



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

Mailing Address: PO Box 2539, Raleigh, NC 27602 Phone: 919.546.0050
Location Address: 150 Fayetteville Street Mall, Suite 1900, Raleigh, NC 27601

OPEN SESSION MINUTES

December 8, 2011; 10:00 a.m. – 3:00 p.m.

**Wachovia Capitol Center Building
150 Fayetteville Street, 13th Floor Large Conference Room, Raleigh, NC 27601**

"The mission of the NCBMBT is to regulate the practice of massage and bodywork therapy in the State of North Carolina to ensure competency, and to protect the public health, safety and welfare."

TIME AND PLACE

The North Carolina Board of Massage and Bodywork Therapy met in Open Session in the offices of the Board on December 8, 2011 at 10:00 a.m.

MEMBERS PRESENT

Ms. Jaime Huffman, Ms. Candace Frye, Mr. Kevin Powell, Dr. Edwin Preston, Mr. Robby Brown and Mr. Josh Herman.

MEMBERS ABSENT

Ms. Darinda Davis

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Bonnie Kennedy, Administrative Director and Ms. Elizabeth Welden, Administrative Assistant

CHAIR

Ms. Huffman

RECORDING SECRETARY

Ms. Welden

CONFLICT OF INTEREST

Ms. Huffman asked if any Board member had any conflict of interest with any item on the meeting's agenda. There being no conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of September 22, 2011.

TREASURER'S REPORT

Dr. Preston reviewed with the Board the 2010-2011 audit. The Treasurer's Report was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Rule .0624

There are no rules scheduled for review.

Status of Amendments to Practice Act

There are no amendments to the Practice Act scheduled for consideration.

Disciplinary Hearings

There is one hearing scheduled today at 1:00 p.m.

Ms. Kennedy reported:

Licensee Report

11,677 licenses have been issued
7,732 active licenses

Renewal Report

There are 3,084 licensees scheduled to renew by November 1, 2011. There are 329 licensees whose license expired December 31, 2009 but who can renew if they do so by December 31, 2011. 2,082 licensees have renewed.

COMMITTEE REPORTS

Policy Committee

Mr. Powell reported the Committee met September 22, 2011, following the Board meeting, and discussed the matters set forth in the minutes of the Committee.

Office of State Management and Budget

The Board discussed the request by OSMB that the Board's application for a license be provided for download on the Board's webpage. The OSMB will be advised the Board is working on an online initiative for many Board documents and their request would be considered along with that initiative.

Proposed Contract with Board of Nursing

The Board discussed the NCBON is unable to enter into a contract with the Board at this time due to its current work load and resources. Mr. Wilkins and Dr. Preston are meeting with Dr. Warren Pendergast at the North Carolina Medical Board to discuss possible resources to assist the Board with alcohol and substance abuse issues.

FSMTB

The Board discussed the FSMTB is still considering the Board's request that it develop a school approval program as well as a continuing education approval program. Ms. Persinger stated in her email of July 26, 2011 that she was asking legal counsel if the FSMTB could post North Carolina pass/fail MBLEX information on the FSMTB website. The Board agreed to inquire again of the FSMTB's efforts to develop a program to approve massage and bodywork therapy schools and continuing education programs, providers and instructors in the US and also ask the FSMTB to post on its webpage the pass/fail rate of schools whose applicants take the MBLEX. Mr. Powell advised the FSMTB may be working with the Alliance for Education on this issue.

License by Endorsement

The Board reported there has been no meeting with the AMTA-NC Chapter regarding this issue because the Practice Act will not be opened until 2013, at the earliest.

Kneaded Energy School of Massage

The Board discussed a letter dated August 30, 2011 from Shelley A. Johnson, LMBT, William E. Norman, LMBT and Kneaded Energy School of Massage requesting that Consent Orders entered into with the Board be amended or the information of the Board's webpage and database be amended. The Board agreed the Consent Orders were appropriate and should not be amended and further that the information on the Board's webpage and database is accurate.

NCCAOM

The Board was advised the NCCAOM plans to cease giving the Asian Bodywork Therapy examination at the end of 2013. The Board agreed its Guidelines would need to be amended to reflect that action when appropriate.

License Standards Committee

Ms. Huffman reported the Committee met September 22, 2011 and December 7, 2011, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Mr. Powell reported the Committee met September 22, 2011 and November 30, 2011, and discussed the matters set forth in the minutes of the Committee.

