

FILED DATE **MAR 25 2015**

Department of Health

By: Angela Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

IN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
JANET J. HARDY, LMT

FINAL ORDER

THIS CAUSE came before the Board of Massage Therapy (hereinafter Board) pursuant to §120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, at a duly-noticed meeting by telephone conference call on March 11, 2015, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed on behalf of JANET J. HARDY, LMT (hereinafter Petitioner). Having considered the petition and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. This petition was noticed by the Board in Vol. 40, No. 188, dated September 26, 2014 of the Florida Administrative Register.
2. Petitioner, JANET J. HARDY, LMT, is a massage therapist licensed to practice in the State of Florida, having license number MA 17333.
3. Petitioner is certified by BCTMB and practices the John F. Barnes method of myofascial release therapy.
4. Petitioner inquires whether the practice of myofacial release on the muscles of the pelvic floor is within the scope of practice of massage therapy as defined in Section 480.033, Florida Statutes.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

2. The petition filed in this cause is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

3. Section 480.033, Florida Statutes, defines massage as the manipulation of the soft tissues of the human body.


4. The muscles of the pelvic floor are soft tissues of the human body.

5. Myofascial release is a method of massage therapy.

WHEREFORE, the Board hereby finds that under the specific facts of the petition, as set forth above, myofascial release applied to the muscles of the pelvic floor is within the scope of massage as defined in Section 480.033, Florida Statutes.

DONE AND ORDERED this 24 day of March
, 2015.

BOARD OF MASSAGE THERAPY



Christy Robinson, Executive Director
for Bridget Burke-Wammack, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Petitioner JANET J. HARDY, LMT, 140 Wild Blueberry Way, Santa Rosa Beach FL 32459, and by interoffice mail to Donna Oxford,

Paralegal Specialist, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL

32399-1050 this 25th day of March, 2015.

Brygel Saunders

Deputy Agency Clerk

Janet J. Hardy, LMT, BCTMB
Owner of Caring Touch
140 Wild Blueberry Way
Santa Rosa Beach, FL 32459
850-231-9131

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Amy R. Conway*
DATE: 9-24-14

1994 Graduate of the Core Institute, Tallahassee, FL
website: www.caringtouchtherapy.net
MA17333 / MM 30497 Board Cert. # 002226-00

Sept. 4, 2014

Dear Board,

I am a 59 year old FL Lic. Massage Therapist in good standing, with over 20 years of full time experience. Immediately after massage school I received my National Certification and also became Certified in Neuromuscular Therapy as I was drawn to helping people out of pain. Since then I have accrued 383 Continuing Education Credits and have become Board Certified (BCTMB) in June of this year. I have a background of working at a Chiropractic Clinic for 3 years in Panama City and have independently built my own practice called Caring Touch where for the past 7 years I have exclusively practiced the John F. Barnes method of Myofascial Release (MFR) Therapy. I have taken 13 of JFB's MFR seminars beginning in 2000 and was an assistant instructor at an MFR I Seminar in Tallahassee in 2012.

The JFB's (registered) Approach of MFR uses slight pressure and stretching while waiting for the tissue to release rather than by trying to force the tissue to soften. Recent research shows that by using this technique, the viscosity of the fascia actually goes through a phase transition where it changes from a solid/gel to a more fluid/sol state. Restrictions in the fascia can occur in any part of the body and because it is all one continuous 'web'. Fascial restrictions are the root cause of a lot of pain.

I am now coming before the Board of Massage Therapy requesting you to grant me special permission to practice the pelvic floor Myofascial Release (MFR) techniques which were taught to me in the MFR Women's Health seminar on women clients. I am an 'Expert Level' MFR therapist, trained by the respected John F. Barnes, P.T. Owner of the Myofascial Release Treatment Centers in Malvern, PA and Sedona, AZ, JF Barnes has been developing and teaching his Myofascial Release Approach for over 40 years and has taught over 75,000 therapists worldwide. Current research is now beginning to show why his methods are helping people. Please see his website, www.myofascialrelease.com.

