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FP 2022-46, Plc 303 Massage Therapy License by Reciprocity
Summary of Comments on Initial Proposal with OPLC Responses
April 28, 2022

Background

The Office of Professional Licensure and Certification (OPLC) is proposing to readopt Plc 303, relative to massage therapists obtaining a license in New Hampshire by reciprocity, with amendments to better implement RSA 328-B:6, III relative to what constitutes licensing requirements that are “substantially equivalent to or not less than” New Hampshire’s requirements. More information about the proposed changes was provided in the Rulemaking Notice published in the March 24, 2022 *Rulemaking Register*.

No one from the public attended the public hearing held on April 14, 2022. Written comments were received from licensees and are addressed below. At the time of filing the Final Proposal, the OLS/Administrative Rules attorney who reviewed the rules indicated as a preliminary matter that she had no comments.

The OPLC made the following revisions on its own initiative:

Plc 303.02: Changed (1) and (2) to (a) and (b).

Plc 303.04(f): inserted “abandoned,” prior to “withdrawn” and inserted a comma after withdrawn, to make it clear that application fees are not refunded if an application is not pursued (*i.e.*, is abandoned) by the applicant. This change is based on rules relative to licensure that are being drafted that distinguish between abandoning an application, by filing an incomplete application and then not submitting the information required to complete it, and affirmatively withdrawing an application, by filing a notice that the application is being withdrawn.

Plc 303 generally

Comment 1: I am licensed LMT, Esthetician, and Barber. At a certain point in NH The Massage licensing was controlled by DHHS. They tried at one point to roll that responsibility in with the board of Cosmetology, which I actually agree with, but then decided to put it back with DHHS. Now they are recognizing Reflexology, Structural integration, as well as Asian Bodywork as a separate License, which I also support, yet do not see why the rules for all body workers including massage are not the same. Also I feel there is no representation, or professional board of Massage or Bodywork. I feel that this profession should have the same type of board, board

members, and representation that other professions are involved with. After all the environment these professions are in are similar, if not the same environment as in salon/spa.

Response 1: RSA 328-B:5, “Advisory Board of Massage Therapists”, requires the Executive Director of the OPLC to establish the Advisory Board of Massage Therapists. The Board consists of 3 massage therapists who are licensees in New Hampshire. Information on the Board can be found at <https://www.oplc.nh.gov/advisory-board-massage-therapists>.

Comment 2: *I have been a massage therapist practicing in the North Country since 1999. I am adamantly opposed to the reduction of required training hours for reciprocity for licensure of massage therapists. Once these changes are put in place, it is highly unlikely that we will return to our former standards, under our present state. When I began practicing, New Hampshire was the strictest state in the country and although I often chuckled at our state motto, in conjunction with the message, “Live Free or Die”, I also took a level of pride in our requirements. ... Prior to the pandemic I had approximately nine therapists and one esthetician who would work with me in the course of a month. A significant amount of our work revolved around couples work (two therapists and the couple). Naturally this was no longer a viable option, as there were very few therapists practicing. At present I am practicing solo, as I have not been able to entice any staff to return to my practice, or to employ new therapists/recent graduates, leaving me to scramble for work after twenty three years in the field. ... One would suspect I would be open to any measure of recruiting therapists, even if by reducing requirements...however I am not! ... Lowering the standard of practice will only encourage a less qualified therapist, resulting in potentially negative encounters and may even endanger clients. ...*

Response 2: The requirements for initial licensing for new massage therapists are not being changed in this rulemaking, and there presently are no plans to change them. The proposed rules are simply a recognition that work experience should be given credit when massage therapists who are licensed in other states wish to move to New Hampshire and work here. This recognition is made in many different professions; it is not unique to massage therapy. Further, as you note, New Hampshire’s education requirements are far greater than any nearby state, which means that other states have found that public health and safety can be achieved even with fewer years of formal education.

Comment 3: *I am a recent transplant to New Hampshire with 3 years of experience in massage therapy and licensure in 3 other states, as well as temporary licensure in the state. This amendment would have a huge positive impact on my life while still ensuring on the professionalism and expertise of massage therapists in New Hampshire. The current reciprocity rules without the proposed amendment would require me to complete further schooling at a time and a cost which places an undue burden on my lower income family, and on me as the main caregiver to my children. Please consider families like mine when making your decision.*

Response 3: The intent of this rulemaking was to acknowledge working experience as being valuable. We appreciate getting confirmation that it will make a difference.

Comment 4: *I just read the new proposed amendment regarding the above-named subject. I think it is wonderful! I wish that all states (jurisdictions) would fall into place and accept this.*

Response 4: Thank you.