Establishment Regulation Committee

Mr. Herman reported the Committee met September 22, 2011 and December 6, 2011, and discussed the matters set forth in the minutes of the Committee.

The Board agreed that regulation of establishments that provide massage and bodywork therapy services will be a substantial administrative and financial commitment for the Board and can only be accomplished through license fees charged to the regulated establishments. The Board agreed the Committee should continue its efforts to draft rules that would allow the Board to regulate establishments and charge for that regulation.

Florida, Hawaii, Missouri and Nebraska, are states that currently license massage therapy establishments. The Board agreed these states should be contacted to obtain detailed information about their processes, successes, concerns and problems to assist the Committee in drafting new rules. Ms. Huffman stated she has contacts through interaction with the FSMTB.

The Board also discussed the process for establishing a database of businesses that employ or have independent contracts with LMBTs. North Carolina schools will be a good starting point for developing a database of businesses.

Communications Committee

Ms. Huffman reported the Committee met September 22, 2011 and discussed the matters set forth in the minutes of the Committee.

Jurisprudence Learning Exercise Committee

Ms. Frye reported the Committee met September 22, 2011 and discussed the matters set forth in the minutes of the Committee.

The Board discussed implementation of the JLE. Upon motion made, seconded and passed, the Jurisprudence Exam will be required of all applicants for licensure after January 1, 2012. The application forms will be amended and should be available by that time.

The Board agreed that additional questions can be developed and added to the current bank of fifty nine and that current questions may be amended when the Committee reviews the data available after the JLE has been implemented. The Committee will continue to meet to update and review the progress of the JLE.

Licensing Boards Coordination Committee

Dr. Preston reported the Committee met September 22, 2011 and discussed the matter set forth in the minutes of the Committee.

OLD BUSINESS

Ying Chen

Ms. Huffman reported Ms. Chen's application was denied based on lack of moral character. The denial letter was mailed to the applicant.

FSMTB Conference

Ms. Huffman reported the FSMTB 2011 conference was held in Los Angeles, CA, October 14-16, 2011. Ms. Huffman attended the meeting and presented an overview of what was discussed at the annual meeting. The next annual meeting will be in New Orleans, LA, September 27th-29th, 2012.

CAC Conference

The CAC conference was held October 20 & 21, 2011 in Washington, DC. Dr. Preston attended the meeting and presented an overview of what was discussed.

Dr. Preston also met with a representative from the NCPRN to discuss their system on dealing with substance abuse issues. Dr. Preston found the conference to be beneficial and recommended we should continue our membership with this organization.

NEW BUSINESS

Anthony Gawlik Hearing

The hearing may be scheduled for January 6th, 2012 at 10 a.m. depending on availability of Board members, attorneys, witnesses and parties.

Board Meeting Date

The Board agreed to change the April 19th, 2012 Board meeting to April 5th, 2012.

FARB meeting

The Federation of Associations of Regulatory Boards 36th Annual Forum will be held in Sarasota, Florida, January 27th-29th, 2012.

Facebook

The Board has developed a Facebook page which is now available online.

PUBLIC COMMENT

The Board received comments from the public.

CLOSED SESSION

Upon motion duly made, seconded, and passed, and pursuant to NCGS 143-318.11(a)(1), (3) and (7) as well as NCGS 143-318.18(6), the Board went into Closed Session at 11:35 a.m.

OPEN SESSION

The Board returned to Open Session at 1:00 p.m.

DISCIPLINARY HEARINGS

Igor Fooks

The Board conducted a disciplinary hearing regarding allegations Mr. Igor Fooks engaged in inappropriate sexual activities with a client during a massage session. Mr. Fooks appeared and presented evidence.

CLOSED SESSION

Upon motion duly made, seconded, and passed, and pursuant to NCGS 143-318.11(a)(1), (3) and (7) as well as NCGS 143-318.18(6), the Board went into Closed Session at 2:30 p.m.

OPEN SESSION

The Board returned to Open Session at 3:00 p.m.

Igor Fooks

Ms. Huffman reported the Board reviewed the evidence presented during Mr. Fook's hearing and was of the opinion Mr. Fooks engaged in inappropriate sexual activities with a client during a massage session. The Board Ordered that Mr. Fooks: (1) license be revoked, (2) pay a civil penalty of \$1000 and (3) pay \$300 costs.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:05 p.m.

Ms. Jaime Huffman, Chair

Dr. Edwin Preston, Treasurer