

Coalition of Massage & Bodywork Educators
Meeting minutes April 14, 2014
1PM-6:30PM - Greensboro, NC

In attendance: Anita Shannon, Bob Brame, Charles Little, Cindy Loving, Claire Miller, Janice Marie Durand, Kay Warren, Kim Moore, Larry Green, Michael Sitzler, Nancy Toner Weinberger, Rick Rosen, Robin Fann, Sheila Alexander, Tilly Little

Minutes taken by Kay Warren.

On the Agenda are 8 points.

1. Report on the NC BMBT meeting
2. Discuss & vote on who should be a member of the Coalition
3. If the Federation of State Massage Therapy Boards (The Federation or FSTMB) has recommendations ready, we will discuss.
4. Discuss Nancy Toner Weinberger's proposed Rule Changes
5. we still don't have Rick's actual submission to the Board, but it might be available for discussion. Rick will present his case.
6. We can prepare a letter of requests to be sent to the NC BMBT. We want them to know we want one National process.
7. Suggestions for other functions the group might serve in line with our mission statement.
8. How often should we meet.

Item 1 – Report on the meeting of the NC Board of Massage Therapy and Bodywork, held on April 10, 2014 in Raleigh. Nancy & Kim attended the Board meeting, and shared their recollections of the proceedings. This is an informal report that has not been approved by the Board members. The official minutes of the April 10th Board meeting will be approved at the next Board meeting in June, and once approved, those minutes will be posted on the Board's website, www.bmbt.org.

A rules change proposal to approve the Federation as a CE Provider when they become one was proposed by Holly Foster, but Counsel pointed out that until they have a program in place, this will not pass the rules review committee. Holly mentioned precedent in other states and wanting to be ready for it when it happens instead of it taking another 12-18 months to put in place. Ed Preston notes that the Board has a lot invested in this process and that the general feeling is to go with what the Federation sets up in the realm of approving providers unless there is serious fault with the final proposal and structure.

Rick Rosen Speaks to us.

Goes over the rule making process in more detail. The rules reviewed must show that

1. Rules must be specific, and within the authority of that Board
2. Must be clearly worded

3. Rule must do what it is purported to do.

Rick's proposal before the Board and a little history.

Refers to his white paper, Talks about "improper delegation of authority" issues created by allowing the State to rely on the NCB to approve CE providers with no contract in place with the State and no accountability to the state Board.

Discussed the number of stake holders in the CE arena. (7)

1. Professional Orgs, AMTA, ABMP
2. CE Providers
3. LMBTs
4. NCBTMB
5. FSMTB
6. NC Board
7. Schools + Organizations

Notes that the actual average of required CE hours across the country is 10.7, with no evidence that any particular number of CE hours has been proven to protect the public any better than some other number.

Rick states that the NCB is financially failing, and has drawn \$500K from their capital fund, and is losing a million in income per year. He states that they haven't paid their office lease in 8 months. He notes that only about 2000 therapists nationwide are now Board Certified, and most of them grandfathered over. Only about 200 took their new test.

In his initial white paper of 1 year ago he notes that the new NCB Approved Provider process is inappropriate. (This was quickly scrapped as it refers to the NCB's old program which has since been replaced by the current program.)

He notes that the Federation's initial report on being asked to consider CE was that it was not needed for core competency, and that they were not interested in professional development, only in ethics, and they were devising online content of their own.

He notes that under existing systems there is no way to ensure quality of content of instructors in the CE field.

Rick asked what % of therapists would do CE if it weren't required. The Federation, put out a survey, 15% responded. 75% of them said that they would do CE even if it weren't required.

Lengthy discussion ensued about the numbers, the survey, and average therapists vs dedicated therapists who cared about their careers. Attending members vary considerably in what they think LMBTs would take if CE was not required (10% to 75%).

Rick says he went back to his paper and distilled it again, because the NCB, The Federation, and all the other stakeholders were not working together, and he proposed a national Certification Registry. He states that this was not intended to be a certifying agency with

regard to CE, but a database of information about CE classes and instructors. He says it does not need to be a fully separate organization. It's about taking a process that isn't working and streamlining it. He wants the Board to back away from "CE provider approval" because it is not possible at this juncture, by any of the existing entities to approve both quality of content and quality of instruction.

Nancy pointed out that we already have listings of CE Providers and CE classes on both the AMTA National website and on the NCBTMB website.

