



ADVOCATE FOR MASSAGE THERAPY AS A RECOGNIZED AND RESPECTED HEALTHCARE PROFESSION

November 14, 2017

To: Reynaldo Guajardo, LMP, Chair, and Members of the Board of Massage

From: Comments Submitted by the WSMTA Clinical Practices Program as approved by the WSMTA Board of Directors

Re: WSMTA Suggestions and comments on suggestions that Massage Faculty, Clinic Supervisors and CE Instructors be standardized to 3 years practical experience post licensure. Affects WAC 246-830-005 Definitions, section 9; WAC 246-830-440 Curriculum—Academic standards—Faculty—Student clinic, sections 3 & 4.

The Issue:

There was a proposal made in writing for the September 7 Board of Massage (BOM) meeting which advocated that Massage Faculty, Clinic Supervisors and Continuing Education Instructors all have the terminology of "3 years practical experience post licensure" in reference to level of experience to create a consistency of language and requirement.

There are 3 separate WACs involved:

- WAC 246-830-005 Definitions, section 9
- WAC 246-830-440 Curriculum—Academic standards—Faculty—Student clinic, sections 3 & 4
- WAC 246-830-475 Continuing Education Requirements

Given the proposal to reinstate the requirement for Continuing Education Instructors to have three years of experience post licensure, the thought was to create consistency, between Continuing Education Instructors, Massage School Faculty and Massage School and Clinic Supervisors.

The logic provided for this proposal was: "The Workforce Board requires a minimum of three years of experience post licensure for CE instructors and we believe consistency is important." and "... to require three years of experience. That's what the Workforce Board requires for CE. If that level of experience is required for CE, it should be required for those who provide direct supervision in a student clinic." However, Workforce doesn't regulate the majority of continuing education and it has a 2-year experience requirement on the programs it regulates.

The Washington State Massage Therapy Association (WSMTA) makes the following comments on this issue:

- we support re-instating the 3-year experience requirement for Continuing Education Instructors in WAC 246-830-475 Continuing Education Requirements
- we support using the term, "Post Licensure" that the AMTA-WA suggested in describing the type of experience Continuing Education Instructor and Massage School Faculty and Clinic Supervisors should have
- because the regulating bodies for Continuing Education Instructors (primarily the Board of Massage in WAC 246-830-475 Continuing Education Requirements) and Massage School Faculty and Clinic Supervisors (primarily Workforce's WAC 490-105-044 and the Board of Massage in WAC 246-830 in various places) are different and therefore there are different hurdles to each group to cross to be able to teach, that consistency isn't required because it's comparing apples and oranges. If Massage School Faculty and Clinic Supervisors are being mandated to have 3 years experience, then it should be because it makes sense to do so, not to create parity with Continuing Education Instructors who have a lower bar to teaching their classes.

Below are the regulations for Massage School Faculty and Clinic Supervisors and Clinic Supervisors.

Workforce Regulation on Faculty Requirements:

Workforce regulates adult vocational education in Washington State. WAC 490-105-044 states that the requirements for faculty in Workforce regulated schools are:

The education and experience of administrators, faculty, and other staff must be adequate to ensure that students will receive educational services consistent with the stated program objectives.

(1) The school must file with the agency the qualifications of all instructional staff and other administration or personnel that interact with students within thirty calendar days of their employment.

(2) The school must establish and enforce written policies for the qualification, supervision, continuing education, and periodic evaluation of administrators, faculty, and staff.

(3) School directors must have at least two years of experience in a school or business administration, teaching, or other experience related to their duties within the organization.

(4) Faculty must be qualified to provide instruction in their areas of specialization as demonstrated by possession of the following:

(a) Industry recognized certification when available; and

(b) Two years of relevant education or work experience or relevant, current teaching experience that particularly qualifies them to provide instruction in their areas of specialization; or

(c) Current evidence of being qualified to teach that has been issued by a regulatory agency of this or another state.

(5) Faculty who teach a course related to an occupation for which the student must subsequently be licensed or certificated must hold or be qualified to hold such a license or certificate.

