

POLICE COMMITTEE MINUTES

February 15, 2000

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 15, 2000 at 4:00 p.m.

COMMITTEE PRESENT

Pat Pomeroy, Chairman
John Giles
Bill Jaffa

COMMITTEE ABSENT

None

STAFF PRESENT

Mike Hutchinson
Don Ayers
Linda Crocker
G. T. Fowler
Barbara Jones
Rob Poulin
Jan Strauss
Others

OTHERS PRESENT

Betty Beard
Barrett Marson
Others – (See names of speakers included in input portion of the minutes)

1. Conduct a public hearing on proposed revisions to the massage therapist and the massage establishment regulations and consider possible revisions to these regulations.

Chairman Pomeroy welcomed the members of the audience to the public hearing and explained that the purpose of the meeting is to obtain input from interested citizens, operators and business owners regarding this issue. Chairman Pomeroy informed the citizens that this fact-finding process will assist the Committee in evaluating whether the current ordinance governing this issue should be revised and in developing recommendations which will then be forwarded to the full Council for consideration and action. Chairman Pomeroy noted that the goal of the Committee is to preserve legitimate massage therapy businesses and eliminate illegitimate ones operating within the City of Mesa.

Chairman Pomeroy advised that a letter was received from Len Matthews of Matthews Enterprises relative to this matter and said that Mr. Matthews was unable to attend but requested that his letter be read into the record. Chairman Pomeroy read the contents of the letter which stated that Mr. Matthews is a licensed owner/operator of massage therapy practices in both Scottsdale and Mesa and indicated his support for the proposed continuing education and CPR certification requirements as part of the license renewal process. Mr. Matthews indicated that he supports the current ordinance and would prefer that it remain unchanged. Mr. Matthews also commented on a proposal to include testing as part of the licensing process and commented on the difficulties associated with developing and utilizing a single test that would include all of the various entities that are part of the massage therapy field. Mr. Matthews recommended that should the issue of requiring an examination be pursued, a coalition of modalities be formed for the purpose of receiving input on

the various modalities and said that he would encourage the development of different exams for each of those modalities. (Mr. Matthews' letter provided a list of the various modalities.)

In response to a request from Committeemember Giles, Chairman Pomeroy clarified that when the Council amended the massage therapy ordinance in December 1999, discussion occurred relative to pursuing additional changes in the future. Chairman Pomeroy said that the purpose of this hearing is to receive input relative to additional revisions to the existing ordinance.

Chairman Pomeroy stated that this is the time and place for a public hearing on proposed revisions to the massage therapist and massage establishment regulations and invited members of the audience to provide input regarding this agenda item.

Leland Geiger, a licensed massage therapist, addressed the Committee and said that he concurs with the contents of the letter that was read into the record, particularly the comments on the implementation of a testing requirement. Mr. Geiger stated support for the current ordinance.

Rhonda Maranakis, owner and Director of the Institute for Natural Therapeutics, commented that the State of Arizona sets guidelines and qualifications for massage therapist schools and questioned whether the City should be involved in this area. Ms. Maranakis stated the opinion that the previous changes to the ordinance are appropriate and sufficiently address previously stated concerns.

Jim Lockett spoke in favor of the formation of a massage examiner's board and added the opinion that prostitution under the guise of massage therapy will continue to thrive unless the City initiates a stringent program to oversee the entire process. Mr. Lockett pointed out that massage therapists are not required to carry malpractice insurance. Mr. Lockett expressed the opinion that the current process, which does not require testing, is ineffectual and said that professional licensed massage therapists support accountability through proper, initial licensing. Mr. Lockett urged the Committee to recommend to the Council that a board of examiners be appointed to oversee quality assurance in this area.

Stephen Burton addressed the Committee and commented on the fact that prostitution has been occurring under the guise of massage therapy for an extensive period of time. Mr. Burton commented that the City of Tempe's ordinance, which called for the formation of a board of examiners and the implementation of both a written and practical test, has resulted in a dramatic decrease in the number of cases involving prostitutes posing as massage therapists. Mr. Burton stated the opinion that the only method of controlling this type of activity is to follow Tempe's lead and develop a competency test for massage therapists. Mr. Burton added the opinion that the test would clearly separate the legitimate therapists from the illegitimate therapists. Mr. Burton submitted petitions containing the signatures of 42 residents of Mesa who support the proposed implementation of a board of examiners and the development of both written and practical tests and recommended that an ordinance similar to the one adopted by the City of Tempe be adopted.

