



# Federation of State Massage Therapy Boards

**Annual Meeting  
October 14-15, 2011  
Los Angeles, CA**

Friday October 14, 2011

**Call to Order**

Snedden welcomed attendees and called the meeting to order at 8:20 AM PT.

Board of Directors

**Present**

Kevin Snedden, *President*  
Kathy Jensen, *Vice President*  
Susan Beam, *Treasurer*  
Dennis Beye  
Jane Johnson  
Phyllis Salyers  
Billie Shea

Linda Lyter (WV), *nominating committee, chair*

Debra Persinger, *Executive Director*  
Sally Hacking, *Director of Government Relations*  
Mary O'Reilly, *Member Services*  
Carmen Mann, *Examination Coordinator*  
Dale Atkinson, *General Counsel*

Delegates

- Victoria Bowmann (AZ)
- Lisa Douglas (AR)
- Dixie Wall (CA)
- Jennifer Woitte (DE)
- Laura Casperson (DC)
- Karen Goff Ford (FL)
- Kathy Lescak (GA)
- Andre Phillips (IN)
- Theresa Crisler (KY)
- Mary Donker-Syvertsen (LA)
- Karen Biagiotti (MD)
- Neldy Jean Francois (MA)
- Karen Armstrong (MI)
- Robert Wilkins (MS)
- Dawn Stanley (MO)
- Deborah Kimmet (MT)
- Michael Smith (NV)

- Kevin Clark (NH)
- Elizabeth Harris (NM)
- Jaime Huffman (NC)
- Yolanda Karas (ND)
- Richard Whitehouse (OH)
- David Fredrickson (OR)
- Robert Jantsch (PA)
- Jose Irizarry (PR)
- Jan Shaw (SC)
- Laura Woitte (SD)
- Faith Meyton (TN)
- Yvonne Feinleib (TX)
- Brenda Krohn (VA)
- Kris Waidley (WA)
- Joan Wysong (WV)

Snedden facilitated the Delegate roll call and confirmed that a quorum was established.

**Delegate Roll Call**

**To approve the agenda.**

**MOTION**

**Made by: Goff Ford – FL**  
**Seconded: Lescak – GA**  
**Vote: Motion carries.**

Snedden welcomed all attendees and introduced the FSMTB Board of Directors. He reported on membership status – 41 members and welcomed Delaware to membership this year; 32 States in attendance making this meeting the largest to date; governance activities, major projects undertaken by the FSMTB and in his last year as president he provided an overview of his presidency as it relates to Stephen Covey’s Habits of Highly Effective People.

**President’s Report**

Beam provided an overview of FSMTB financial status including major income sources and expenses over the past year. Specific items addressed were:

**Treasurer’s Report**

- The fiscal year ended on June 30<sup>th</sup>, with \$1.5 million net income.
- Gross income was \$4.3 million for the year, 98% of which was from exam revenue.
- This year, FSMTB will be able to offer membership grants.
- FSMTB opened an investment account this year.
- The Finance Committee has set a goal create a reserve equivalent to 6 months of operating expenses, to be available if needed due to some unforeseen crisis.
- Principal Financial Group is to handle FSMTB investments.

Beam called upon Don Scaro, financial adviser who discussed FSMTB’s investment fund, noting that Principal Financial Group has 14 attorneys on staff and access to world-renowned economists.

Hacking provided a report on FSMTB government relations activities and covered topics including a regulatory summary (43 states are regulated, and 7 states are unregulated —3 are promoting legislation, 2 are considering activity, and 2 have not shown any activity); FSMTB funds for trafficking service and the service tracks legislative and rule development; challenges boards are experiencing with certification exams in the licensure arena; status of legitimate schools; human trafficking legislation; importance of legislative language choice, e.g., establishment and parlor; working with other associations in the profession; licensing establishments; and the vulnerability of boards who use third party certification exams and services.

## **Government Relations Report**

Shea invited Delegates to comment on achievements and challenges the Boards are facing, to help identify how FSMTB can best serve members.

## **Delegate Reports**

Topics identified included verification of education, examination issues, overlapping scopes of practice, insurance issues, human trafficking, prostitution, display of a license, unlicensed practice, licensure renewal, enforcement challenges, regulating massage establishments, legislative authority, limited resources, licensure portability, background checks, consolidation of regulatory boards, board functions, use of electrical stimulation devices, legislative language, and budgetary constraints.

Lyter, chair of nominating committee, presented the slate of candidates for two positions to serve a 3 year term and two positions to serve a 2 year term.

## **Slate of Candidates**

Dennis Beye – AZ – 3 year term - uncontested

Ramona Chance – OH – 3 year term - uncontested

Jamie Huffman – NC – 2 year term – uncontested

Karen Armstrong – MI – 2 year term – contested

Bilky Joda Miller – MI – 2 year term – contested

Lyter opened the floor for self-nominations. No nominations were received from the floor.

