



**FSMTB**  
FEDERATION OF STATE  
MASSAGE THERAPY BOARDS

## 2016 ANNUAL MEETING MINUTES

CLEVELAND, OH  
OCTOBER 7-8, 2016

### **Friday, October 7, 2016**

The 2016 FSMTB Annual Meeting was called to order at 9:05 AM ET by Karen Armstrong, President of the Board of Directors.

#### Delegate Assembly

Lance Gilliland (AL)  
Dave Edwards Smith (AK)  
Earle Duskey (AZ)  
Mark Dixon (CA)  
Cary Bland (DC)  
Lydia Nixon (FL)  
Pamela Nichols (GA)  
Linda Chatburn (ID)  
Emmanuel Bistas (IL)  
Barbara Lis (IN)  
Jill Ellsworth (IA)  
Denise Logsdon (KY)  
Linda Strickland (LA)  
Gwenda Harrison (MD)  
Matthew Olds (MA)  
Nicole Lennox (MI)  
Bob Wilkins (MS)  
Brandy Mouser (MO)  
Tamara Leach (MT)  
Keli Hupka (NE)  
Sandra Anderson (NV)  
Jeff Mahadeen (NH)  
Elizabeth Harris (NM)  
Diane Layden (NC)  
Pat Berg (ND)  
Jennifer McRee (OK)  
David Fredrickson (OR)  
Becca Lesik (PA)  
Elizabeth Rios (PR)  
John Balletto (RI)  
Jan Shaw (SC)  
Bridget Myers (SD)  
Marvis Burke (TN)

Roger Olbrot (UT)  
Joseph Schibner (VA)  
Anthony Sharpe (WA)  
John Skelton (WV)  
Darlene Campo (WI)

### **Approval of the 2016 Agenda**

Motion to approve the agenda.

Made by Mark Dixon (CA) and seconded by Lance Gilliland (AL). Motion adopted.

### **Welcome**

Meryl Gordon, Director of the Cleveland Department of Public Health, welcomed all attendees to Cleveland.

Armstrong thanked students and faculty from Cuyahoga Community College for providing chair massage during the meeting.

Armstrong reviewed meeting best practices and rules of debate.

Armstrong introduced the FSMTB Board of Directors: Ed Bolden (TN), Linda Lyter (WV), Kim Adams Johnson (NE), Charlene Russell (MS), Craig Knowles (GA), David Cox (MD), and Debra Persinger (executive director); staff; and Dale Atkinson (Legal Counsel).

Armstrong thanked FSMTB members for their input and attendance and welcomed representatives from massage associations who were in attendance.

Committees presented reports to the delegate assembly.

### **Massage & Bodywork Licensing Examination Committee**

Committee members were introduced: Emmanuel Bistas (IL), Dawn Saunders (NM), Gwenda Harrison (MD), Nicole Lennox (MI), Charlene Russell (Board Liaison).

Holly Foster (NC), Chair of the Committee provided the report of the work undertaken over the past year that included educational discrepancies, school outreach initiatives, a new education policy that will take effect July 1, 2017, and examination security matters.

**Action Item:** Boards were reminded to submit their approved school data to FSMTB in preparation for implementation of the new policy.

- Language was reviewed on the MBLEx Application and MBLEx Score Reports.
- Language on the Application Appeals Process was revised to accommodate the current process and the legal recommendations.

### **License Renewal Committee**

Becca Lesik (PA), chair of the Committee, and the committee members were introduced: Joe Frazier (NH), Jeff Forman (CA), Wendy McGinley (ND), Earle Duskey (AZ), Denise Logsdon (KY), Jan Shaw (SC), and Ed Bolden (TN) Board Liaison.

The committee was tasked with establishing policies and procedures to fulfill their mission regarding establishing standards, vetting and monitoring continuing education courses, registering continuing education providers and overseeing courses offered through the Regulatory Education and Competence Hub. Lesik discussed committee work over the past year that included identifying continuing education course categories that would be acceptable for license renewal, course evaluations that provide feedback directly from the student learners and the steps for entering the continuing education provider registry.

