information to obtain a license, practicing another profession without a license, and slandering another licensee. Documentation provided to the Legislative Auditor indicates that all of these complaints were dismissed.

Other states have also examined the need for regulation of massage therapists. The findings of their review are similar, as illustrated below:

- i In 2000, Kentucky determined that there was low risk of harm to the public and that there was no need for regulation.
- ii In 1996, when a group contemplating applying for licensure through the California legislature's *Sunrise Process*, it stated, *We injure very*

*few clients. As a result...we will have difficulty meeting the Sunrise criteria without manipulation of the data.*¹ California's Sunrise criteria is similar to West Virginia's in asking the following questions: 1) Is the unlicensed profession a serious danger to public health and safety? 2) Will state licensing adequately protect public health and safety? and 3) Can other means protect public health and safety?

- ii The Georgia Legislature concluded in 1997, *There is no documented danger of actual harm to the public...The potential for harm to the public appears to be remote and would not be alleviated by licensing.*¹

The Legislative Auditor also found a 2001 sunset evaluation from the State of Hawaii, which concluded that regulation of massage should continue. As stated in the report, *Regulation helps to reduce the potential for harm, diminish the association between massage and prostitution, and establish the boundaries of massage practice.*¹ However, the report does not elaborate on the extent of the potential for harm or the type of harm that could occur.

A report issued by the Pew Health Professions Commission's Task Force on Health Care Workforce Regulation recommended title protection (often referred to as certification) rather than licensure for professions, such as massage therapy, whose services are not especially risky to consumers.

According to the American Massage Therapy Association, 29 states and the District of Columbia have some level of regulation on the practice of massage therapy. Eleven states have stand alone boards, four are credentialed under another licensing board and the remaining 15 are credentialed by a department of the state. Table 1 illustrates the level of massage therapy regulation in the 50 states and the District of Columbia.

Table 1 Level of Massage Therapy Regulation for the 50 States and the District of Columbia	
Level of Regulation	Number of States
No Regulation	21
Licensure	26
Certify	3
Register	1
<i>Source: American Massage Therapy Association</i>	

Insurance Reimbursement Should Not Be Affected by Terminating the Board

Insurance carriers, such as the Public Employees Insurance Agency (PEIA) require massage therapists to be licensed. However, the PEIA indicated to the Legislative Auditor that this requirement came about because the State established the Massage Therapy Licensure Board. Prior to the creation of the Board in 1997, PEIA, and likely other insurance carriers, did not require the licensure of massage therapists in West Virginia. PEIA required massage therapists to be certified prior to 1997. Furthermore, massage therapy must be ordered by a physician in order for it to be reimbursed by PEIA.

The Legislative Auditor asked the Board if licensure or regulation of massage therapists was required by Medicare and Medicaid for treatment to be covered. The Board responded in part,

As far as Medicare/Medicaid they do not cover massage therapy services although Medicare will reimburse under a physical therapist using a manual therapy code.

Research conducted by the Legislative Auditor yielded similar findings. Medicare and Medicaid generally do not reimburse massage therapy unless ordered by a physician and in some cases supervised by a physical therapist. In addition, the law specifically provides for Medicare coverage of physical therapists performing massage therapy, when the treatment can be demonstrated to help a patient's health status. The practice of reimbursement through Medicare is vague in some circumstances. For example, Medicare and most state Medicaid programs cover complimentary treatments of massage therapy when the therapy relates to hospice services for terminally ill beneficiaries.

According to data provided by PEIA, in FY 2002 there were 9,208 occurrences of reimbursement for massage therapy with charges totaling \$201,535; in the previous fiscal year charges were \$142,136 for 6,769 occurrences. Should the Legislature terminate the Board, PEIA would likely have to return to its pre-1997 policy so as to not adversely affect services provided and the livelihood of licensees.

Unnecessary Licensing Boards Impose Cost to Licensees and to the State

Without the Massage Therapy Licensure Board, the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) provides a recognized competency standard for the profession. **The Board is not providing a higher standard of competency by licensing massage therapists, because its standards are the same as those of NCBTMB.**

NCBTMB, a private organization, oversees a voluntary national certification program. Massage practitioners can obtain national certification by showing evidence to NCBTMB of the successful completion of a minimum 500 clock hours in formal training at an established school of massage and/or bodywork and/or by presenting a portfolio of their training to be evaluated by a NCBTMB committee. The practitioner is then eligible to sit for the examination which, if passed, permits the practitioner to be certified for four years. Renewal of the national certification occurs by either re-passing the exam or documenting 50 hours of continuing education and 200 therapeutic sessions of massage during the four year period. These standards are equivalent to the requirements of the Massage Therapy Licensure Board. According to the NCBTMB 232 persons in West Virginia are certified; the Board licenses 795 massage therapists of whom some are out-of-state residents. Therefore, at least 30% of the Board's licensees are likely certified by the NCBTMB.

