



FSMTB

FEDERATION OF STATE
MASSAGE THERAPY BOARDS

Annual Meeting October 11-12, 2013 Baltimore, MD

Friday October 11, 2013

Call to Order

Huffman welcomed attendees and called the meeting to order at 8:36 AM ET.

Board of Directors

Present

Jaime Huffman, *President*
Karen Armstrong, *Vice President*
Dennis Beye, *Treasurer*
Ramona Chance
Marcela Collins
Lance Gilliland
Dixie Wall

Victoria Bowmann (AZ), *nominating committee, chair*

Debra Persinger, *Executive Director*
Dale Atkinson, *General Counsel*
Sally Hacking, *Director of Government Relations*
Lee Hawkins, *Director of Operations*
Lorena Haynes, *Education and Training Coordinator*
Mary O'Reilly, *Examination Coordinator*
Joshua Scott, *Government Relations Specialist*
Brandi Goldstein, *Examination Coordinator*

Michael Swift, *Parliamentarian (Friday morning only)*

Delegates

- Joe Frazer (NH)
- Becky Lesik (PA)
- Deborah Overholt (NJ)
- Theresa Newman (DE)
- David Cox (MD)
- Cary Bland (DC)
- Linda Lyter (WV)
- Latasha Austin (VA)

- Darinda Davis (NC)
- Jane Johnson (GA)
- Mary Syvertsen (LA)
- Karen Ford (FL)
- Gregorio Diaz (PR)
- Keith Warren (AL)
- Charlene Russell (MS)
- Ed Bolden (TN)
- Susie Williams (AR)
- Denise Logsdon (KY)
- Sallie Debolt (OH)
- Melissa Mueller (MI)
- Barbara Lis (IN)
- Karen Heyden (IL)
- John Anderson (WI)
- Loree Kessler (MO)
- Jill Ellsworth (IA)
- Kim Johnson (NE)
- Laura Woitte (SD)
- Wendy McGinley (ND)
- Yvonne Feinleib (TX)
- Elizabeth Harris (NM)
- Earle Duskey (AZ)
- Mark Dixon (CA)
- Sharon Muir (UT)
- Gayla Nickel (ID)
- David Fredrickson (OR)
- Deborah Kimmet (MT)
- Meghann Lawrence (WA)

Huffman facilitated the Delegate roll call and established that a quorum was present.

Delegate Roll Call

To adopt the agenda.

MOTION

Made by: Logsdon (KY)
Seconded by: Ford (FL)
Vote: Motion adopted.

Huffman introduced Parliamentarian, Michael Swift to provide ground rules for the meeting. He stated that remarks should be addressed to the President, and should be germane to the business. He then provided rules for the meeting.

Annual Meeting Procedures

Huffman introduced the FSMTB Board of Directors and announced that a contract has been renewed with Persinger to serve as executive director. Huffman also thanked all of the committees, legal counsel, and sponsors for their hard work and help. She then summarized the year's activities and strategic plan for supporting State Licensing Boards and Agencies, addressed the FSMTB Mission, Vision and Values and referenced the Annual Report for details of programmatic

President's Report

and organizational accomplishments.

Beye provided an overview of FSMTB financial status and thanked the finance committee for their involvement in financial processes and oversight. Beye addressed topics such as income sources and expenses over the past year, noting that funds spent are mission focused and directed toward serving member boards; the multiple levels of oversight and auditing of financial processes, and investment status.

Treasurer's Report

Wall, chair of the policy committee noted that as per the Bylaws, the purpose of the Policy Committee is to research and then develop, if necessary, proposed amendments to Bylaws and Rules based on input from the Board of Directors or the Delegate Assembly. Wall thanked the policy committee members: Kim Adams Johnson (NE), David Frederickson (OR), and Kevin Snedden (MO).

Policy

Twenty three amendments were proposed at the 2013 Annual Meeting (See Attachment to Minutes). Electronic voting was not implemented; the president opted to use a traditional voting format.

To adopt Amendment 1.

**MOTION
Amendment 1**

Made by: Bolden (TN)
Seconded by: Ford (FL)
Vote: Motion adopted.
26 in favor, 11 opposed

To adopt Amendment 2.

**MOTION
Amendment 2**

Made by: Ford (FL)
Seconded by: Lesik (PA)

To amend proposed language to read "Chief administrative officer of a Member Board".

**MOTION TO
AMEND**

Made by: Feinleib (TX)
Seconded by: Ford (FL)
Vote: Motion adopted unanimously.