### **Federation Authentic Information Review (FAIR) Task Force**

Anthony Jusevitch (FL), chair of the Task Force, and the committee members were introduced: Latasha Austin (VA), Shawna Ervin (IN), Kimberly Hodge (TN), Adrienne Price (GA), Thomas Ryan (WI), Connie Shanks Knight (MS), Kris Waidely (WA), Rick McElroy (CA) and Linda Lyter (WV) Board Liaison.

A summary was provided regarding the experiences and meetings of the Task Force over the past year. The membership was provided with a brief description of fraud and the difficulty of proving fraud. Some instances of fraud were provided, as well.

The objectives of the task force are to:

- Identify types of application fraud Member Boards have experienced and/or are experiencing
- Develop tools to help Member Boards identify fraudulent documents used for licensure
- Develop best practices for dealing with fraudulent documents
- Develop best practices to eliminate potentially fraudulent documents
- Develop tools for state boards to prosecute licensees in cases of obtaining licensure by use of fraudulent documents
- Develop model rule language for Member boards to eliminate fraudulent documents

Examples of fraud identified by the FAIR Task Force were provided and it was announced that a learning module will be available through REACH to train state board and agency staff on the red flags for detecting fraud.

The task force urged all states to utilize Massage Therapy Licensing Database to help combat the fraud.

### **Human Trafficking Task Force**

Thomas Ryan (WI), chair of the Task Force, and the committee members were introduced: Marvis Burke (TN), Kimberly Hodge (TN), Dawn Hogue (VA), Dianne Layden (NC), Barbara Lis (IN), Lydia Nixon (FL), Stephany Powell (CA) and Kim Adams Johnson (NE) Board Liaison.

The tasks assigned to the Task Force by the Member Board delegation were listed and reviewed.

- Determine the prevalence and impact of Human Trafficking on the massage profession.
- Identify the areas within the jurisdiction of the Federation to combat Human Trafficking.
- Identify measures that can be pursued by individual Member Boards to cartel or eliminate Human Trafficking within the massage profession.

The Task Force is addressing multiple issues, including diploma mills, MBLEx application discrepancies, the impact of human trafficking on the massage profession, establishment oversight, law enforcement relationships with state boards, background checks and language proficiency.

The Task Force surveyed the Massage Therapy Coalition, the State Boards who regulate establishments, and is using the FAIR survey to gather data to help with their tasks.

### **Presentation of the Slate Candidates for the FSMTB Board of Directors**

Cary Bland (DC), Chair of the Nominating Committee, and the committee members Marvis Burke (TN) and Dianne Layden (NC) were introduced and thanked for their work over the past year.

The slate of candidates, determined by the nominating committee, were presented as follows:

#### Three Year Term Positions

- Charlene Russell (MS) running unopposed
- David Cox (MD) and Micheal Black (UT)

#### One Year Term Position

- Thomas Ryan (WI) will run against the unsuccessful candidate of the second three-year position.

Each candidate - Michael Black (UT), David Cox (MD), Charlene Russell (MS), Thomas Ryan (WI) was given two minutes to provide a campaign speech. For Micheal Black, a letter was read by the Utah Delegate since Mr. Black was unable to be in attendance.

### **Panel Discussion – Addressing Fraud in the Licensure Process**

Thomas Ryan (WI) shared some indicators of fraud regarding licensure applications, school records and third parties or personal contacts.

The panel members provided information regarding their organization and how it is addressing fraud in the licensure process.

Dawn Hogue (VA, COMTA) – provided the background and purpose of the massage therapy leadership Coalition comprised of seven organizational members. A survey was sent out to the Coalition members in May 2016 from the Human Trafficking Task Force.

Survey results reflected that the Coalition recognizes the awareness and importance of human trafficking among the massage profession and that there is a strong willingness to support efforts for fraud prevention. It was noted that there is some sense that the professional community does not see human trafficking connected to them or how it relates to the profession.

