



Recommendations from the Policy Committee 2023 Resolutions and Bylaw Amendments

Resolution 2023-1

Title: Successful Completion of an Approved Massage Therapy Education Program as a Prerequisite for Eligibility to Take the Massage & Bodywork Licensing Examination

Member Board/Committee Proposing Resolution: Washington State Board of Massage

Policy Committee Recommendation: Pass

Bylaw Amendment 2023-1

Title: Proposed Amendment to Article III, Section 3. Rights of Members – Membership Roster

Member Board/Committee Proposing Amendment: California Massage Therapy Council (CAMTC)

Policy Committee Recommendation: Do Not Pass

Bylaw Amendment 2023-2

Title: Proposed Amendment to Article VI, Section 3. Conduct of Business – Notice of Board of Director Meetings and Publication of Agenda

Member Board/Committee Proposing Amendment: California Massage Therapy Council (CAMTC)

Policy Committee Recommendation: Do Not Pass

Bylaw Amendment 2023-3

Title: Proposed Amendment to Article VIII, Section 1. Standing Committees – Nominating Committee

Member Board/Committee Proposing Amendment: California Massage Therapy Council (CAMTC)

Policy Committee Recommendation: Do Not Pass

Bylaw Amendment 2023-4

Title: Proposed Amendment to Article V, Section 4. Voting and Elections – Order of Business

Member Board/Committee Proposing Amendment: California Massage Therapy Council (CAMTC)

Policy Committee Recommendation: Do Not Pass



Resolution 2023-1

Title of Resolution: Successful Completion of an Approved Massage Therapy Education Program as a prerequisite for eligibility to take the Massage and Bodywork Licensing Examination

Member Board Proposing Resolution: Washington State Board of Massage

WHEREAS, the Federation of State Massage Therapy Boards (FSMTB) is a not-for-profit organization whose membership is comprised of the government boards statutorily created and delegated with the authority to regulate the profession of massage therapy in the interest of public protection; and

WHEREAS, FSMTB provides programs and services designed to promote uniformity and lessen burdens on the member boards while respecting the rights of each jurisdiction to regulate the profession; and

WHEREAS, FSMTB develops, administers, scores, and maintains a uniform entry-level competence assessment program known as the Massage and Bodywork Licensing Examination (MBLEx) and owns the intellectual property rights in the MBLEx; and

WHEREAS, the MBLEx is statistically validated and consistent with industry standards in assessing entry-level competence; and

WHEREAS, the MBLEx is an essential assessment examination used as part of massage therapy licensure requirements and it is vital that the MBLEx be subject to rigorous security and eligibility criteria that protect the examination from exposure to candidates that do not otherwise meet the licensure requirements set forth by the relevant laws; and

WHEREAS, on top of additional criteria, applicants for licensure as massage therapists are required to successfully complete an approved massage therapy education program and pass the MBLEx; and

WHEREAS, eligibility to take the MBLEx under FSMTB policies is currently premised upon an attestation of enrollment in and completion of coursework in all subject areas of the MBLEx Content Outline or graduation from an Approved Massage Therapy Education Program; and

WHEREAS, the current FSMTB policies create challenging issues related to determining eligibility to take the MBLEx including untimely verifications from education programs, inconsistent documentation, untruthful submissions, and fraud; and

WHEREAS, the current FSMTB policies unnecessarily expose the MBLEx to persons who may not otherwise qualify for licensure thus constituting a security risk; and

WHEREAS there has been an increased number of transcripts submitted for licensure that do not coincide with the education program identified by the applicant on the MBLEx score report; and

WHEREAS, allowing candidates who have registered for the MBLEx and who untruthfully identify their massage therapy education program adversely affects the pass/fail and retest rates credited to the identified school.

