



COLORADO

**Division of Private
Occupational Schools**

Department of Higher Education

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Notice to Massage Therapy Stakeholders

The Division is receiving a number of comments related to postponement of the stakeholders meeting scheduled for today, February 27, 2019.

When the Division originally scheduled the stakeholder meeting, the intention was to hold a meeting to work collaboratively with the entire group of stakeholders involved or impacted by SB 19-089 to gather specific comments and input prior to the formal rule-making process. (See Attachment #1)

However, once the preliminary stakeholder meeting was scheduled, the Division received a large number of phone calls to discuss specific solutions, comments which required additional consideration and several specific requests for release of red-line rules prior to the stakeholder meeting.

Once the Division clearly understood that the stakeholders required red-line rules and specific policies prior to the discussion, we worked diligently to review all comments from stakeholders (both oral and written) and propose draft red-line rules that we are required to submit to the Board for consideration. Neither the Division nor the Division Director has the authority to rule-make independent of the Board. While the Division has the authority to meet with and hold discussions with stakeholder prior to engaging in the formal rule-making process, the Board is vested with the authority to promulgate rules and adopt procedures necessary to carry out the statutory mandates of the Private Occupational Schools Act.

The reason the Division scheduled the stakeholder meeting prior to actually noticing the rule-making process was in response to the strong interest to keep discussion around resolution moving forward. The rule making process mandated under the laws of Colorado has very specific requirements and timelines and the entirety of the process can be lengthy and



involved. Most importantly, the Division does not have the authority to release rules or proposed rule changes without the Board's input and approval, and the Board can only make decisions in publicly scheduled meetings. Therefore, the Division presented the proposed rules for the Board's consideration and discussion during its meeting on February 26, 2019. During this meeting, the Board requested additional time to consider the ramifications of proposed rules and directed the Division to postpone the release of any proposed rule or policy changes until the Board had adequate time to more thoroughly consider the ramifications on all stakeholders.

Several stakeholders have commented that the Division neglected to inform them of the Board meeting. Please understand that all Board meetings are open to all public members. We generally hold our Board meetings on the 4th Tuesday of each month and always publicly notice our Board meeting on our web page: <https://highered.colorado.gov/dpos/>

While all Board meetings are open to the public, the Board adheres to its agenda and scheduled business items first and only allows limited public comment unless it has scheduled a session for public comment such a rulemaking hearing. Please understand that the process for commenting directly to the Board on rules will be at the public rule making hearing, which will be held before the Board after being scheduled and publicly noticed. The stakeholder meetings with the Division for purposes gathering information needed to make rule changes will also be publicly noticed and will be held prior to any rule making hearing.