To adopt Amendment 2 as amended.

MOTION

Made by: Kimmet (MT)
Seconded by: Dixon (CA)
Vote: Motion carries unanimously.

Amendment 3 fails with vote of 0 in favor, 11 opposed, 6 abstentions.

Amendment 3

Amendment 4 adopted with vote of 35 in favor, 1 opposed, 1 abstention.

Amendment 4

Amendment 5 adopted unanimously.	Amendment 5
Amendment 6 adopted unanimously.	Amendment 6
Amendment 7 adopted unanimously.	Amendment 7
Amendment 8 adopted unanimously.	Amendment 8
Amendment 9 adopted unanimously	Amendment 9
Amendment 10 adopted unanimously.	Amendment 10
Amendment 11 adopted unanimously.	Amendment 11
Amendment 12 adopted unanimously.	Amendment 12
Amendment 13 adopted unanimously.	Amendment 13
Amendment 14 adopted unanimously.	Amendment 14
Amendment 15 adopted unanimously.	Amendment 15
Amendment 16 adopted with vote of 32 in favor, 3 opposed, 2 abstentions.	Amendment 16
Amendment 17 adopted with vote of 26 in favor, 11 opposed.	Amendment 17
<u>Amendment 18</u>	Amendment 18
To change “a” to “the” Chief Administrative Officer.	MOTION TO AMEND
Made by: Debolt (OH)	
Seconded by: Dixon (CA)	
Vote: Motion adopted.	
35 in favor, 2 abstentions	
Amendment 18 adopted with above amendment, with vote of 36 in favor, 1 abstention.	
Amendment 19 fails to be adopted with vote of 17 in favor, 10 opposed, 1 abstention.	Amendment 19
Amendment 20	Amendment 20
To postpone voting on Amendment 20 until after Amendment 21 is voted upon.	MOTION
Made by: Feinleib (TX)	
Seconded by: Cox (MD)	
Vote: Motion adopted unanimously.	
To keep the strike through language to read “Amendments may be	MOTION TO

proposed by Policy Committee, member boards, any officer, director, delegate or alternate director.”

**AMEND
AMENDMENT
20**

**Made by: Kimmet (MT)
Seconded by: Cox (MD)
Vote: Motion adopted.
30 in favor, 3 opposed, 4 abstentions.**

To adopt Amendment 20 as amended.

MOTION

**Made by: Kimmet (MT)
Seconded by: Ford (FL)
Vote: Motion adopted.
32 in favor, 2 opposed, 3 abstentions.**

Amendment 21 fails to be adopted with vote of 5 in favor, 32 opposed.

Amendment 21

Amendment 22 adopted unanimously.

Amendment 22

Amendment 23

Amendment 23

To amend the definition of Public Member to read, “An individual who has served as a Public Member of a Member Board and is not, nor has ever been professionally involved in the massage therapy profession.”

**MOTION TO
AMEND**

**Made by: Lesik (PA)
Seconded by: Diaz (PR)
Vote: Motion fails to be adopted.
6 in favor, 27 opposed, 4 abstentions**

To make an amendment for the definition of a Public Member to read as, a current member of a member board who is not, nor has ever been a licensed or certified massage therapist, or has any financial interest in massage therapy, is a spouse of a massage therapist, or is a licensed healthcare provider in any state.

**MOTION TO
AMEND**

Made by: Dixon (CA)

Counsel advised that the motion was substantially similar to the one that was just voted down. It was noted that the very first motion to amend was substantive and out of order and it did not follow the notice provisions.

Dixon withdrew the motion.

To remove Public Member as it is already defined in 5C.

MOTION

Made by Nickel (ID)

Seconded by **Dixon (CA)**
Vote **Motion adopted unanimously.**

To adopt Amendment 23 as amended by removing Public Member. MOTION

Made by **Kimmet (MT)**
Seconded by **Fredrickson (OR)**
Vote **Motion adopted.**
 36 in favor, 1 opposed

The Parliamentarian left the meeting.

Huffman announced that FSMTB Board Member, Dixie Wall, submitted her resignation. As a result, there are now three slots open for the Board of Directors: two slots for a three-year term, and one slot for a two-year term.