Rick says, "No approval is better than faux approval." "The Marketplace will weed out the chaff."

Much discussion, especially of public harm that can come of unqualified teachers teaching material they took in a beginner course and have now decided they can teach. Discussion of theft of intellectual property, which Rick says it's our responsibility to monitor.

Several instructors feel that going through the approval process of setting up the classes, teaching it, weeds out a significant number of instructors who are not really qualified.

Ricks says "What is the integrity of a profession based on falsehoods". States that there is no demonstrated link between CE and public protection.

Therapists feel that the current CE approval by the NCB is definitely better than nothing, but we'd still like to see improvements. Tilly mentions that the fact that NCB granted AP status is no longer a blanket approval, you are required to send in info on each class you teach.

The question comes up "what happens if the NCB goes under". Answer, nobody knows. There is no current mechanism in the Practice Act to allow providers approved by other methods or entities.

Lots of confusing discussion here, and Rick goes into further detail about Delegation of authority issues. Who at the NCB actually review the CE materials, are they even therapists? Several therapists chime in that Cindy Connolly and Donna Sarvello both have backgrounds in massage therapy and education.

Other certification for CE by other professions is brought up.

Rick brings up his service as the Director for Alliance for Massage Therapy Educators, 09-11, and that he worked with Debra Persinger on the initial task force. The first CE Program recommendations put forth by the Federation were for ethics, not professional development, and widely scorned (the MOCC- commonly referred to as the MOCC-ery).

It is noted that these recommendations, though put forth by the Federation that our Board is a member of, were not in line with our Board's vision for the state and were not adopted. Even though we are a member of the Federation, we are still an individual Board, and can choose to accept, modify or deny any proposal they make. Nothing they recommend can be

forced into our laws by them, they must be agreed to or modified by our own Board and go through the same rule making or law making process as any other change would.

Rick comments that his initial project and what it was intended for got derailed, and he is concerned about it and so are a lot of other state boards. He doesn't know what's going to happen, it's up in the air.

Kay asked who requested the "Improper Delegation of Authority" white paper presented by Rick Atkinson, the General Counsel for the Federation. Rick says it was a founding document that supports the need for the existence of the Federation, but doesn't name anyone.

Rick questions whether the NCB is financially and administratively capable enough to properly approve CE providers even if the state puts in a contract similar to what the NCB has with NY. He claims that the Steering Committee and the Inaugural Boards had no idea about "Improper Delegation of Authority" as a concept until the last few years when Mr. Atkinson published his paper on it.

The Board of Directors for the Federation meets in 2 weeks in Colorado to take up the recommendations of the task force, who are tasked to answer whether or not the Federation should be moving forward with CE approval. Rick states that he doesn't know what they are going to do, none of us do, but he would be surprised if they went forward with Certifying Approved Providers of CE.

Lots of discussion that the Federation task force for looking at a program to approve CE Providers has new members, from our state, both of whom are committed to CE, and our own Board Chair has publicly committed to CE.

Rick was asked if he would make that actual text of his proposal available to us. He states that it should be on the Coalition website, which it is.

Rick re-iterates. My proposal is not to remove the CE requirement, but to remove the requirement that CE Providers be approved.

Nancy does a re-cap. Informs Rick and the group that a second request to take up CE provider approval was submitted by the NC Board to the Federation in 2012. Holly Foster and Darinda Davis are both on the task force studying this. They went to FL for a meeting & had to sign a confidentiality & NDA (non-disclosure) agreement not to discuss what was discussed with anyone, not even their own Board members until after the Colorado meeting. Both were surprised by the requirement, but came back feeling very positive about the direction this was heading. Both are committed to CE.

Comments about how much the NC board has invested in the Federation and that nobody in the room knows the truth about the NCB's finances.

AMTA and ABMP have been competitors for a long time both directly and through initiatives they have funded. Therapists have been stuck in the middle. The NCB is finally committed to

working together with Boards, Educators, Schools, and therapists to best serve the profession.

Possible to have the NC Board accept CE Approved Providers from both NCB and Federation?

Discuss contracting with an outside entity that can handle approval for us the way the NCB handles it for NY.

Rick states that no one can provide true quality assurance in CE.