Unnecessary licensing boards add expenses to both licensees and the State. Licensees pay \$225 for the initial license and \$100 every two years thereafter. Ultimately, all licensing boards cost the State money and add to the workload of various state agencies. Agencies such as the Auditor of State, the State Treasurer's Office, the Secretary of State, the Department of Administration, the Legislative Auditor's Office, and the Attorney General's Office, provide services to boards as support entities, which adds work that is unnecessary if the public does not need the protection.

Conclusion

The unregulated profession of massage therapy would not present significant harm or danger to the health, safety or welfare of the public. Had this board applied through West Virginia's Sunrise process, it is likely the recommendation would have been not to establish a separate licensing board. Continued licensure of massage therapy is not needed. The NCBTMB provides a recognized competency standard for the profession that is the equivalent of the Board's standards. Providing an additional, yet unnecessary credential, adds expenses to both licensees and the State. It is redundant and costly for the Board to impose the same standards as a national organization. A less expensive option the Legislative Auditor recommends is to allow certification to be the standard for competency and safety since this is the standard that the Board is using. Certification would involve primarily obtaining proof of an individual passing a nationally accepted test and maintaining a register of the names of certified individuals. This could be done under an existing licensing board, such as the board for Physical Therapists.

Recommendation

1. *The Legislature should consider terminating the Massage Therapy Licensure Board and allow certification to be the standard for competency and safety. The Legislature may wish to consider having the Board of Physical Therapy maintain a list of certified massage therapists and to address any misuse of the certification title.*

Issue 2

The Board is Not Complying with Applicable Laws and Rules.

The Board has not complied with many applicable laws and rules. These laws and rules are primarily found in the Board's own article of *Code* and within the general provisions of Chapter 30. The Board has complied with the following requirements:

1. The Board meets at least once annually.
2. The Board maintains a record of its proceedings.
3. A Board member has attended the orientation session provided by the State Auditor's Office.

Open Governmental Proceedings Compliance has Improved

As Table 2 below illustrates, the filing of open meeting notices has improved. Filing open meeting notices consistently is important. Otherwise, the validity of decisions made in meetings where a notice was not filed is subject to question. Also, although the Board has met once a year as required by the general provisions of Chapter 30, its own statute requires it to meet twice a year. As can be seen in Table 2 the Board failed to meet legally in 2000.

Table 2			
Open Meeting Notices Filed			
Year	2000	2001	2002
Meeting Minutes	1	2	6
Open Meeting Notice Filed	0	2	6

Additional non-compliance with the open governmental proceedings act includes the failure to list which members were absent and failure to conduct executive sessions properly. In two instances, the meeting minutes do not reflect the Board chair identifying the authorization to hold an executive session. According to B6-9A-4(a),

The governing body of a public agency may hold an executive session during a regular, special or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the governing body shall identify the authorization under this section for holding the executive session and present it to the governing body and to the general public, but no decision may be made in the executive session. [Emphasis added]

Complaints Primarily Allege Unlicensed Activity

The Board takes complaints and responds to them. According to documents provided by the Board, a total of 22 complaints were received for FYs 2000 through 2003; sixteen of the complaints alleged unlicensed activity. In the Legislative Auditor's review of the complaint files, it appears that the Board is responding to some complaints in a timely manner; in other complaints, it is unclear the length of time the complaint was outstanding due to the documentation provided.

Board Has Sufficient Fee Structure to Maintain Self-Sufficiency

Receipts collected from licensees to practice are deposited in a Special Revenue Fund and the expenses of the Board are disbursed from and charged to this fund, as required by §30-1-10. Table 3 shows that the Board is financially self-sufficient and thus able to carry out its licensing responsibilities as required by law [§30-1-6(c)].

Table 3			
Board Revenue, Expenditures and Cash Balances			
	FY 2002	FY 2001	FY2000
Revenue	88,121	64,869	50,091
Expenditures	40,141	40,906	29,079
End of Year Cash Balance	130,653	83,415	61,634
<i>Source: 2002 PERD Analysis of Fims Documents</i>			

The following statutory requirements need to be addressed:

Register and Roster of Applicants Not Maintained As Required

The roster is not maintained as described in statute. Statute requires office addresses of licensees, while the Board's roster has home addresses.