Resignation

Bowmann, chair of the nominating committee announced the 2013 Slate of Candidates:

**Presentation of
Slate of
Candidates**

- Karen Armstrong (MI)
- Kim Adams Johnson (NE)
- David Fredrickson (OR)
- Anthony (Toby) Jusevitch (FL)
- Linda Lyter (WV)

Chance provided an update to members on behalf of the Model Practice Act (MPA) Task Force, noting that the purpose of the Model Act is to provide a resource to state legislatures, boards and agencies when addressing issues related to the public protection mission. Chance acknowledged task force members and advised that the MPA language review is very close to completion. The MPA Task Force has invested approximately 5,000 hours in the MPA thus far. A draft is expected to be released for public comment in early 2014.

**Model Practice
Act**

Persinger indicated that FSMTB is a member of the Coalition of National Massage Therapy Organizations that has sponsored the research for the Entry-Level Analysis Project (ELAP). ELAP aims to establish the components of an entry-level education that prepares safe and competent therapists and that uses modern instructional design principles and applies best practices related to education theory and research.

ELAP

Anne Williams, a member of the ELAP work group, provided an overview of the ELAP project that attempts to provide a partial solution for inconsistencies in licensing requirements, scope of practice, education, client experiences, employer experiences and therapist experiences.

A goal of the ELAP work group was to define what a person must

know and be able to do to work safely and competently in the massage profession. This was accomplished by creating an educational blueprint – a curriculum map.

Atkinson responded to questions from members regarding regulation. Topics addressed included public protection, past licensee activities, background checks, moral character, citizenship, English language requirements, and the Americans with Disabilities Act.

**Regulatory
Refresher**

Hacking moderated a panel discussing the topic of Exemptions. Panel members were Yvonne Feinleib (TX), Karen Ford (FL), Jane Johnson (GA) and Deborah Overholt (NJ).

**Member Board
Forum**

Bill Brown, AMTA, Executive Director and Jean Robinson, ABMP Government Relations Director provided information about the positions of their respective organizations.

Meeting recessed at 5:03 PM ET.

**Meeting
Recessed**

Saturday, October 12, 2013

**Meeting
Reconvened**

The meeting reconvened at 8:45 AM ET.

Beye introduced the Massage Therapy Licensing Database (MTLD) Committee Members:

MTLD

- Anthony Jusevitch (FL)
- Loree Kessler (MO)
- Beverly May (CA)

Beye thanked the membership for participating in the MTLTLD survey, resulting in an 80% response rate. Committee members and staff demonstrated search functions of the MTLTLD and responded to questions from members.

Armstrong and Collins provided a summary of FSMTB activities regarding services for member boards pertaining to licensure renewal and responded to questions from members.

**Licensure
Renewal
Requirements**

Armstrong reviewed a timeline beginning with the 2010 Annual Meeting when member boards requested FSMTB to assist with continuing education (CE) renewal through to the present.

Armstrong reviewed the FSMTB recommendation for licensure renewal which is comprised of two components:

Professional Development Activity (PDA) Standards

- For any States that opt to move away from the best practice recommendation and instead who wish to include activities

beyond the State-sponsored courses in Ethics and Professional Practice, the FSMTB will establish standards for approval of professional development activities, including those offered by membership and voluntary certification organizations.

Ethics and Professional Practice (EPP) Courses

- The creation of course content pertaining to Ethics and Professional Practice would be a function of the FSMTB, is research-based and overseen by the member boards.
- This ensures that the information is accurate, reliable and specifically meets the needs of the regulatory boards and agencies.

The recommendation is specifically designed for regulatory needs, standardizes license renewal requirements, reduces the economic burden on therapists and promotes uniformity for portability of licensure.

Volunteers working on FSMTB license renewal projects were introduced from the Licensure Renewal Committee and the Professional Development Activity Standards Task Force.

In addition to licensure renewal courses, member boards can request disciplinary topics to assist in prescribing education for disciplinary actions. An information technology task force spent almost a year researching and deciding upon a learning management system that would meet the needs of the regulatory boards. The system is named the Regulatory Education And Competence Hub (REACH). State boards will be able to track the completion data of licensees for renewal or disciplinary remediation; this will be a free service to our member boards. A request was made for member boards to test the system.

That a task force be created and appointed in order to study the feasibility of FSMTB becoming an approval source for continuing education providers.

MOTION

Made by: Bolden (TN)
Seconded by: Overholt (NJ)
Vote: Motion adopted.
33 in favor, 3 opposed, 1 abstention

To amend the current motion to include that the task force report back to the delegates at next year's annual meeting: A task force be created and appointed in order to study the feasibility of becoming an approval source for continuing education providers, reporting back by next year's Annual Meeting.

