

**THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE EDUCATION DEPARTMENT  
STATE BOARD FOR MASSAGE THERAPY**

October 13, 2023

**Public Locations:** Albany, New York City, Rochester, Syracuse

**Present:** Michele Naumann Carlstrom, Chair (New York City)  
Kyle Hierholzer, Vice Chair (Syracuse)  
Kiersten Fisher (Rochester)  
Chad Hunkins (Albany)  
Linda Toomey (Syracuse)  
Amy E. Warcup (Rochester)

**Absent:** Dale Montelione-Grust

<b>Staff:</b>	Carolyn Ferrick	Professional Examination Unit
	Diane Martin	Board Staff
	Paul Thompson	Board Executive Secretary
	Mary Wilson	Professional Examination Unit

**Meeting Convened**

The Executive Secretary called the meeting to order at 10:10 a.m. Board members and staff introduced themselves. The Executive Secretary noted that comments and discussion are restricted to State Board members and Department staff.

**Approval of Minutes**

- May 12, 2023 (Motion – Michele Naumann Carlstrom; Second – Chad Hunkins; approved)

**Report on the FSMTB Annual Meeting**

- Vice Chair Hierholzer attended the annual meeting of the Federation of State Massage Therapy Boards. He prepared a report and presented highlights to the Board.
  - Some states are moving to require establishment licenses to discourage bad actors/unlicensed practice.
  - The Federation approved a resolution to require MBLEX takers to document successful completion of a state-approved massage therapy education program.
  - Utah has enacted a “massage technician” license; such technicians must practice under supervision.
  - Alabama has sunsetted its board. This is an example of activities in some states to pull back on regulatory requirements.
  - Across the nation, the profession continues to focus on disrupting human trafficking. Activities include pursuing fraudulent massage therapy schools; establishing administrative authority to shut down illegal practice; strengthening statute/regulation on advertising; and targeting landlords who host illicit businesses.

### **Executive Secretary's Report**

- Mr. Thompson provided an update on staffing in the board office.
- Members of the Office of the Professions will be attending the annual meeting of the New York State Council of Massage Therapy Educators on November 3.

### **Discussion of Practice Inquiries**

- The Board considered queries related to specific techniques and found them to fall within massage therapy modalities that are consistent with Education Law, e.g., myofascial cupping (cupping); Vodder technique (lymphatic drainage); and positional release (relevant in multiple modalities).
- Board office staff noted that the office regularly gets inquiries related to activities that attempt to distinguish proprietary techniques or that may fall within the scope of other regulated professions or occupations (e.g., physical therapy and appearance enhancement).
  - The board office may provide the following guidance in such scenarios: *The Education Department does not answer hypothetical questions, issue advisory opinions, or offer detailed legal advice. While we can share with you commonly accepted interpretations of applicable laws and regulations, it should be noted that the applicability of statute and regulation depends ultimately on the distinctive nature of a particular case, and that such applicability may change given a different set of circumstances.*

### **Conclusion of Public Session**

Motion: To end the public session and enter executive session to discuss matters relating to the State Massage Therapy examination – Kyle Hierholzer

Second: Amy Warcup

Vote: Unanimous approval (11:00 a.m.)

### **Executive Session (11:10 a.m.)**

Discussion of matters relating to the New York State licensure examination.

### **Adjournment**

Motion: Amy Warcup

Second: Chad Hunkins

Vote: Unanimous approval

Resolved: That the meeting be adjourned at 12:15 p.m.

**Next meeting:** Friday, December 15.