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.

## **Legal and Regulatory Issues**

Topics included Examination Issues - the obligation on the part of member boards to protect the exam program, legal defensibility, publicizing exam results, special accommodations, re-entry to practice by examination, exam security; Conflicts of Interest; responsibilities of the FSMTB to parallel the state boards' goals of consumer and public protection and regulation; voluntary certification and mandatory licensure; the FSMTB's support of member boards; eligibility for licensure; good moral character; denial and revocation of a license; immigration status; and uniformity in decisions and actions.

Atkinson responded to questions from Delegates.

Meeting recessed at 4:00 PM PT.

**Meeting  
Recessed**

Saturday, October 15, 2011

**Meeting  
Reconvened**

Meeting reconvened at 9:01 PM PT.

Snedden provided an overview of the FSMTB strategic plan including the organizational vision, mission and values. A key differentiator for FSMTB is that the exam is designed exclusively to meet the needs of, and to support, the regulatory community. Communication with members can be challenging if board staff do not release contact information for board members. It was confirmed that meeting minutes are available with plans to post the meeting information on the website with the new design. Standardization and models of best practices are important to portability; adoption of the MBLEx is a key initiative to facilitate portability.

**Strategic  
Plan**

#### PCS

Jeff Blake, program partner from Professional Credential Services (PCS) provided an overview of PCS and services provided to FSMTB. PCS processes MBLEx applications and manages the candidate call center.

**Industry  
Partners -  
PCS and  
Pearson VUE**

#### Pearson VUE

Deanna Hudella, program partner from Pearson VUE provided an overview of Pearson VUE and services provided to FSMTB. Pearson VUE delivers the MBLEx through the Pearson Professional Centers – a fully controlled testing environment, 100% company-owned and operated, designed for optimal security and provides a fully consistent candidate experience.

Jane Johnson, chair of the FSMTB Model Practice Act Task Force provided an update to members noting that the purpose is to provide a resource to state legislatures, boards and agencies when addressing issues related to the public protection mission. The vision is to facilitate greater standardization of terminology and regulation from jurisdiction to jurisdiction, because greater standardization promotes greater understanding of Massage and increased mobility. Standardization also promotes consistency. The outcome of the FSMTB Model Practice Act will address protection of the public. Johnson recognized the Model Practice Act Task Force, noting that once the first draft is published, the Task Force will solicit feedback from all stakeholders. This feedback will influence decision making in the process of revising the Act.

**Model  
Practice Act**

Jensen provided an update on the progress of the continuing Education Program. Jensen noted that the program is not there yet, but some goals and benefits have been captured. One goal is to facilitate Member Boards in establishing professional mobility. The objective is to simplify and standardize the approval process for providers and courses. They also wish to provide an avenue for candidates to be provided with

**CE Approval  
Program**

quality assurance. It is intended that this will be a free service to Member Boards. States will still be able to select the categories they see fit. Portability for therapists will be improved. An advisory panel has not yet been seated but 3 members have volunteered, so things are moving forward.

Jensen indicated the desire for the panel to consist of 3 representatives from FSMTB, 2 from the Alliance for Massage Therapy Education, 1 from the AMTA, and 1 from ABMP.

In response to questions from members, Jensen advised that the advisory panel will need to decide on the specifics of the process. There is no reason that the process has to remain the same as it has always been. The advisory panel will need to determine what needs to be done from this point forward.

Blake advised that the database is under construction and PCS will work with FSMTB regarding content fields and varying levels of access.

**Massage  
Therapy  
Licensing  
Database**

Blake responded to questions from members regarding automated links between State boards, programming, uploading records, inclusion of license numbers, capturing fingerprints/biometric data and security overlap with law enforcement agencies.

Hudella provided members with information about palm vein security technology utilized at the testing centers. Security is a key component to a testing program. Security of information should be considered, both regarding candidate information (including biometric data), and in controlling the testing environment.

**MBLEx  
Report**

Palm vein recognition is done by a scanner emitting a near-infrared light, which is reflected back toward the scanner. The reason this is important is because candidates have to do it every time they enter or leave a testing center to ensure the exam is being taken by the same person. Palm vein recognition is used because it is faster, less invasive, a one to one match, internationally accepted, and easier to store.

Persinger provided an overview and update of issues pertaining to the Massage & Bodywork Licensing Examination (MBLEx). Topics covered included the exam development committee contributions; candidate volume; special accommodations; candidate support materials; pass rates; collaboration with the government auditing office to discern trends between states, and proprietary schools versus state schools, etc.; exam translations; and the exam development process.