**AMENDMENT
TO MOTION**

Made by: Warren (AL)
Seconded by: Bolden (TN)

Vote: **Motion adopted.**
31 in favor, 4 opposed, 2 abstentions

MBLEx Report

MBLEx

Gilliland provided an overview and update of issues pertaining to the Massage & Bodywork Licensing Examination (MBLEx). Topics covered included the redistribution of the weighted percentage of exam content topics, exam development committee contributions; candidate volume; special accommodations; candidate support materials; pass rates; practitioner mobility; and the MBLEx testing partners. Gilliland put out a call for exam item writers and invited members to attend upcoming exam meetings in January and March 2014.

Mary O'Reilly, FSMTB examination coordinator, responded to questions and addressed fraudulent licensing examination applications and the jurisdictional report information provided to States by FSMTB.

Licensing Examination Security

Donna Surges Tatum, PhD, CAE, FSMTB lead psychometrician, presented information regarding licensing examination security. In order to adhere to best practices, periodic reviews of the examination program are required. FSMTB recently completed a Job Task Analysis, revised the test plan and will conduct standard setting in 2014. MBLEx is moving to computer adaptive testing which will target each candidate's ability and limit item exposure thus enhancing examination security.

Bowmann introduced the five candidates for positions on the Board of Directors. Each candidate was given three minutes to address the Delegate Assembly.

Slate of Candidates

Election Process Advisory, Roll Call and Election for Board of Directors

The five candidates were named again, followed by a delegate roll call:

- Joe Frazer (NH)
- Becky Lesik (PA)
- Deborah Overholt (NJ)
- Theresa Newman (DE)
- David Cox (MD)
- Cary Bland (DC)
- Linda Lyter (WV)
- Latasha Austin (VA)
- Darinda Davis (NC)
- Jane Johnson (GA)
- Mary Syvertsen (LA)
- Karen Ford (FL)
- Gregorio Diaz (PR)
- Keith Warren (AL)
- Charlene Russell (MS)
- Ed Bolden (TN)

- Susie Williams (AR)
- Denise Logsdon (KY)
- Sallie Debolt (OH)
- Melissa Mueller (MI)
- Barbara Lis (IN)
- Karen Heyden (IL)
- John Anderson (WI)
- Loree Kessler (MO)
- Jill Ellsworth (IA)
- Kim Johnson (NE)
- Laura Woitte (SD)
- Wendy McGinley (ND)
- Yvonne Feinleib (TX)
- Elizabeth Harris (NM)
- Earle Duskey (AZ)
- Mark Dixon (CA)
- Sharon Muir (UT)
- Gayla Nickel (ID)
- David Fredrickson (OR)
- Deborah Kimmet (MT)
- Meghann Lawrence (WA)

While voting ballots were being passed out and turned in, the process was explained: Three names will be written on the ballot. The two with a majority vote will take the three-year term positions. Then there will be vote on the remaining candidates for the position that is a two-year term. Three people who are FSMTB members and not from States represented in the election, served as tellers.

Volunteers were recognized for their contributions to the FSMTB of time and expertise.

Volunteer Recognition

- Model Practice Act
- Finance Committee
- Policy Committee
- Licensing Database Committee
- Nominating Committee
- Jaime Huffman – President; completing two-year term on the board of directors.
- Karen Armstrong – completing two-year term on the board of directors.

Sally Hacking responded to inquiries from members and confirmed that there *is* an Education Requirement for the MBLEx.

Member Forum

Persinger responded to questions regarding non-English speaking candidates taking the exam, cheating and fraudulent activity.

Huffman announced that by majority vote, Karen Armstrong (MI) was

Election Results

elected to serve on the Board of Directors.

There was a run-off between David Fredrickson (OR) and Anthony Jusevitch (FL) for the remaining three-year position.

Persinger facilitated discussion regarding applicants from rural parts of States; the FSMTB 10-year anniversary in 2015; and meeting locations.

Member Forum

Huffman advised that by majority vote, Anthony Jusevitch (FL) was elected to serve a three-year term on the Board of Directors.

Election Results

The final three candidates were David Fredrickson, Kim Adams Johnson and Linda Lyter. Delegates were asked to vote for one individual to fill the seat for the two-year term on the board of directors.

The 2014 annual meeting will be held at the JW Marriot Star Pass October 2 – 4 in Tucson, Arizona.

