



## **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**

*September 22, 2011; 10:00 am –11:30 am*

**Wachovia Capitol Center Building**

**150 Fayetteville Street, 13<sup>th</sup> 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 September 22, 2011 at 10:00 a.m.

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

Mr. Robby Brown

#### **OTHERS PRESENT**

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

#### **CHAIR**

Mr. Powell, Vice Chair, opened the meeting in the absence of Ms. Huffman. Ms. Huffman arrived at 10:15 a.m. for the Administrative Reports and remainder of the meeting.

#### **RECORDING SECRETARY**

Mr. Wilkins

## **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 August 11, 2011.

## **TREASURER'S REPORT**

The Treasurer's Report was reviewed and approved as presented.

## **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

### **Rule .0624**

Rule .0624, Standards of Professional Conduct, was reviewed by the Rules Review Commission at its August 18, 2011 meeting at which time counsel to the Rules Review Commission removed his objection to Rule .0624 following agreement to insert the word "key" before administrative staff since the term "key administrative staff" is defined in the Rules. The Rule was approved by the Commission with an effective date of September 1, 2011.

### **Status of Amendments to Practice Act**

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

### **Disciplinary Hearings**

There are no disciplinary hearings scheduled for today.

Ms. Kennedy reported:

#### **Licensee Report**

11,456 licenses have been issued  
7,461 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. 360 licensees have renewed their licenses as of September 20, 2011.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Huffman reported the Committee met August 11, 2011, following the Board meeting, and discussed the matters set forth in the minutes of the Committee.

The Board discussed considered the various methods for implementing the Jurisprudence Learning Exercise, including specifically the recommendation by Ms. Nancy Toner Weinberger that all fifty nine questions be included in the JLE. The Board considered the recommendation of the Board's information technology consultant to include only thirty questions in the JLE and that the questions and answers be randomly selected for security purposes. Upon motion made, seconded and passed, the Board agreed that thirty questions shall be in the JLE and that the questions and answers shall be randomly selected for security purposes. The Board also agreed the JLE is a "living document" and that additional questions should be added to emphasize issues that applicants need to be aware of with licensure.

The Board discussed the feasibility and necessity of requiring criminal record searches for LMBTs who apply to renew their license who have never had a criminal record report to the Board. Upon motion made, seconded and passed, the Board agreed to propose a rule to require licensees who were licensed before criminal record searches were required to provide a criminal record search with their next renewal, provided legal counsel determines the Board has the authority to adopt such a rule.

The Board also agreed to propose a rule to require licensees who have provided a criminal record search with their applications for licensure to provide an updated criminal record search with a subsequent renewal, possibly every other year, provided legal counsel determines the Board has the authority to adopt such a rule.

The Board also recommended that Mr. Wilkins investigate the cost and benefit of having access to the criminal records of applicants and licensees through an internet source and report back at the next meeting.

### **License Standards Committee**

Ms. Huffman reported the Committee met August 11, 2011, following the Board meeting, and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

No written report.

### **Establishment Regulation Committee**

No written report.

### **Communications Committee**

No written report.

## **Jurisprudence Learning Exercise Committee**

No written report.

## **Licensing Boards Coordination Committee**

No written report.

## **OLD BUSINESS**

### **FSMTB Conference**

Ms. Huffman reported the FSMTB 2011 conference will be held in Los Angeles, CA, October 14-16, 2011. Ms. Huffman said she plans to attend and advised the Board members to send an email if also interested in attending.

### **CAC Conference**

The CAC conference will be held October 20 & 21, 2011 in Washington, DC. Dr. Preston indicated an interest in attending. Ms. Huffman advised the Board members to send an email if interested in attending.

### **Public Education Campaign**

The Board reviewed the FAQ proposed to be placed on the Board webpage for the public and asked that the Board provide final input by October 1, 2011.

## **NEW BUSINESS**

### **Ms. Ying Chen**

The Board reviewed the letter from the Board to Ms. Chen dated August 17, 2011 advising her she could appear before the Board today when the License Standards Committee recommends to the Board that she not be granted a license. The Board also reviewed Ms. Chen's application file and the forged letter of moral character that was in question. Upon motion made, seconded, and approved, the Board agreed that Ms. Chen does not currently possess the moral character to be issued a license.

### **Kneaded Energy School of Massage**

The Board reviewed a letter from Shelley A. Johnson, LMBT, William B. Norman, LMBT and Kneaded Energy School of Massage requesting amendments to the Consent Order previously entered into between each of them and the Board. The matter was referred to the Policy Committee for consideration.

## **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 10:45 a.m.

**OPEN SESSION**

The Board returned to Open Session at 11:30 a.m.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 11:30 a.m.

*Jaime A. Huffman*  
Jaime Huffman, Chair

*Edwin T. Preston, MD*  
Dr. Edwin Preston, Treasurer