Three general themes emerged from the responses:

- Human Trafficking has a negative impact on the massage profession, specifically by the association with prostitution or in a resulting fear of over or ineffective regulation.
- Not much data has been collected within the massage profession, and not a lot of focused or dedicated resources exist for human trafficking.
- Education for the massage profession would be valuable.

Regarding the impact of human trafficking on the massage therapy profession, the primary manifestation is the continued association of massage with prostitution, and the secondary impact is the resulting overreaching of regulations in an effort to prevent it. The matter causes significant expense for the FSMTB

associated with protecting the intellectual property of the licensing examination. It also has a negative impact on the consumer impression of massage due to the sexually oriented businesses.

Regarding what type of education and training on human trafficking would be beneficial to the massage profession, responses included that most important is to understand is that it is a criminal network of activity, and though it is associated with prostitution, human trafficking is slavery; it is important to notice the signs of an illicit business and where to report it; and to be aware of the resources that exist.

Oriene Shin (Polaris) provided a report on recent Polaris activities. The four End Trafficking in Illicit Massage Businesses Initiative Principles are to:

*Eliminate* criminal networks and permanently close their illicit massage business locations.

*Utilize* a wide range of investigative and prosecutorial tools to target criminal networks.

*Treat* survivors as victims of crime and abuse and connect them to service providers.

*Engage* the professional massage industry for their expertise and partnership.

Polaris is taking a multi-faceted approach by attacking it from a policy and law enforcement side to go after the traffickers, while also a holistic side by creating a victim safety net that will support and provide the services for the victims. The red flags identified by the Polaris Group overlap the red flags identified by the FSMTB Human Trafficking Task Force.

Anthony Jusevitch (FL) provided information on the role of investigators in Florida, namely collect the evidence, review the evidence, and contact any other agency that needs to be involved.

After a complaint is made the information is reviewed for legal sufficiency – presume the allegations are true and if they constitute a violation of the practice act, the complaint is deemed legally sufficient. If not sufficient, additional information is requested from the complainant. Investigations are confidential through most of the process. Jusevitch shared the steps and process of Florida’s Unlicensed Activity Program including ad campaigns, speaking at conferences within the state, educating the public on the licensure process, and having several investigators.

William Schmidt (OH) provided an overview of the Ohio Human Trafficking Task Force. Actions include grassroots advocacy and victim services, Law Enforcement Task Forces, State Laws - Safe Harbor, mandates for training on Human Trafficking for law enforcement and specific state employees, advertising illicit massage parlor activity with the suggestion or promise of sexual activity is a prohibited activity punishable with a misdemeanor offense.

The meeting recessed at 12:35 PM ET for lunch.

The Meeting reconvened at 1:32 PM ET.

### **President’s Report to State Boards and Agencies**

The president reported to the membership on programs and services over the past year, covering topics such as MBLEx security and support products, the recently introduced education policy, the Massage Therapy Licensing Database (MTLD), Federation communications, military services, continuing education, the attempted collaboration with NCBTMB to establish a CE approval program, volunteer service, the upcoming strategic plan, and the regulatory training that FSMTB will be offering at no cost to member boards in conjunction with the Council on Licensure, Enforcement and Regulation (CLEAR).

### **Treasurer's Report**

Lynda Lyter (WV) thanked the members of the finance committee, Kate Coffey (OR), Thomas Ryan (WI), and Keith Warren (AL). Lyter gave the finance report, indicating no issues found during the independent financial audit and a surplus of over one million dollars due to cost cutting measures and a shift to a different investment platform. Lyter reported that in the past year, individuals volunteered a total of over 11,000 hours to furthering the mission of the Federation.

### **Policy Committee Report**

Craig Knowles (GA) thanked the members of the policy committee: Keith Warren (AL), Beth Miazga (MI), and Jamie Smith (PA). He introduced the resolutions put forth by member boards and provided recommendations from the policy committee and board of directors.

(Elizabeth Harris (NM) left the meeting at 1:20 PM ET.)

### **Regulation Across the Nation**

Dale Atkinson presented information about Regulation in Times of Increased Political Scrutiny.