**2014 and 2015
Annual
Meetings**

The 2015 annual meeting will be held during the Balloon Festival, October 8 – 10 in Albuquerque, New Mexico.

Huffman advised that the election did not result in a majority vote. Delegates cast another vote for a run-off between David Fredrickson and Linda Lyter.

Election

Persinger facilitated the continuation of the member forum. Discussion topics included education obtained many years ago and no longer verifiable, portability of education, continuing education suitability for supplementing initial education, expired licenses, and temporary licenses.

Member Forum

Huffman advised that by majority vote, Linda Lyter was elected to serve a two-year term on the board of directors.

**Board of
Directors
Election Results**

Nominations and Elections for 2014 Nominating Committee

**Nominating
Committee
Election**

Dixie Wall (CA) nominated David Cox (MD). He accepted his nomination.

Karen Armstrong (MI) nominated Ed Bolden (TN). He accepted his nomination.

Ramona Chance (OH) nominated Barbara Lis (IN). She respectfully declined her nomination.

Dennis Beye (AZ) nominated Earle Duskey (AZ). He accepted his nomination.

Karen Armstrong (MI) nominated Darinda Davis (NC). She accepted

her nomination.

Lance Gilliland (AL) nominated Keith Warren (AL). He accepted his nomination.

Denise Logsdon (KY) nominated Gayla Nickel (ID). She accepted her nomination.

Karen Ford (FL) nominated David Fredrickson (OR). He respectfully declined his nomination.

Ballots were distributed and voting delegates were asked to select three individuals.

At 2:55 PM, the meeting recesses to allow time for votes to be tabulated.

At 3:10 PM, the meeting reconvened.

Huffman announced that David Cox (MD) and Ed Bolden (TN) received a majority vote and will serve on the 2014 Nominating Committee. Voting delegates are asked to vote in a run-off for the third member by choosing between Darinda Davis (NC) and Keith Warren (AL).

Discussion ensued regarding human trafficking and illegal practice.

Member Forum

To direct FSMTB Staff to engage a large, reputable organization to develop an objective analysis of the facts and offer effective solutions to this problem.

MOTION

Made by: Dixon (CA)
Seconded by: Logsdon (KY)
Vote: No vote taken.

Discussion continued regarding the Federation's role and responsibilities regarding expenditure of funds and data collection pertaining to human trafficking, prostitution, and illegal practice.

To form a task force to investigate how a major research agency can assist us in developing regulations through investigation of human trafficking and illicit activity under the guise of massage therapy.

MOTION

Made by: Dixon (CA)
Seconded by: Mueller (MI)
Vote: Motion fails.
10 in favor, 21 opposed, 6 abstentions

To direct FSMTB to form a task force to collate existing information on human trafficking and its impact on the massage therapy regulation, with the intent of sharing it with the Member Boards.

MOTION

Made by: Fredrickson (OR)
Seconded by: Cox (MD) with amendment to add to the task force duties to bring in experts to educate the delegate assembly about human trafficking.
Vote: Amendment fails to be adopted.
4 in favor, 23 opposed, 10 abstentions

**Original motion without amendment adopted.
22 in favor, 12 opposed, 2 abstentions**

Huffman advised that the third member of the nominating committee elected by majority vote is Darinda Davis (NC).

**Nominating
Committee
Election Results**

Dale Atkinson, FSMTB legal counsel and executive director of the Federation of Associations of Regulatory Boards (FARB) provided information on a variety of issues pertaining to regulatory boards and responded to member questions and comments.

**Legal and
Regulatory
Issues**

Topics included recent regulatory cases including those involving massage therapists, jurisdictional authority, criminal matters, reading laws, lapsed licenses, closing files, fines, the role of regulators, human trafficking, investigators, board authority, and interagency collaboration.

Huffman thanked ballot counters for their service and meeting attendees for their commitment to public protection, their dedication, and contribution to the meeting. She also thanked sponsors and staff.

Adjournment

Huffman reminded attendees to go online to the FSMTB website to complete a volunteer application if interested in serving on committees.

Netanel (CA) asked if a decision was made about whether the newly formed CE Task Force would be comprised of the same members of the License Renewal Committee or a new set of members. Huffman responded that the Board of Directors will create the CE Task Force as directed by the membership. Atkinson advised that it is compliant with the Federation's Bylaws to have the Board appoint the members.

Ed Bolden (TN) made a motion to adjourn the meeting, followed by resounding seconds and then Ayes.

Approved by: FSMTB Board of Directors
Date January 27, 2014