Oregon Board of Massage Therapists

Strategic Planning Discussion & Facilitator Recommendations May 30, 2015

Planning Meeting Overview

The Oregon Board of Massage Therapists gathered for a longer annual planning meeting in Hood River, Oregon on May 30, 2015. Desired outcomes fro the meeting included:

- Reaffirm vision and plan for the future
- Enhance progress on 2013 strategic plan
- Make decisions on identified issues currently under exploration

In attendance were:

OBMT Board
Kathy Calise, Public Member
Meng Chen, Public Member
Steven Foster-Wexler, LAc, Public/Health Member
Jon Grossart, LMT - Vice Chair
Melanie Morin, LMT
Kelley Rothenberger, LMT

OBMT Staff
Kate Coffey, Executive Director
Ekaette Udosenata-Harruna, Operations & Policy Analyst
Robert Ruark, Compliance Manager

External Facilitator
Chris Wallace Caldwell, President, Catalysis LLC

Agenda

Each Topic included a brief presentation followed by discussion.

9:00 – 9:15 am	**Overview of Planning** • Reaffirm vision and plan for the future • Progress on Strategic Plan
9:15 – 9:45 am	**Board Governance** • By-Laws Changes • Clarification of Board & Staff roles • Effective decision-making strategies
9:45 – 10:00 am	**Break**
10:00 – 10:45 am	**Scope of Practice** • Current Inclusions, Exclusions & Uncertainties • Examples from other states • Implications of changes
10:45 – 11:45	**Barriers to Licensure & Proposed Changes** • Cultural/Language Barriers to Licensure • Insurance Rules
11:45 – 12:45 pm	**Lunch**
12:45 – 1:45 pm	**Improving Education & Testing** • Continuing Education Standards • Practical Exam Requirement
1:45 – 2:15 pm	**Critical Next Steps**
2:15 – 2:45 pm	**Public Comments**
2:45 - 3:00 pm	**Closing & Adjournment**

1. Overview of Planning

A. Reaffirmation of Mission, Vision & Values:

Vision

Dedicated to an ongoing and evolving cooperative relationship of regulation between the massage industry, licensees, and the public.

Mission

The Oregon Board of Massage Therapists regulates and monitors the practice of massage therapy in Oregon. Its role is to balance public safety and the needs of Licensed Massage Therapists by developing, implementing, and maintaining the standards of professional conduct and practice.

Values

Accessibility
Provide up-to-date information on the Internet for both the public and the licensees. Strive to be an approachable resource to the massage industry, licensees, and the public.

Accountability
Accountable for safety, health and welfare of the public, the integrity of the profession and massage therapists, as well as oversight and responsibility in reporting to the Governor and the legislature.

Collaboration
Willingness to approach others with openness, to be open to the ideas of others and to be willing to shift off-point. Value the relationships amongst the legislators, the licensees and ourselves. Willing to craft compromise and ask questions, identify outcomes that are desired but be open to influence.

Communication
Endeavor to listen, reflect and clearly state the role and functions of the Board in its partnership with the licensed massage therapists and the public we serve.

Integrity
The OBMT prides itself on conducting its business practices with adherence to soundness of character and ethical principles.

Transparency
Open and honest regulation of massage therapy in the State of Oregon.

B. 2013 Strategic Initiatives:

1) Support high standards and an efficient, reasonable, affordable, and understood pathway to licensure.

2) Develop an effective role and relationship with the State of Oregon.

3) Establish well-defined renewal and continuing education strategy.

4) Create an effective and welcome communications strategy for all constituents.

C. Strategic Plan Updates:

- Good progress on Strategic Initiative #1
- In Strategic Initiative #2 need to find clarity of Board's approach to defining scope of practice. Also could better utilize Board members in different parts of the state.
- In Strategic Initiative #3, need to finalize CEU strategy and recommendations. Issues include national portability and approach.
- In Strategic Initiative #4, communications strategies need continual attention as new issues and changes emerge.

D. Planning Overview/Moving Forward

- Balancing public safety and needs of LMTs
- Making our work easier
- Informed decisions
- *May require a clear roadmap to get to decision point

2. Board Governance

A. By-Laws Review

- Discussion about areas of clarification needed.
- Kathy will develop draft proposal to send to the Board prior to the July meeting.

B. Staff/Board Interaction Discussion

- Need for board handbook (policies). Look to other regulatory board for some good models. Does not need to be exhaustive – simpler is better. Plan for training for new Board members.
- Regular communication between ED and Chair is important – perhaps schedule a regular phone call.
- Can board chair ask ED for things directly? Look to strategic plan and accepted recommendations for guidance. If request falls within this framework, then yes. If unsure, the Chair and Vice chair can determine appropriateness, or if there is a need to go to the full Board.
- Recusal Policy
- Recommended Approach for Communication Process:
  Board Members → Chair → ED → Staff
  Staff → ED → Chair → Board Members

  To facilitate interaction, recognizing the volunteer nature of Board leadership, it may be important to cc Vice Chair on correspondence with Chair.