Persinger also highlighted that the MBLEx undergoes a fairness review, checking for balance, stereotyping, cultural bias, controversial issues, elitism, and language. The MBLEx provides the regulatory community with the only reliable, valid licensing exam to assess entry level competence while at the same time honoring the needs of the regulatory community in fulfilling their mandate of public protection. It is also the only examination that is supported by the three major professional organizations ABMP, AMTA and AFMTE. The FSMTB, i.e., the

member boards, own the MBLEx. The FSMTB member boards and agencies have direct involvement in all aspects of the exam program including accessibility to information, exam fees, policy settings, development, etc. It is important that members continue to attend the yearly meetings, and make recommendations to the board of directors; their continued input is what makes MBLEx the best exam it can be.

Snedden conducted a delegate roll call and noted all present, except the delegate from Kentucky. With 31 delegates in attendance, 16 votes were necessary for a majority vote.

**Election**

Persinger acknowledged FSMTB board members who had completed their term of service, a member from Puerto Rico who had passed away, and acknowledged members of the profession who had championed the FSMTB and/or the MBLEx.

**Recognition**

Snedden announced the election results. Those elected to serve on the FSMTB board of directors were:

**Election  
Results**

- Dennis Bye – AZ
- Ramona Chance – OH
- Karen Armstrong – MI
- Jaime Huffman – NC

The following associate members were nominated from the floor for the three open positions on the nominating committee:

**Candidates  
for  
Nominating  
Committee**

Huffman, NC nominates Beam, NC; Beam accepted.  
Lescak, GA nominated Johnson, GA; Johnson declined.  
Wysong, WV nominated Sluss, TN; Sluss accepted.  
Goff Ford nominated Lescak, GA; Lescak accepted.  
Jensen, IA nominated Woitte, SD; Woitte accepted.  
Casperson, DC nominated Lyter ,WV; Lyter declined.

Candidates made nomination speeches.

During a structured open Q & A session facilitated by Snedden, the following topics were addressed at the request of Delegates:

**Delegate  
Forum**

1. Vacancies on boards and board appointments
2. Scope of Practice; use of electronic devices
3. Meeting procedures, transparency, accessibility to FSMTB policies, focus groups and MBLEx accessibility limitations

The following candidates were elected by the membership to serve on the nominating committee:

**Nominating  
Committee  
Election**

- Susan Beam – NC
- Chris Sluss – TN
- Kathy Lescak – GA

The Delegate forum continued and the following topics were addressed:

**Delegate**

1. Unlicensed Practitioners, including prostitution and those who are not prostitutes but practice without a license, public education, evidence of harm
2. Human Trafficking
3. Fraudulent and Approved Schools
4. MBLEx exclusivity
5. Licensure portability; educational competencies and hours, uniform licensure applications

**Forum  
continued**

**For the FSMTB Board to look into providing information on rogue schools or diploma mills and how providing that information to member boards might be accomplished and to report back by next year's annual meeting.**

**MOTION**

**Made by: Jantsch – PA**  
**Seconded by: Kimmet – MT**

Discussion:

Snedden repeated the motion, specifying that it is similar to the motion last year, except it will include a timeline, with results of the feasibility of that project being presented by next year's annual meeting.

Jantsch – PA questioned the notion that the meeting was doing work on what the board is being asked to do, and requested a vote.

Snedden requested a straw poll vote in favor of cutting off the debate. Two voted to cut off debate, 29 voted to continue.

Whitehouse – OH offered an amendment, that if an answer is discovered well before the next meeting, to not wait till next year. Language should be added to indicate that this will be provided if possible at next annual meeting, but if the information presents itself earlier it should be brought forward.

Frederickson – OR proposed that 'if possible' be changed to 'no later than'.

Jantsch – PA stated the revised motion:

**The FSMTB will investigate the issue on rouge schools or diploma mills, decide on a course of action, and report on actions taken as soon as possible or no later than next year's annual meeting.**

**MOTION**

**Made by: Jantsch – PA**  
**Seconded by: Kimmet – MT**  
**Vote: Motion carried unanimously.**

Snedden announced that the location of next year's meeting is still in negotiation.

**2012 Meeting  
Location**

**Meeting dates are scheduled two years in advance so that individual boards can make their own appropriate scheduling adjustments ahead of time.**

**MOTION**

**Made by:** Ford – FL  
**Seconded by:** Jantsch – PA with friendly amendment that it begin with 2012 so that we would be working with year 2013 and 2014. Jantsch withdrew the amendment.  
**Vote:** Motion carries.

**To adjourn the meeting.**

**MOTION  
TO  
ADJOURN**

**Made by:** Lescak – GA  
**Seconded by:** Smith – NV  
**Vote:** Motion carries.