

AMTA-NM Government Relations Report
Dan R Barrow
August 5th, 2010

The New Mexico Massage Therapy Board (NMMTB) met on July 30th at 10 am in Hearing Room #1 at the Regulation and Licensing Department 2550 Cerrillos Road in Santa Fe.

The next meeting date was set for October 8th at 10 am (same location).

A discussion about the idea of creating a second tier of licensing for “Medical” Massage included reference to an article written by Kirstie Bender Segarra MA LMT RMTI (Faculty, University of New Mexico – Taos and Professional Board Member, NMMTB). The general conclusion expressed by Ms Segarra during the meeting that it is not in the best interest of the public or the massage therapists in NM to pursue a second tier of licensing for “medical” massage at this time, hoping that a national move to do so might ensue in the not-too-distant future. In her paper she states that,

“Whether or not we create an advance licensure is dependent on whether we take the following first step[s]:

1. Define “medical massage” in the scope of practice of licensed massage therapists.
2. Put forth legislation similar to Washington and Florida requiring medical insurance to reimburse therapists for their services.
3. Analyze the necessity of advance licensure in massage therapy or achieving this through other means.”

Additionally credence was given to a letter by Wanita Thompson RN LMT RMTI and massage school owner who also came to the conclusion that it is not appropriate for NM to endeavor to create a “medical massage” tier of licensure, but rather that this should be a national effort.

The Board officially adopted an Open Meetings Resolution (as required by state law).

The Board acknowledged the newly released draft of the Massage Therapy Body of Knowledge (MTBOK). Questions about whether the MTBOK might lead to forced changes to various state laws concerning massage therapy were deflected with assurances from the Board that NM laws would

continue to be the purview of the NMMTB, but that the Board would indeed look to the MTBOK for guidance.

A discussion re the use of Medical Devices by LMTs concluded that devices that are not specifically restricted from use by LMTs might be used **IF** the LMT could substantiate proper training in the use thereof.

There was an extensive discussion regarding whether or not it is appropriate under NM regulations for LMTs to give facials. It seems that some spas have been requiring LMTs to provide facials that are requested by their customers, and that facials might in fact be exclusive under the realm of cosmetologists or estheticians. There was not a complete consensus on the topic, but generally it was agreed that only estheticians could perform the type of facials that include extractions of hair or blemishes or the use of dermabrasion tools or topical applications that were restricted by reason of dangerous chemical properties. LMTs, on the other hand, could do “massage facials” that did not include the above, with the understanding that an LMT that had received sufficient additional training to comply with NM law could not be restricted from doing any type of facial for which she or he were qualified simply because of the LMT licensure.

Kirstie Segarra was elected by the Board to be the new Chair of the Board. After the meeting Peter Lane (the outgoing chair) acknowledged that his term is ending in August and that he is ineligible for another term; he expects that either the current governor will appoint a replacement for him or may wait for the newly-elected governor from the November election to do so.

The Board also addressed the number of “Chinese Massage” businesses that have appeared in Albuquerque recently. An investigator of the Board was sent to some of these businesses advertising as such to inquire about the licensure status of the therapists employed. The investigator reported that the manager was unaware that licenses were needed but said that his therapists were all trained and would be applying for licensure, adding that the therapists had gotten their training in California massage schools. I informed the Board of current news stories in California about fraudulent schools issuing certificates of completion to those who were engaging in illegal prostitution after receiving their licenses. I cautioned them that any transcripts from California massage schools should be carefully checked to ensure that the school was, in fact, a legitimate massage therapy school.

There were basically no additional reports given by the members of the Board as the other material that was to be dealt with had to be done in executive session.

Respectfully submitted,

Dan R Barrow
AMTA-NM IPP & Government Relations Chair