Dana Moore informed the Council that she is a licensed massage therapist and graduate of the Institute for Natural Therapeutics. Ms. Moore commented that her license is "grandfathered-in" based on the fact that she has undergone 200 hours of training and said she was concerned that the City may be considering revoking this status. Ms. Moore expressed the opinion that the current ordinance is effective and spoke in support of photo badges for therapists and pursuing State licensing for this particular field. Ms. Moore stressed the importance of consistency regarding licensing requirements in place within the various cities and towns and stated the opinion that standardized State testing/licensing would improve the effectiveness of the overall process.

Chairman Pomeroy expressed the opinion that a majority of the members of the Council would support State licensing and agreed that a consistent, uniform licensing process would be most effective.

Ms. Moore added that students attending the Institute are tested prior to receiving their certification and expressed the opinion that graduates of that facility who have spent extensive hours training, should not be required to retest in order to receive their licenses. Ms. Moore said that a balance should be achieved in this area.

Chrissy Skeltis addressed the Committee and said that she was the owner/operator of a thriving massage therapy business in Durham, North Carolina, which catered to a significant number of clients referred by doctors and chiropractors. Ms. Skeltis informed the Committee that she is not allowed to practice her profession in the City of Mesa and has been unable to work since May 1999, because she does not possess a certificate of 500 hours of training from a massage therapy school. Ms. Skeltis said that she was nationally certified in 1994 and expressed the opinion that therapists who have received national certification should be able to receive a license without having to undergo additional training.

Ms. Skeltis also commented on the issue of trainees and stated the opinion that a need no longer exists for trainees and that the classification should be eliminated. Ms. Skeltis requested that the Committee consider her recommendations.

Karen Mooney expressed appreciation to the members of the Committee for their efforts to address this issue and reported that she is also a graduate of the Institute for Natural Therapeutics. Ms. Mooney advised that she was the first graduate to complete 1,000 hours of training and said that EMT training was also a requirement at the Institute. Ms. Mooney agreed that therapists who have achieved national certification should be eligible for licensing without further training and commented on the strict requirements associated with the certification. Ms. Mooney also concurred that the Committee should consider requiring massage therapy businesses/operators to carry malpractice insurance and said that testing for all of the various modalities would be an extremely difficult task to accomplish.

Harold Gill, a graduate of the Southwest Institute of Healing Arts, stated that he is a licensed therapist in the City of Tempe. Mr. Gill spoke in favor of CPR training, an 8-hour continuing education requirement (as outlined in Tempe's ordinance) and a hands-on examination and indicated that these requirements may discourage illegal activities. Mr. Gill indicated that he does not support additional testing other than what he has just outlined and said that the schools provide sufficient training and stringent testing. Mr. Gill also requested that a grandfather clause be adopted for those who are practicing and continuing their education and said that malpractice insurance should be a requisite.

Mel Johnson thanked the Committee for the opportunity to present input and said that the current ordinance has many excellent components and may be amended when required in the future. Mr. Johnson commented on the high quality schools that exist for massage therapists and expressed the opinion that 500 hours of rigorous training by students of those recognized AMTA accredited schools should be sufficient. Mr. Johnson indicated that additional testing by the City of Mesa is unnecessary and would be difficult to regulate. Mr. Johnson added that malpractice insurance is made available to the members of AMTA.

Christine Cooley expressed the opinion that testing would not be an accurate method of determining the capabilities of the various therapists. Ms. Cooley said that the implementation of a testing requirement would result in the proliferation of unlicensed establishments throughout the City of Mesa. Ms. Cooley agreed that

CPR training would be a beneficial addition to the requirements and added that proof of malpractice insurance should also be a requisite. Ms. Cooley also commented on the possibility of screening the various schools and said that the Institute of Natural Therapeutics is an excellent learning facility.

Kathryn Cohen addressed the Committee and expressed appreciation to the Mesa City Council for their adoption of the amended ordinance in December 1999. Ms. Cohen said that the current ordinance represents a positive initial step in regulating this field and spoke in strong support of eliminating student therapist positions. Ms. Cohen commented that 200 hours of training is a minimal amount and does not provide the type of training that a client should expect to receive from someone performing that service. Ms. Cohen noted that legitimate schools have 100-hour internship programs in place to ensure that a sufficient amount of practice has taken place. Ms. Cohen clarified that the 100-hour internship is in addition to the 500 hours of schooling. Ms. Cohen spoke in support of standardized testing and said that despite the number of different modalities, a test should be developed that includes basic techniques and a knowledge of medical terminology.