- Board interaction with public and policy-makers (ethics standard). Need training and refresher training to understand expectations.

3. Scope of Practice

A. Exemptions

- Current Exemptions (Described as "examples" as defined on specific date)
  - Polarity
  - Bowen
  - Trager
  - Ortho-Bionomy (advanced level)
  - Feldenkris
- Previously exempted
  - Reiki
  - Reflexology

B. Concerns

- Changing nature of modalities – may meet, and then in future not meet, statute on exemptions

- Some modalities (such as CranioSacral) have subsets that do not meet exemption criteria
- Could manage in a reactive way by interpretation of statutes
- However, this approach may not address issues with practice from the Asian Pacific islander communities (such as Chinese reflexology)
- Important to communicate clearly with constituents the existing statutes on exemption, and what that means for individual practice.

C. What must this board do?

- Ensure public safety
- Authenticity of practice
- Need to define "public safety" (check with OR on definition)
- Develop scope that allows us to ensure safety, and not beyond our scope?
- Concentrate on those who want to be under our umbrella?
- Consider new exemptions?
- Consider possible tiered licensure to provide appropriate regulation (program for minimal touch)
- Have broadly appropriate regulation?
- Let statute drive exemption?
- Look at other state or regulatory models?
- Clarification needed for licensees
- Tiered licensure could address multiple issues (temporary practice permit, etc.)
- Statute drives exemption
- Ensure appropriate regulation

4. Barriers to Licensure

A. PSU Study Recommendations

1. Improve dissemination of license requirements
2. Provide educational support
3. Improve accessibility for license examination
4. Enforce license requirements fairly
5. Develop trust and relationship with community

B. Concerns that "Chinese Reflexology" includes full body work

- API Community (Asian/Pacific Islander)
- Need to find ways for more dialogue and communication

C. Action Items

- Facility license in multiple languages
- PSAs in community
- Post reflexology definition
- Educate clients and API community (difference between reflexology and massage)
- Information posted for practitioners info they can post, Chinese and English
- Provide PSU study info to schools

- Partner with schools (All schools meeting)
- Education programs in Mandarin and other languages
- Identify barriers to students
- Determine what level of previous non compliance is prohibitive
- Vocabulary lists at each station
- Provide info if assistance is needed in interpreting legal doc – in multiple languages
- Licensing posting in multiple languages
- Audio guides in other languages
- Video to clarify definition of reflexology
- Balance outreach and enforcement
- Look for opportunities to provide info in multiple languages
- Leverage increased dialogue and communication
- FAQs in multiple languages

D. Insurance Rules/Recommendations

- Recommendation for a rule change/addition under ethics
- Includes requirement for LMT to hold professional liability insurance.
- Includes provision on ethical billing practices.
- Discussion on whether it should be a recommendation or requirement and whether this should be under "ethics" or another location in rules.
- Discussion on if statements on ethical billing process and whether ensuring "quality practice" and appropriate billing falls within a concern of public safety.
- Agreement that the recommended changes need further review from the task force and should be revised and brought forward ta a future Board meeting.

5. Continuing Education & Practical Exam

A. Continuing Education

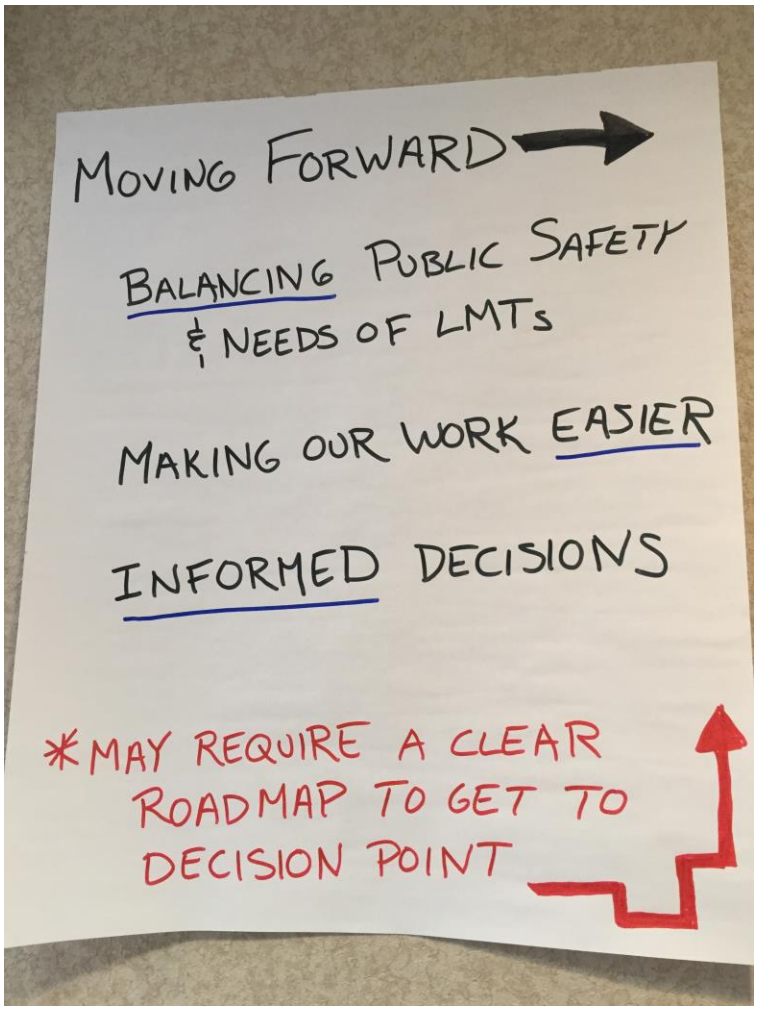
- Need to present recommended changes at future Board meeting.
- Consider national portability.
- Consider tiered approach for LMTs after a certain number of years of practice, or for part time practitioners.