### **Member Board Panel**

Sonja Way, FSMTB government relations specialist moderated a discussion on various topics encountered by member boards. Ed Bolden (TN) discussed threats of violence and risk management during state board meetings; David Cox (MD) discussed the Maryland Board separating from the chiropractic board; Paul Andrews (MA) discussed the Massachusetts regulatory language and the Bodywork loophole within it; and Linda Strickland (LA) and Rhonda McManus (LA) discussed the impact on the board functions after the recent devastation of the Louisiana Flood. Panelists responded to questions from the membership.

The meeting recessed for the day at 4:29 PM ET.

### **Saturday, October 8, 2016**

The meeting was called to order at 8:26 AM ET.

### **Welcome and Roll Call**

#### **Delegate Assembly**

Lance Gilliland (AL)  
Dave Edwards Smith (AK)  
Earle Duskey (AZ)  
Mark Dixon (CA)  
Cary Bland (DC)  
Lydia Nixon (FL)  
Pamela Nichols (GA)  
Linda Chatburn (ID)  
Emmanuel Bistas (IL)  
Barbara Lis (IN)  
Jill Ellsworth (IA)  
Denise Logsdon (KY)  
Linda Strickland (LA)  
Gwenda Harrison (MD)

Matthew Olds (MA)  
Nicole Lennox (MI)  
Bob Wilkins (MS)  
Brandy Mosier (MO)  
Tamara Leach (MT)  
Keli Hupka (NE)  
Sandra Anderson (NV)  
Jeff Mahadeen (NH)  
Holly Foster (NC)  
Pat Berg (ND)  
William Schmidt (OH)  
Jennifer McRee (OK)  
David Fredrickson (OR)  
Becca Lesik (PA)  
Elizabeth Rios (PR)  
John Balletto (RI)  
Jan Shaw (SC)  
Bridget Myers (SD)  
Marvis Burke (TN)  
Roger Olbrot (UT)  
Joseph Schibner (VA)  
Anthony Sharpe (WA)  
John Skelton (WV)  
Darlene Campo (WI)

### **Resolutions from Member Boards**

Armstrong reviewed the rules of debate.

#### Eligibility Criteria for Access to MBLEx Substantiating Documentation

Pam Nichols (GA) presented the resolution proposed by the Georgia Board of Massage Therapy: that the FSMTB Board of Directors amend its MBLEx registration policies to include, as a prerequisite to access to the MBLEx, a requirement that candidates shall cause their education program(s) to submit directly to FSMTB verification of having obtained the education and training in all subject areas of the *MBLEx Content Outline* and/or substantiation of graduation from an FSMTB member board approved or State approved massage therapy education program.

(Elizabeth Harris (NM) arrived at 8:35 AM ET.)

Resolution adopted: Support – 32 / Oppose – 6 / Abstain – 1

#### Amendment to Re-testing/Re-examination Policy to Limit the Number of Attempts to Pass the MBLEx Before an Additional Education and Training is Required

Pam Nichols (GA) presented the resolution proposed by the Georgia Board of Massage Therapy: that the FSMTB Board of Directors amend the re-testing/re-examination policy to state that after a failed fifth (5<sup>th</sup>) attempt at passing the examination, the candidate must provide FSMTB with verification of having taken

additional education and training in all content subject areas from a board approved massage therapy education program before being allowed to retake the examination.

Resolution NOT adopted: Support – 5 / Oppose – 31 / Abstain – 1

#### MBLEx Resolution A

Barbara Lis (IN) presented the resolution proposed by the Indiana State Massage Therapy Board: candidates applying for the MBLEx exam complete and pass course work required for graduation from an approved / accredited massage therapy or massage and bodywork therapy education program that meet their state requirements to be eligible to sit for the MBLEx exam.

Resolution NOT adopted: Support – 1 / Oppose – 37 / Abstain – 1

#### MBLEx Eligibility Resolution B

Barbara Lis (IN) presented the resolution proposed by the Indiana State Massage Therapy Board: candidates applying for the MBLEx exam must submit documentation supporting proof of completion and passing course work required for graduation from an approved / accredited massage therapy or massage and bodywork therapy education program, that meet their state requirements, to the FSMTB in the manner necessary for verification prior to being eligible to sit for the MBLEx exam, in addition to all other requirements outlined in the candidate handbook.