THEREFORE BE IT RESOLVED that the Board of Directors of the Federation of State Massage Therapy Boards (FSMTB) amend its policies to require successful completion of an Approved Massage Therapy Education Program as a prerequisite for eligibility to take the Massage and Bodywork Licensing Examination (MBLEx); and

THEREFORE BE IT FURTHER RESOLVED that the Board of Directors of the FSMTB further amend its policies and require Approved Massage Therapy Education Programs to timely submit evidence to FSMTB of successful completion of the Approved Massage Therapy Education Program on behalf of candidates seeking access to the MBLEx and provide for methods of enforcement up to and including denial of access to the MBLEx: and

THEREFORE BE IT FURTHER RESOLVED that the Member Boards of the FSMTB direct that these modifications become effective as soon as practicable but no later than the 2024 FSMTB Annual Meeting and also acknowledges the flexibility needed for the Board of Directors to reasonably transition to these requirements.

IMPLEMENTATION PLAN

See attached Current and Proposed Massage Education Policy.

FSMTB should communicate this policy change as soon as practicable to massage therapy schools, programs, and MBLEx applicants via the FSMTB website, the MBLEx Candidate Handbook, and as otherwise appropriate.

FISCAL NOTE ATTACHED, IF NECESSARY

No significant financial resources are needed to implement this policy change.

EFFECTIVE DATE: As soon as practicable but no later than the 2024 FSMTB Annual Meeting



CURRENT

FSMTB Massage Education Policy

Effective July 1, 2017, candidates seeking access to the MBLEx are required to substantiate either:

a. enrollment in and having received education and training in all subject areas of the MBLEx Content Outline from an approved massage therapy education program; or

b. graduation from an approved massage therapy education program.

Substantiation documentation must be submitted to FSMTB directly from the education program.

An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.

In the event the massage therapy board/agency does not approve or recognize education programs, approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, shall apply. In the event of a conflict between the state board/agency and department of education, the approval or recognition of the massage therapy board/agency shall prevail.

In the event the massage therapy board/agency does not approve or recognize education programs, and there is no approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, the massage therapy education program must obtain approval from FSMTB.

In states that do not require the MBLEx, eligibility for examination is determined by FSMTB.



PROPOSED FSMTB Massage Education Policy

Effective _____, 2024, candidates seeking access to the MBLEx® are required to substantiate successful completion of an approved massage therapy education program as a prerequisite for eligibility to take the MBLEx.

Substantiation documentation, such as a transcript, must be submitted to FSMTB directly from the massage therapy education program.

An approved massage therapy education program is one that is approved or recognized by the state board or agency authorized to regulate massage therapy in the state in which the school is located.

In the event the massage therapy board/agency does not approve or recognize education programs, approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, shall apply. In the event of a conflict between the state board/agency and department of education, the approval or recognition of the massage therapy board/agency shall prevail.

In the event the massage therapy board/agency does not approve or recognize education programs, and there is no approval or recognition from the relevant state department of education or like agency, in the state in which the school is located, the massage therapy education program must obtain approval from FSMTB.

In states that do not require the MBLEx, eligibility for examination is determined by FSMTB.



Proposed Bylaw Amendment 2023-1

Title: Proposed Amendment to Article III, Section 3. Rights of Members – Membership Roster

Member Board Proposing Amendment: California Massage Therapy Council (CAMTC)

Reasoning for Proposed Amendment: Member Boards should have the right to receive a membership roster listing each Member Board, and to the extent FSMTB has it, the Member Board's mailing address, email address, and telephone number(s), the name of the Member Board's Delegate, and the Delegate's email address and telephone number, and the name of the Member Board's chair or president and its executive officer and their email addresses and telephone numbers. This is standard practice among most industry associations and is vital so that Member Boards may contact each other and work together for the good of FSMTB. This important right should be in the Bylaws, not in a policy, so that it cannot be easily changed by the Board.

Proposed Amendment:

Section 3. Rights of Members.

A. Member Board

1. May attend meetings of the Federation.
2. May participate in discussions, introduce motions, make nominations, and vote at meetings, through Delegate representation.

B. Associate Members

1. May attend meetings of the Federation.
2. Are eligible for elected offices and participation on all committees.
3. May participate in discussions at meetings.