B. Practical Exam

- Strong opinions among public members and some Board members that it is time to retire practical exam.
- Some concern with maintaining last chance to verify safety and licensee identity.
- Concern that exam is not psychometrically valid.
- Concern with language barriers.
- Recognition of the amount of practical work required of students in the Oregon massage schools.
- Serves as a barrier for the many other modalities other than traditional Swedish.
- Barrier to LMTs moving into Oregon.
- Discussion fatigue from the last few years – looking for movement in managing an effective transition away from exam.

6. Future Work (that did not necessarily fall into a planned discussion category)

- Ways to reach LMTs for traveling Board meetings – publicize more clearly and broadly when going to a particular region. Work with local LMTs to get word out.
- Web stream Board meetings (video conferencing)
- Possibly put on website where to go to report issue with exempted practices – a resource for the public



Facilitator Recommendations

A. Board Training

- It would be helpful to have additional Board training on how to balance personal views and experience, with mandate to serve on a state regulatory board.
- Compile a Board Policy Handbook would be a useful resource to provide information on:
    - Communication between staff and board
    - Communication with public
    - Communication with policy-makers
    - Managing conflict of interest
    - Responsibility to the public and state of Oregon

B. Board Meetings

1) Working with Public Attendees:

- Development of consistent protocol in fielding public comments, and lay out procedure at the start of the meeting.
- If it is not appropriate for the public to interrupt the meeting with questions, consider allowing members of the public to submit questions that can be addressed at the Chair's discretion.
- Use nametags for public attendees and Board members.
- As relevant, ensure public has documents needed to follow the meeting such as an agenda.
- Consider periodic use of external facilitator at larger meetings involving the public. If so, be sure the public is aware of facilitator's name and role.

2) Preparing Board for discussion and decision-making:

- Develop consistent approach to addressing policy, rule and statute recommendations and proposed changes.
- Standardize the work of Task Force and subcommittees. Groups should have a consistent format to submit their findings. Each group would be assigned to develop a report following a template (preferably no more than 1 – 2 pages) that has consistent elements. Report would be distributed prior to Board meeting, and would have a clear action item for the Board. The action could be discussion, or the action could be to vote on specific wording for policy, rule or statute. Report should include:
    1. Date of report
    2. Task force or committee membership (including chair)
    3. Charge of task force and duration of meeting time
    4. Background: brief overview of topic and issues to be explored.
    5. Brief summary of findings
    6. Recommended action (if this was a part of the subcommittee charge). Clearly define recommended change - if a wording change, need to show wording BEFORE and AFTER change.
    7. Board Action Needed: This should be clearly specified. Possible actions could include a "Request for Vote," "Request for Information," "Request for Discussion," etc.

3) Making Difficult Decisions:

- Actively weigh the issue to be resolved against the mission of the Board. The mission asserts the Board to "balance public safety and the needs of Licensed Massage Therapists."
- Assign a neutral committee to outline possible actions, with both positive and negative implications indicate for each possible route.
- Use full Board to prioritize possible actions. If one route is prioritized, but has some potential negative outcomes, explore how to mitigate these possible negative actions.
- It might be helpful to identify a stepped approach, with a targeted end goal of when the change can be complete.
- The group may be ready for a vote as soon as the proposal is understood by all, but prior to consensus. It may not be possible to achieve consensus prior to the vote, but confusion on what the proposal is should be avoided.
- Once a vote is taken, Board members should consider the action closed, and support the will of the Board. However, it is perfectly acceptable to recommend a review or checkpoint in which the Board can assess any negative implications of the change.