Resolution NOT adopted: Support – 1 / Oppose – 37 / Abstain – 1

#### MBLEx Eligibility – New Jersey

Mark Dixon (CA) inquired why a resolution from a non-member Board was being considered. Legal counsel responded that the matter was tabled as an agenda item from 2015 so was being brought before the membership to fulfill the 2015 directive from the membership.

Resolution NOT adopted: Support – 1 / Oppose – 37 / Abstain – 1

#### **National Review of Issues Impacting State Massage Therapy Regulation**

Charlene Russell (Board of Directors) was facilitator over the discussion. The membership reported on massage therapy regulatory activities in their respective States and Territories.

#### **Impact of Supreme Court Ruling on Massage Therapy Licensing Boards**

Dale Atkinson (Legal Counsel) discussed the case of North Carolina State Board of Dental Examiners vs. Federal Trade Commission and its impact on licensing boards.

The meeting recessed for lunch at 12:15 PM ET.

The meeting reconvened at 1:21 PM ET.

#### **Board of Directors Elections**

Cary Bland (DC), chair of the Nominating Committee, and the Nominating Committee were introduced.

- Committee Members: Marvis Burke (TN) and Dianne Layden (NC).

Questions were presented to the slate of candidates.

The tellers were introduced, Rhonda McManus (LA), Tiffany Gennety (MI), and Jamie Smith (PA).



The voting process was explained while the ballots were being distributed to the delegates. Charlene Russell (MS) and David Cox (MD) were elected to the Board of Directors.

Second Vote was between Thomas Ryan (WI) and Micheal Black (UT).

(Tamara Leach (MT) left the annual meeting.)

Armstrong announced that Thomas Ryan (WI) was elected to the Board of Directors.

While ballots were counted by the tellers, information was provided regarding the 2017 and 2018 annual meeting locations.

### **Nominations and Election of the 2017 Nominating Committee**

Nominations:

- Holly Foster (NC) nominated Dianne Layden (NC); Dianne accepts.
- Jill Ellsworth (IA) nominated Denise Logsdon (KY); Denise accepts.
- Jeff Mahadeen (NH) nominated Gwenda Harrison (MD); Gwenda accepts.
- Elizabeth Harris (NM) nominated Keli Hupka (NE); Keli accepts.
- Becca Lesik (PA) nominated Jamie Smith (PA); Jamie accepts.

All nominees were asked to come forward while the ballots were being created.

- Paul Andrews (MA) was added to the tellers since Jamie Smith (PA) was nominated.

Each nominee was given one minute to briefly discuss why they want to be on the committee.

### **Massage Therapy Licensing Database (MTLD)**

Debra Persinger, FSMTB executive director introduced representatives who are developing the Massage Therapy Licensing Database (MTLD). The membership were provided with updates on the MTLD Project objectives for the project, the data consolidation process and integration, and a sample of the architecture of the system. A demonstration of MTLD was also provided and representatives responded to questions from the membership.

### **Nominating Committee**

Results of the Nominating Committee election were announced – Jamie Smith (PA), Gwenda Harrison (MD), and Denise Logsdon (KY).

### **Member Board Discussion Forum**

Ed Bolden (Board of Directors) facilitated a Member Board Forum.

Email from AMTA was discussed by Karen Armstrong (Board of Directors), and addressed the two concerns that were in the email

Topics included a language comprehension assessment, the model practice act, curriculum standards, FSMTB training, communications, MBLEx support, volunteering, regulatory language, educational standards, human trafficking victims, and examination security.

### **Recognition and Closing**

The Board of Directors and FSMTB recognized David Cox (MD), Charlene Russell (MS), Karen Armstrong (MI), and NASBA.

Motion to adjourn the 2016 annual meeting made by David Frederickson (OR) and seconded by Gwenda Harrison (MD).

Motion adopted.

The 2016 FSMTB Annual Meeting was adjourned at 4:30 PM ET.