(6) If the school uses teacher assistants, aides, or trainees, it must maintain policies governing their duties and functions. Such personnel may provide services to students only under the direct supervision of a qualified instructor. They may not act as substitutes for the instructor.

(7) Owners, administrators, faculty, agents, and other staff must be of good moral character and reputation. The agency may find that a person is not of good moral character and reputation if the person:

(a) Has been convicted of any felony within the prior seven years, a misdemeanor which involved the illegal manufacturing, use, possession, or sale of a controlled substance, or a misdemeanor that involved any sexual offense; or

(b) Is found to have made any false or misleading statements in the application for a private vocational school license or in the activities or conduct of its program;

(c) If the person has been convicted of a felony, or is found to have made false statements in the private vocational school application, the agency will consider the relationship of the facts supporting the charge or conviction to the performance of his or her occupational responsibilities with the licensed school and to that school's students; and

(d) In making such determinations the agency may request a letter of recommendation from the employing school and may consider any other related materials submitted by the school and/or affected individual prior to making a finding under this section.

"Clinic Supervisors" qualify as faculty if they participate in the direct education of students. It is possible that a school might use the title of "clinic supervisor", in which the person would not have any direct education input and monitor only collection of moneys or signing in clients or other duties pertaining to the operation of the physical clinic. If this is the case, then they would not be part of faculty but administrative staff and different requirements put on them relevant to having "good moral character and reputation" as defined in Section 7 of the same WAC.

Workforce Regulation on Continuing Education Instructors and Programs:

Workforce does not regulate the vast majority of adult vocational education/continuing education that occurs in Washington State. RCW 28C.10.030, lists the exemptions of adult vocational education (in our terminology, "continuing education") from Workforce regulation and section 11 exempts classes that are 3 days or less. If classes are 4 days or longer, or lead to certification and the combined total of days is longer than 3 days (certifications are interpreted as being the same general content occurring over time, even if they only occur in a series of 1 day classes) then Workforce requires licensing of continuing education through their agency.

Where Does the "3 Years Practical Experience" Come From?

Prior to the changes in some of the massage therapy WACs in 2009, all continuing education instructors were required to have 3 years experience in what they were teaching. With the 2009 change in WAC 246-830-475 the following subsection was created that stated:

(2)(f) Specialized training. Training must be provided for a fee by an individual who has no less than three years of expertise in that area.

The global requirement for all Continuing Education Instructors to have 3 years experience was removed. "Specialized training" has no definition, therefore this subsection really has had no meaning and continuing education instructors since 2009 have had no requirements placed on them regarding who can teach.

In the Board of Massage meetings earlier this year in 2017, there was a general agreement by both the BOM and the general public who were attending the board meetings that the WAC should state that all massage Continuing Education Instructors should have "3 years practical experience post licensure in the area/topic being taught" and this was written into the continuing education language before the decision was made to halt further talk on continuing education until the massage school education WACs were revised first to confirm continuity of language and other issues. This is the only teaching requirement on Continuing Education Instructors.

WSMTA Conclusion

Massage School Clinic Supervisors/Faculty, who participate in the education of students, and Continuing Education Instructors fall under two separate regulations. Clinic Supervisors must meet Workforce's WAC 490-105-044 requirements (and anything else set in the Massage WACs that affects them) and continuing education instructors generally only have to follow WAC 246-830-475 continuing education requirements

unless they teach classes longer than 3 days. Massage School Clinic Supervisors/Faculty have to go through a vetting process through the school and Workforce, Continuing Education Instructors do not. This is comparing apples and oranges as Continuing Education Instructors have the lesser bar to teaching so it makes sense that they would have a somewhat longer time in practicing it.

We would therefore suggest to the Board of Massage that if it makes sense to change the WAC language in the Massage School Clinic Supervisor/Faculty WACs to "3 years practical experience post licensure", that the BOM should do so because it makes reasonable sense to do so, not to create parity with a continuing education instructor who has a lower bar to begin teaching.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Robbin Blake".

Robbin Blake, LMP WSMTA Clinical Practices Program Member

A handwritten signature in cursive script that reads "Susan Rosen".

Susan Rosen, LMT WSMTA Board Member and Founder, Clinical Practices Program Director