There are times when I feel limited in my work, knowing there is more that I could do to help women clients with pelvic issues. The procedure that I am asking permission to use employs MFR principles to relax and lengthen tight pelvic floor muscles and to release restrictions in the connective tissue within the pelvic floor, improving the soft tissue quality. Palpation of this area is most direct and accessible if done via the vagina and/or rectum. These techniques are normally accepted physical therapy techniques used as an aid to treat conditions such as pelvic pain, urinary incontinence, scarring from episiotomy, & interstitial cystitis and are in compliance with physical therapy policies. However, as a FL Licensed Massage Therapist, our license prohibits this work. Previous use of direct pelvic floor release by trained physical therapists have shown to be helpful often facilitating consistent therapeutic results.

Under 'Definitions' of the FL Laws & Rules governing Massage Practice, 480.033, 'Massage' is defined in part as "the manipulation of the soft tissues of the human body...". The pelvic floor is soft tissue in the human body and is just another area of the body where myofascial restrictions in the connective tissue can form causing pain within the pelvis and often radiating to other areas such as the sacral area of the low back.

I have never violated any of the provisions which concern the grounds for disciplinary action as described in 480.046 and am in continuous compliance with all of the FL

Laws & Rules governing my massage therapy practice, including keeping my Continued Education Units up to date.

Please understand that I am not in any way attempting to turn this therapeutic technique into any sexual activity of any kind. I am only looking at the health care benefits my clients can gain from this.

My clients would be required to sign an Informed Consent Form in order to receive this work. The procedure and draping would be explained to them specifically as described in Chapter 64B7-30.001, 4 & 5 of the FL Administrative Code. Of course, the client would be appropriately draped during this treatment in accordance with the previously mentioned regulations with which I have always have adhered to.

The consent form advises the client that they may discontinue the procedure if at any time they become uncomfortable with participating in this treatment.

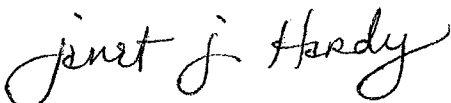
(Please see a copy of my sample consent form.)

I sincerely ask that you will consider granting permission for me to be able to respectfully perform this work.

I currently have a client who I strongly feel could benefit from this technique.

After you have had an opportunity to review my petition, please do not hesitate to contact me if you have any questions or require any additional information. Please let me know the date and time of the Board Meeting when you intend to review my petition so that I may be present by telephone.

Thank you,

A handwritten signature in cursive script that reads "Janet J. Hardy".

Janet J. Hardy, LMT, BCTMB

140 Wild Blueberry Way Santa Rosa Beach, FL 32459

850-231-9131

INFORMED CONSENT
for
TREATMENT OF THE PELVIC FLOOR

I understand that it may be beneficial for Janet Hardy, LMT to perform soft tissue treatment of the pelvic floor. Palpation of this area is most direct and accessible if done via the vagina and/or rectum. Pelvic floor dysfunctions include pelvic pain, urinary incontinence, interstitial cystitis, pain from episiotomy or scarring, or other similar conditions. Restrictions in this area may also be contributing to symptoms in other areas of the body.

I understand that the benefits of this procedure will be explained to me. I understand that, if I am uncomfortable with participating in this treatment procedure AT ANY TIME, I will inform the practitioner and the procedure will be discontinued and alternatives will be discussed.

This direct pelvic floor release procedure utilizes Myofascial Release principles to relax and lengthen tight pelvic floor muscles and release the connective tissue within the pelvic floor. This technique is an accepted physical therapy technique and experience with it at the John F. Barnes Myofascial Release Treatment Centers have demonstrated that this method is often helpful, facilitating consistent results.

You will be appropriately draped during this procedure and I will explain this to you before beginning the treatment. I will also explain to you what I am doing during the procedure. Feel free to ask any questions.

As with any area of the body, most women require a series of these specific treatments. This is determined by your response to your sessions.

I have read and understand fully and consent to the above procedure being performed by Janet Hardy, LMT.

Printed Name _____ Date _____

Signature _____

Therapist's Signature _____

***If you are pregnant, have infections of any kind, are less than 6 weeks post partum or post surgery, have severe pelvic pain, using any IUD, have vaginal dryness, sensitivity to KY jelly or latex, **please inform the therapist prior to this procedure.**