C. Emeritus Members

1. May attend meetings of the Federation.
2. May participate in discussions at meetings.

D. Membership Roster

1. Every Member Board shall receive a membership roster listing each Member Board, and to the extent FSMTB has it, the Member Board's mailing address, email address, and telephone number(s), the name of the Member Board's Delegate, and the Delegate's email address and telephone number, and the name of the Member Board's chair or president and its executive officer and their email addresses and telephone numbers. The roster shall be updated no less than once per year with the most recent available information FSMTB has, and sent to every Member Board each year not more than 60 days prior to, and not less than 30 days prior to, the Annual Meeting of the Delegate Assembly. A Member Board may notify FSMTB that it does not want some or all of its contact information shared on the Member Board roster.

Section 4. Termination.

Membership may be terminated by a two-thirds vote of the Board of Directors for failure to pay dues in a timely manner, or failure to comply with the Bylaws or policies of the Federation.



Proposed Bylaw Amendment 2023-2

Title: Proposed Amendment to Article VI, Section 3. Conduct of Business – Notice of Board of Director Meetings and Publication of Agenda

Member Board Proposing Amendment: California Massage Therapy Council (CAMTC)

Reasoning for Proposed Amendment: Meetings of the FSMTB Board of Directors should be open and transparent to the Member Boards that support FSMTB. Member Boards should have enough prior notice of Board meetings, and the items on the agenda for the Board meeting, to decide whether to attend.

Proposed Amendment:

Section 3. Conduct of Business.

A. A majority of the Board of Directors shall constitute a quorum for official business.

B. Requirements:

1. The Board of Directors shall meet at least two times per year; one of these meetings shall be in conjunction with the Annual Meeting of the Delegate Assembly.

2. Notice of ~~face-to-face in person~~ meetings of the Board of Directors, and an agenda including the general nature of the business to be transacted, shall ~~be~~ conveyed in writing to each Board of Directors member and to each Member Board at least 60 days prior to the meeting date.

3. Notice of telephonic or video meetings of the Board of Directors, and an agenda including the general nature of the business to be transacted, shall be conveyed in writing to each Board of Directors member and to each Member Board at least 10 days prior to the meeting date.

4. The meeting notice requirements of this Section may be waived by the unanimous consent of the Board of Directors members.

5. Approved minutes of every Board of Directors meeting shall be sent to all Member Boards no later than 15 business days after approval.

C. Executive Session.

The Board of Directors may meet in executive session only for discussion and resolution of personnel matters, legal matters, transactions involving real property, matters related to the membership status in the Federation of a Member Board or Associate Member, and matters related directly to the security of the Federation's examination programs.



Proposed Bylaw Amendment 2023-3

Title: Proposed Amendment to Article VIII, Section 1. Standing Committees – Nominating Committee

Member Board Proposing Amendment: California Massage Therapy Council (CAMTC)

Reasoning for Proposed Amendment: All representatives of Member Boards who are nominated, or self-nominated, for a seat on the FSMTB Board of Directors should be placed on the ballot for the election if they meet the qualifications for election. The Nominating Committee should be reviewing nominees for eligibility, and should not be able to exclude a potential candidate for a Board seat on any basis other than failure to timely submit a nomination or failure to meet the objective qualifications for election to the Board.

Proposed Amendment:

Section 1. Standing Committees.

The Federation shall maintain the following Standing Committees:

A. Finance Committee

This committee shall be comprised of at least three members and the Treasurer, who shall serve as chair. The committee shall review the annual budget, the Federation's investments and the audit. The committee shall, working in conjunction with the President, recommend a budget to the Board of Directors and advise the Board of Directors on fiscal policy to assure prudence and integrity of fiscal management and responsiveness to Member Board needs.

B. Examination Committee

This committee shall be comprised of at least five members, and shall provide general oversight of the licensing examination process. This includes job survey analyses, examination item development, security, administration and quality assurance to ensure consistency with the Member Boards' need for examinations. The committee shall also approve item development panels and recommend test plans to the Board of Directors. Subcommittees may be appointed to assist the Examination Committee in the fulfillment of its responsibilities.