In response to a question from Chairman Pomeroy relative to standardized testing, Ms. Cohen stated the opinion that one-time standardized testing should be implemented, rather than annual testing, and spoke in support of a required amount of continued education on an annual basis.

Linda Frye expressed the opinion that additional testing should not be a licensing requirement and added that the process would be ineffective. Ms. Frye informed the Committee that she would not hire trainees because her business demands are considerable and she does not have the time to train other therapists. Ms. Frye agreed that trainee positions should be eliminated from the entire licensing process and urged the City to seek out the illegal businesses and support the professional, legal establishments that are currently in operation.

Lorna Rogers stated the opinion that the Committee should consider the implementation of a dress code for licensed therapists and stated the opinion that this small requirement would discourage illegal (prostitution) operations. Ms. Rogers spoke in opposition to the development of a standardized test and said that this process would be ineffective. Ms. Rogers agreed that trainee licensing should be eliminated.

Diane Brown stated that she is a licensed massage therapist and spoke in support of adopting a dress code to clearly identify the licensed professional therapists. Ms. Brown said that she does not support additional testing.

Bill Parrish, owner of Parrish's Stress Massage Therapy, stressed the importance of supporting the efforts of the Mesa Police Department in eliminating illegal operations. Mr. Parrish stated the opinion that the possibility of State licensing should be pursued. Mr. Parrish commented that should the issue of State licensing be rejected, for the sake of consistency the Committee should consider adopting an ordinance similar to the one in effect in the City of Tempe.

Julie Hilquist informed the Council that she is a licensed student trainee and said that the 200 hours of training she received provided her with a sense of confidence in her ability to provide limited professional services. Ms. Hilquist added that she is currently pursuing the completion of 500 hour training and intends to complete a total of 1,000 hours in the future. Ms. Hilquist noted that expired student licenses may be reinstated and expressed the opinion that this practice should be eliminated and all expired licenses should be voided. Chairman Pomeroy thanked all of the speakers for their input and stated that their comments will assist the Committee in developing recommendations that will be considered by the full Council.

Committeemember Giles stated the opinion that it is apparent from the discussion that the City of Mesa is not the appropriate entity to regulate massage therapy. Committeemember Giles said that the State has experience in the licensing area and has the knowledge and ability to carry out responsibilities in the licensing area. Committeemember Giles said that based on the lack of State regulation at this time, the City of Mesa is forced to participate in this process. Committeemember Giles stated that it is his hope that within the next year that this matter will be further addressed and corrected and the State will assume regulation of this industry.

Committeemember Giles agreed with suggestions relative to eliminating the 200 hour trainee positions and spoke in favor of continuing education requirements and the adoption of a dress code. Committeemember Giles also commented on the testing issue and said that in his opinion minimal testing should be a requisite for anyone who has completed 500 hours of training. Committeemember Giles encouraged staff to prepare a report containing additional recommendations for review and consideration by the members of the Committee.

Committeemember Jaffa concurred with Committeemember Giles' remarks and briefly commented on the various problems associated with inconsistent, unstandardized testing/licensing for massage therapists. Committeemember Jaffa requested that Police Department staff provide input relative to the suggestion that the 200 hour trainee positions be eliminated and indicated support for requiring malpractice insurance. Committeemember Jaffa commented on the fact that the wearing of photo license tags appears to have a lot of support as does CPR training. Committeemember Jaffa requested that staff prepare additional information and submit their findings at a future Committee meeting.

There being no further speakers wishing to address the Committee relative to this issue, Chairman Pomeroy declared the public hearing closed.

Chairman Pomeroy thanked Committeemembers Giles and Jaffa for their comments and summarized the outcome of the meeting. Chairman Pomeroy advised that recommendations provided by the members of the audience include the elimination of trainee positions, requiring malpractice insurance, and allowing national certification to take the place of a one time exam.

Chairman Pomeroy requested that once staff has prepared additional information, City Manager Mike Hutchinson schedule a meeting of the Police Committee to review the data and develop recommendations for consideration by the full Council.

2. Adjournment.

Without objection, the meeting adjourned at 5:16 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee meeting of the City of Mesa, Arizona, held on the 15th day of February, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK