

ADVISORY BOARD ON MASSAGE THERAPY
BOARD MEETING AGENDA
November 1, 2018
10:00 a.m.
2401 N W 23rd, Suite 84
Testing Center
Oklahoma City, Ok. 73107
Laura Grisso, Chair – Presiding

1. Call to order

Chair Grisso called the meeting to order. (The meeting agenda had been properly posted and agenda-ized)

2. Roll call. Quorum was established with roll call.

The following persons answered roll call.

1. Laura Grisso, Chair
2. Pamela Matherly, Vice Chair
3. Marilyn Ihloff
4. Robert Rowe
5. Kelly Lene Yearwood

BOARD'S LEGAL ADVISOR

Grant Moak (Mr. Moak left early at 1:11 pm)

BOARD STAFF

Sherry Lewelling, Executive Director
John Funderburk, Principal Assistant
Janelle Hastings, Administrative Assistant
Laura Bryce, Massage Therapy Department
Lauri Ann "LA" Gillette Examiner/Inspector
Camisha Green, Student Registrar
Asrar Johnson, Inspector/Examiner

Visitors

Mary Elizabeth LeBlanc, Laura Hickman, Susan Hawkins, Chuck Lauld, Laura Embleton, Alicia Liegerot, Melissa Costello, Jennifer Hill, Sara McDermitt, Jennifer Giehll, Karen Horn, Katie Ausmus, Kathy Rester, Kimberly Johnson

3. Chair Grisso swore in new board member, Kelly Lene Yearwood.

4. Discussion and possible action to approve or disapprove board meeting minutes from August 16, 2018.

A motion was made by Ms. Matherly and seconded by Mr. Rowe to approve board meeting minutes from August 16, 2018

Voting: Matherly, yes: Ihloff, yes: Rowe, yes: Pamela Matherly, yes; Yearwood, yes.

Motion passed.

5. Public Comment – Opportunity for the Board to Receive Public Comment – Each speaker is limited to three minutes. Comments must be related to items listed on the agenda

No formal requests had been received nor were there any requests from the audience.

6. FSMTB Conference Report- Laura Bryce and Laura Grisso

Ms. Bryce and Ms. Grisso both attended the Federation of State Massage Therapy Boards (FSMTB) Conference in Salt Lake City, Utah on October 4-6, 2018.

Ms. Bryce reported that the state of Florida was the first state to join MTLT (MASSAGE THERAPY LICENSING DATABASE) now FSMTB is just waiting for other states to get on board, this will allow all states who join to track CEU's, MBLX exam score pass/fail, will notify if candidates are flagged as suspicious, actions taken against licensees, lot of information helpful in tracking MT making us aware if there are issues in other states, States must be a member to view or contribute information, info is not available to the average citizen. There was an interesting meeting held on Establishment licensing, South Carolina, Maryland, Oklahoma and Kentucky are all proposing massage therapy establishment licensing. Texas is looking at mobile establishment licensing. There was also a lot of discussion on the use of CBD oil but really no consensus either way. Mr. Moak said according to studies done by the Health Department, even though products might be labeled TCH-free, there are some products off the shelf that have tested much higher.

Ms. Grisso reported there were some limitations and privacy concerns with MTLT regarding personal information including social security numbers and only CEU's that are approved thru FSMTB are tracked through MTLT, they also do not keep track of background checks. Ms. Grisso said that they want all states to participate and provide all information, we will be looking into this more next spring after legislation and have a conference call to FSMTB then vote to move forward and present to OSBCB. Ms. Grisso added that the minutes from the FSMTB conference will be available on their website soon.

7. Discussion and possible action to approve rules committee recommendations.

The rules committee, Ms. Matherly and Mr. Rowe, met on September 24, but due to scheduling conflicts did not meet on October 16. Discussion included changing CEU's from hours to units, who could provide CEU's, adding list of a providers to website, provided that doesn't show favoritism. Out of state CEU's were discussed. CEU's are required by law, but how many and who can provide are established by rules. Rules do not have to be submitted until after legislation so this is an ongoing committee. Ms. Grisso asked do we want to do a rule change this year because once we get legislation passed we'll revamp all rules.

No action was taken on this item.

8. Discussion and possible action to approve the professional conduct committee recommendations. (This item was discussed after item #9)

There was discussion about various ways to get info out to the licensees and public and we talked about establishment licensure and inspections and what that meant the Bill was also discussed. Senator Bergstrom was our author last year, he picked House Rep Charles Ortega sponsor in the house; they will be the two sponsors of the bill this year.

The committee reviewed the bill and suggestions included striking the requirement for review hours, and also striking the grace period, and making it consistent with Cosmetology and Barbering where the license expires on the expiration date but allows 60 days to renew before a penalty is assessed. We looked at striking the restriction on hours of business from 9:00 am to 9:00 pm and closure on Sundays. We talked about the need to have a establishment licensee on the board once we have establishment licensing and also adding an additional massage therapist as it is important to keep the odd number of advisory board members

No action was taken on this item.

9. Discussion and possible action to approve the overview committee recommendations. (NOTE: this item was discussed before item 8)

Ms. Grisso reported this committee met on 9.17 discussed MTLTD and ability to use it and the use of the social security number. She said Laura Simmons, FSMTB was willing to talk to us and about what we can and cannot provide. We discussed a possible alternate path to licensure. One member suggested we look at creating our own tests, money would remain in state, but it would be costly, we'd have to hire someone to create the test and licensees would not have reciprocity with other states.

We discussed MBLEX pass rates, from 1.1.18 to 8.7.18, just over seven months, for Oklahoma, the pass rate for first time test takers was 68%, pass rate for retakes was 33%. (retakes could be someone who tested multiple times) Nationally, the pass rate for first time test takers was 74.7% and pass rate for retakes was 41.4%. So Oklahoma is testing lower than the national average. Overall National pass rate 68.7

Ms Lewelling gave a brief overview of the inspection report, breaking down each section of the report, which includes name, address, owner of shop, type of establishment and type of inspection , safety and sanitation rules as well as the law which defines unlawful acts. She said inspectors are trained to resolve as many issues as possible during the inspection and the only thing they are not able to resolve immediately are unlicensed individuals. She went on to say all Inspectors carry a badge and photo ID. We are moving toward electronic inspections for cosmo and barbering in the near future. She urged everyone to contact their individual legislators and ask them to support the massage therapy bill.

No action was taken on this item.

10. Discussion and possible action to approve or disapprove the legislative committee recommendations

The legislative committee met on September 20 and October 18

There was a proposal for a provisional license for those who have graduated but not taken MBLX for which they have 90 days to do so. It was this committee's suggestion to change the advisory boards make up to include four Massage Therapists (we now have three) add one Establishment licensee, one educator and one public member whose interest in the Massage industry is only as a consumer. Ms. Grisso provided a copy of the massage therapy act to board members. Main concerns included exemptions for the massage therapy establishment if already licensed a cosmetology or barbering establishment; reopening of the grandfather act; requirement of an establishment license, inspection of establishments, submission to a national criminal history record check, changing a citizen public member to a licensed establishment owner, and leave at five members. If resistance from legislature plan B is to have four (4) Massage Therapist, one (1) establishment member, one (1) educator and one (1) lay member. It was clarified that licenses would expire the last day of the applicant's birth month with the exception being those who are only an owner or a corporation then the expiration would be June 30 of each year, licensees would have 60 days to renew before penalty is assessed. Further discussion included the requirement of individual liability insurance and possibility of requirement liability insurance for establishments and whether that created an unfair burden to licensees and establishment. It was agreed that liability insurance should be not required for establishments.

Motion was made by Ms. Matherly and seconded by Ms. Ihloff to strike professional liability for an individual massage licensee

Voting: Matherly, yes; Ihloff, yes; Rowe, yes; Pamela Matherly, yes; Yearwood, yes.

Motion passed.

More discussion included changing misdemeanor act to a felony, but need more guidance from Mr. Moak.

A motion was made by Ms. Ihloff and seconded by Ms. Yearood to approve draft with changed as discussed.

Voting: Matherly, yes; Ihloff, yes; Rowe, yes; Pamela Matherly, yes; Yearwood, yes.

Motion passed

11. Discussion and possible action to approve the establishment of regularly scheduled OSBCB meetings in 2019, every other month on the third Thursday of the month at 10:00am.

2019 Dates would be as follows: February 21st, April 18th, June 20th, August 15th, October 17th, December 19th

A motion was made by Mr. Rowe and seconded by Ms. Matherly to approve the establishment of regularly scheduled OSBCB meetings as proposed.

Voting: Matherly, yes; Ihloff, yes; Rowe, yes; Pamela Matherly, yes; Yearwood, yes.

Motion passed.

12. New business which could not have been reasonably foreseen prior to posting of meeting agenda 25 O.S. sec.311 (A)(9)

Ms. Grisso reminded members they will be discussing rules at the next meeting on Thursday December 20, 2018 and asked if next meeting should be changed, members all agreed the date should remain December 20.

13. Board adjournment.

Chair Grisso announced the meeting to be adjourned.

Laura Grisso, Chair

Pamela Matherly Vice Chair

Marilyn Ihloff

Robert Rowe

Kelly Lene Yearwood