Within the general provisions for Chapter 30 are the following provisions found in §30-1-12,

The secretary of every board shall keep a record of its proceedings and a register of all applicants for license or registration, showing for each the date of his or her application, his or her name, age, educational and other qualifications, place of residence, whether an examination was required, whether the applicant was rejected or a certificate of license or registration granted, the date of this action, the license or registration number, all renewals of the license or registration, if required, and any suspension or revocation thereof. [Emphasis added]

The Board has not kept this register as required by law. All renewals are not shown and there is not a column shown for any suspensions or revocations of the license.

Continuing Education Requirements Are Not Met

In the general provisions applicable to all boards (§30-1-7a), boards are to establish continuing education requirements that include course content, course approval, hours required and reporting periods. The Board is not meeting its obligation to establish course content or approve classes.

Board rule §194-1-3.2.c. indicates continuing education units must adhere to the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) guidelines. Not only does this provision result in the statutory requirement, §30-1-7a, to be addressed by a group other than the Board, but licensees must contact NCBTMB for the guidelines. Based on a sample of licensee files, it is unclear to the Legislative Auditor if courses taken would adhere to NCBTMB guidelines.

The Board was created to monitor the professional practice of massage therapists. NCBTMB is, according to its own website, a *private, nonprofit organization formed to set high standards of ethical and professional practice through a recognized, credible credentialing program.* While the standards set by NCBTMB may be sufficient to protect the public, it is unclear how those standards are to apply to this Board. Thus, the Legislative Auditor recommends the Board seek to amend its legislative rules to clearly indicate the nature of courses licensees need to renew.

No Annual Election of Officers

Board minutes indicate the Board has not been annually electing its officers, as required by the Chapter 30, Article 1. Elections seem to occur when terms of members expire, which results in the terms of office being longer than one year.

Address and Telephone Number Not Published

The Board's address and telephone number are not listed in the state government listing of the Charleston area telephone book in 2002, as required by law. The Legislative Auditor was provided with documentation from the Board that indicates the listing will appear in the 2003 telephone book.

Annual Reports Not Maintained As Required

By January 1 of every year Boards are required by §30-1-12(b) to,

...submit to the governor and to the Legislature a report of its transactions for the preceding two years, an itemized statement of its receipts and disbursements for that period, a full list of the names of all persons licensed or registered by it during that period, statistical reports by county of practice, by speciality if appropriate to the particular profession, and a list of any complaints which were filed against persons licensed by the board, including any action taken by the board regarding those complaints.

Annual reports from 2000 and 2001 were provided to the Legislative Auditor. The reports were submitted to the Clerk of both Houses and the Governor. The required elements met by the reports include an itemized statement of receipts and disbursements. In addition, a listing of all persons licensed through the Board is included. The Legislative Auditor notes that while the specific requirement of β 30-1-12(b) is for boards to provide a list of those who were licensed during the period of the annual report, the reader would be able to discern the appropriate information from the annual report.

The following requirements of β 30-1-12(b) were not found in the Board's annual reports of 2001, 2000, 1999:

- i A statistical report by county. The Legislative Auditor does note that the reader would be able to calculate these statistics from a listing of persons licensed through the Board that is included in the report;
- i A list of complaints which were filed against persons licensed by the board. Note that the 2000 annual report does list the subject matters complained about; and
- i Information on any action taken on complaints received.

If the Legislature decides to continue the Massage Therapy Licensure Board, the following recommendations apply:

Recommendations

2. *The Board should continue holding all meetings in accordance with the Open Governmental Proceedings Act.*
3. *The Board should begin keeping the register of applicants as required by β 30-1-12 and the roster as required by β 30-1-13.*
4. *The Board should comply with the general requirements for continuing education found in article 1 of chapter 30*

of statute.

5. *The Board should seek to amend its rules to clearly indicate continuing education requirements.*
6. *As required by β30-1-3 the Board should annually elect from among its members a president and secretary.*
7. *The Board should fully comply with β30-1-12 by including in its annual report the statutorily required elements which are a statistical report by county and a list of complaints and Board action on these complaints.*

Appendix A Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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John Sylvia
Director

December 18, 2002

Dewayne L. Vass, Chair
Massage Therapy Board
200 Davis Street, Suite 1
Princeton, West Virginia 24740

Dear Chairman Vass:

This is to transmit a draft copy of the *Regulatory Board Evaluation of the Massage Therapy Licensure Board*. This report is scheduled to be presented at the Sunday, January 5, 2002 interim meeting of the Joint Committee on Government Operations. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. If you would like to schedule an exit conference to discuss any concerns you may have with the report between December 19, 2002 and December 27, 2002, please notify us. We need your written response by noon on December 27, 2002 in order for it to be included in the final report. If your agency intends on distributing additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 2, 2003 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

Appendix B Agency Response

WEST VIRGINIA MASSAGE THERAPY
LICENSING BOARD
200 DAVIS STREET STE. 1
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Phone: (304) 487-1400
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December 20, 2002

John Silvia, Director
West Virginia Legislature
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1900 Kanawha Blvd., East
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RECEIVED
DEC 27 2002
PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Dear Mr. Silvia:

I am responding to the draft report from your recent audit and addressing the following issues from your summary;

Issue 1) Licensure not needed to protect the Public Interest.

The board was established to provide the public a sense of security in knowing that the Massage Therapist that they choose has met the standards set forth by the board to become licensed. We are in the process of setting standards for the curriculum that the WV Massage Therapy Schools use upon the request of the WV Higher Education Policy Commission. The board feels that this is definitely in the best interest of the public.

The existence of this board has not been an additional cost to the State agencies you mentioned. We pay these agencies for the work that they do. You have listed in your report that the Board licensed five hundred and nineteen (519) massage therapists when in fact we licensed eight hundred and three (803) at the end of our renewal period which was July 2002.

Furthermore, at the end of our fiscal year 2002 our board had more money than we could spend because of an overwhelming amount of new massage therapist applications.
We gave to the State of West Virginia's general revenue fund \$47,546.98.
How can we possibly be an additional cost burden to our State?

Issue 2) The Board has not complied with Applicable Laws and Rules.

Our Board has held all of its meeting according to the Open Governmental Proceedings Act except for one in January of 2001 and I do believe we have **shown great improvement in that area.**

The Board keeps a Register of all applicants according to §30-1-12 and also a Roster following §30-1-13. Our Register clearly shows 1) Date of application, 2) Name, 3) Age, 4) Education/Qualifications, 5) Place of residence, 6) Whether an examination was required, 7) Whether the applicant was rejected or granted a license, 8) Date of rejection, 9) License number, 10) All renewals/suspensions.

If you feel a column needs to be added to our Register this can be done in a matter of minutes.

The Board keeps a Roster which includes the 1) Names, 2) Office address, **since more than half of our therapists are self-employed or contractual employees we use home addresses.** This is something that can be modified. The Roster is maintained by alphabet and by County and is made available to the public upon request.

The Board complies with the statutory requirements for continuing education. We follow the National Certification Board for Therapeutic Massage and Bodywork guidelines. The Board adopted these guidelines for a reason. We believe in them. We feel that they lay a good foundation. Our Board has discussed writing our own guidelines and we felt that the NCBTMB guidelines were what we wanted. The board is going to submit new Rules this spring and we will consider a "Clear" requirement for our continuing education guidelines.

One does not have to be "both" Nationally Certified and licensed by WV to practice in West Virginia; this is not an additional cost to the licensee. The National Certification is a credential for the Massage Therapist to carry with them from State to State to help them obtain licensure.

Our Annual Report that has been submitted for 2000 and 2001 contained the requirements of §30-1-12(b). I feel that the information was included although we looked at those reports and felt that we could improve somewhat for 2002. We have a statistical report by county to add to our roster for 2002 and we will also add a better detailed explanation of the complaints.

The last election of officers took place at our December 22, 2001 board meeting and this was entered into the minutes.

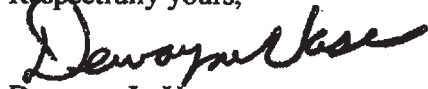
When our board office relocated in July of 2001 from Huntington to Princeton we missed the deadline on getting our listing in the "Blue Pages" of the Charleston area directory. We did however have our listing available to the public by calling information and also

had a recording on our old number in Huntington referring to the new number in Princeton. We have made a request to be added to "ALL" government blue pages available in West Virginia.

To this date the WV Massage Therapy Licensure Board has Eight hundred and thirty-five (835) licensed people. I feel that taking away their licensure and giving them a certificate would be harmful to their reputations as Massage Therapists and harmful to the public's trust in Massage Therapy as a profession in the State of West Virginia.

In conclusion, the board has worked hard and has made vast improvements in the previously recommended areas. The legislative auditor notes that a majority of states require licensure, Hawaii specifically, to distinguish this profession from prostitution as a reputable business. The majority of the complaints are concerns that therapists may be practicing without a license demonstrating public interest for an established level of trust and professionalism specific to massage therapists. The injury that a non-licensed therapist could cause along with lack of accountability for their actions can be either physical, psychological or both. The board is not only self-sufficient as required, we also contributed over \$47,000 to the State's general revenue fund which assisted with the current budget problems, hardly a burden to the State.

Respectfully yours,



Dewayne L. Vass
Chairperson