C. Policy Committee

This committee shall research and develop proposed amendments to the Bylaws and Standing Rules as directed by the Board of Directors or the Delegate Assembly. The Committee shall, in accordance with policies established by the Board of Directors, review, evaluate and report to the Delegate Assembly on all resolutions and motions submitted by Member Boards.

D. Nominating Committee

The Nominating Committee shall seek nominations from Member Boards and associate members and shall review eligibility and present a slate of eligible all qualified candidates for each open seat for election at the Annual Meeting of the Delegate Assembly. All individuals who, in a timely manner, self-nominate or are nominated and accept, and who meet the objective qualifications for election to the Board of Directors, shall be placed on the ballot for election to the Board of Directors. Persons seeking nomination or wishing to suggest nominees must contact the Nominating Committee at least 45 days prior

to the Annual Meeting to submit a volunteer application and other information the Committee may request. Nominations for directors will not be accepted from the floor during the Annual Meeting. No name shall be placed into nomination without the consent of the nominee.



Proposed Bylaw Amendment 2023-4

Title: Proposed Amendment to Article V, Section 4. Voting and Elections – Order of Business

Member Board Proposing Amendment: California Massage Therapy Council (CAMTC)

Reasoning for Proposed Amendment: Since Bylaw amendments become effective immediately upon their adoption and may affect the election of directors, any vote on Bylaw amendments at the Annual Meeting of the Delegate Assembly should precede the annual election of directors at that meeting.

Proposed Amendment:

Section 1. Annual Meeting.

The Delegate Assembly shall have an Annual Meeting at a time and place as determined by the Board of Directors. Notice of meeting shall be conveyed in writing to each Member Board at least 60 days prior to the meeting date. In the event of an emergency, the Board of Directors by a two thirds vote may postpone the Annual Meeting and shall schedule a meeting of the Delegate Assembly as soon as possible thereafter to conduct the business of the Federation.

Section 2. Special Meetings.

Special meetings of the Delegate Assembly may be called by the President at any time with the approval of a majority of the Board of Directors, and must be called by the President as soon as practicable upon written request from a majority of the Member Boards. Notice of meeting, including the general nature of business to be transacted, shall be conveyed in writing to each Member Board at least 15 days prior to the meeting date.

Section 3. Quorum.

In order to conduct business at any meeting of the Delegate Assembly, at least a majority of Member Boards must be in attendance. Provided that there is a majority of Member Boards as described above, the total number of Member Boards in attendance shall constitute the quorum. Unless otherwise provided in the Bylaws or under applicable law, all actions to be taken by the membership shall require an affirmative vote of a majority of the established quorum. In the absence of a majority of Member Boards, those Member Boards in attendance may adjourn the meeting by a majority vote.

Section 4. Voting and Elections.

A. A Member Board is entitled to be represented by a single vote on each issue put to a vote before the Delegate Assembly. Member Boards shall vest the right to vote in their Delegate or Delegate Pro Tempore.

B. There shall be no proxy or absentee voting at the Annual Meeting or any special meeting of the Delegate Assembly.

C. Elections shall be conducted by ballot at the Annual Meeting:

1. Directors and Nominating Committee members shall be elected by a majority vote of the Delegate Assembly.

2. If a candidate does not receive a majority vote on the first ballot, reballoting shall be limited to the two candidates receiving the highest number of votes for that position.
3. Election winners shall be announced to all delegates upon completion of the election.
4. Officers shall be elected by the Board of Directors immediately after the Annual Meeting.
5. If Bylaw amendments are proposed at the Annual Meeting of the Delegate Assembly, the vote on the Bylaw amendments shall precede the election of directors at that meeting.

Section 5. Parliamentary Authority.

The rules contained in the current edition of *Robert's Rules of Order Newly Revised*, may govern the proceedings of the Federation in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any meeting procedures or special rules of order the Federation may adopt.