Kim says that the NC Board has routinely refused to approve ad-hoc committees. Nancy says that transition to accepting Federation approvals in whole or in part is likely to take 2-3 years. We will have more input into the CE provider approval process proposed by the Federation once it reaches the level of our state Board. More discussion on the approval and comment process. It takes 10 objections to kick it to the legislature. This process can take as long as 18 months, we need to start making contact with legislators.

Nancy: Do we want to ask the Board keep the NCB as the only approval entity?

Larry replies: we could copy Florida and accept both the NCBTMB and the Federation (?) as CE provider approvers. Only need to be approved by one of them to give CE credit, so there is no need for double fees.

We should talk to the Board about our work and our livelihood and that we are not happy about the secrecy.

Janice – LMBTs don't know what's happening, do we want information propagation to them to be part of our mission. Do we talk to them about the secrecy? Much discussion. Nancy is concerned that they will dilute what we want with what they want and our relationship with the Board will become adversarial, and we will get nothing done.

Kim asks what we want to say to the LMBTs, someone says "BEWARE!"

More discussion about hidden processes.

Nancy reads the email she sent to the Board about transparency. Kim comments that the AMTA has been griping about transparency issues for years, and that no one knows what they say when they adjourn for disciplinary hearings. Nancy was on the Board, & says it's really all they talk about behind closed doors (appropriate to the disciplinary process and that is all). Retreats are another matter, and they should be more transparent since they are all about long-range planning.

Kim comments that the Board is there to protect the public, not us. A teacher chimes in by saying the AMTA reports to us, the ABMP doesn't, and that she tells her students that the AMTA is the only one to join. A couple of other teachers concur.

Nancy – So, what do we want to say to the Board? Preparation of a letter begins:

**** Public Safety depends on quality CE!****

Comments that the Board is absolutely behind CE.

Do we want to advocate for Nancy's specific proposed rules change that would allow the Board to accept CE Approval from more than just the NCBTMB? Or so we want to support the NCB only for now?

Generally, yes and yes.

4:50pm Larry makes a well worded comment that needs to be transcribed from video.

Wording should include that we are happy with the NCB's Approved Provider improvement project. They are asking for direct feedback on what levels of education are appropriate for specific disciplines, like aromatherapy.

Tilly – goes into the issue of therapists not knowing how drugs interact with the body, and how they interact with massage. How bodies have appliances these days from chemo ports to medication pumps and artificial joints.

Our Message to the Board

1. Public Safety is best served by good quality CE.
2. We want to be involved in a more transparent process, not just the outcome
3. We prefer a National organization as an entity that approves CE providers.
4. Prefer to work with the NCB because
 1. Positive experience with the NCBTMB approval process
 2. they have become more responsive
 3. well established, supportive, professional relationship
 4. willing to work with us and change. They are responsive to our needs, questions, and replies.
 5. One coalition member reports an extremely positive story in helping to improve quality control (Cut to video with Cindy Loving)
 6. the Federation will still have to go through a long evolutionary process that the NCB has already done.
 7. Students and LMBTs, recognize, trust and respect NCB status and name.
 8. NCB has stated their willingness to work directly with the state Board
 9. NCB has a track record of being inclusive.

We all agree that we will send a letter to the Board reflecting our views. Nancy will write it, put it to us for comment on the forum, and then send it in.

Who should be a member – lots of discussion, but general consensus is that individuals who have developed their own material may be invited. Closed to others for now, we can revisit it later if we choose. We would accept someone sitting in and taking notes for a member who cannot be there. Also agreed that we stay focused on NC for now.

Guiding Principles -

concerned with the quality of CE, and consistency in the quality of instructors.

What else might we like to see?

Peer review of classes? Discussion of various methods that proprietary orgs like Esalen and Upledger use to ensure the quality of their instructors.

NCB could conduct quality audits by surveying class participants.

Other News – AMTA has a new state president- Desiree Sawyer will replace Cindy Rankin.

How often to meet?

Every other month a few days after the Board meeting, alternating Mondays and Wednesdays. Greensboro is the meeting place of choice since it is most centrally located geographically in the state. As to facility, Cindy Loving will check on availability of this space, which is changing hands beginning of May. Everyone agreed the facility is easy to get to and sufficient to our needs. Meeting will be 1-6:30PM- that seems sufficient time and does not entail sleep-over for NC residents.

Finances

There was \$41 dollars left over after expenses from the last meeting that went into the cost of the room rental for our April meeting. People attending were asked to contribute \$10 if this was their first meeting to attend or \$5 if this was their second time attending.