



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

October 18, 2012; 10:00 a.m. – 1:15 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 October 18, 2012 at 10:00 a.m.

MEMBERS PRESENT

Dr. Edwin Preston, Ms. Darinda Davis, Ms. Candace Frye, Mr. Josh Herman, Ms. Renee Hays and Mr. David Bedington.

MEMBERS ABSENT

Mr. Robby Brown

OTHERS PRESENT

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

CHAIR

Dr. Preston

RECORDING SECRETARY

Ms. Welden

CONFLICT OF INTEREST

Dr. Preston asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Davis recused herself from any discussion or decision regarding Groupon. There being no other conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of August 9, 2012.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

New Rules

There are several rules scheduled for discussion today and will be presented by the various committees where they were being reviewed.

Status of Amendments to Practice Act

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

Disciplinary Hearings

There are no hearings scheduled for today.

Ms. Kennedy reported:

Licensee Report

12,532 licenses have been issued
8,130 active licenses

Renewal Report

There are 4,676 licensees scheduled to renew for the 2013-2014 renewal period as well as 498 expired licenses that can renew by December 31, 2012. To date 1,101 therapists have renewed. Online renewal pilot program participation letters were mailed to 100 licensees and 21 have renewed online.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Board's resolution to the FSMTB asking that it consider assisting the member states with approving continuing education providers and courses did not pass but did have support and interest and will be submitted again next year, if necessary.

Dr. Preston reported on his discussions with representatives of the Chiropractic Board about issues of mutual interest and stated he would continue the dialogue.

Dr. Preston reported on the use of Groupon or Living Social or similar companies wherein licensees are using those companies to discount massage and bodywork therapy services. Ms. Davis recused herself from the discussion. The Committee believes the licensee would be in violation of Rule .0511(3) and the licensee's business and ethical requirements if the licensee entered into an agreement with Groupon or Living Social or similar company to discount and/or split fees received for massage and bodywork therapy services. The Board discussed the recommendation of the Committee and upon motion made, seconded and passed, agreed to refer the issue back to the Committee for further discussion.

Dr. Preston reported the Committee believed a long range planning retreat should not be scheduled until the Spring of 2014. The Board agreed.

Dr. Preston reported the Committee had discussed the Board providing iPads, Samsung Galaxy tablets or laptops for Board members. The Board then discussed the various options. Devin Lushbaugh, IT for the Board, assisted the Board in the discussion. The Board agreed to wait until the Microsoft Surface tablet is available so the Board members could also have it to review. Upon motion made, seconded and passed, the Board agreed to refer the issue back to the Committee for further discussion..

Mr. Wilkins reported the Board received a response from the FSMTB regarding the Board's concern with the donation by Massage Envy to FSMTB. The FSMTB was of the opinion there was no legal or ethical problem with the FSMTB accepting the donation. Mr. Wilkins asked the State Ethics Commission for an opinion on the issue. The Commission responded by stating it would not be improper or a violation of the gifts ban of the Ethics Act for the FSMTB to receive the donation nor for the Board to continue as a member of the FSMTB since the donation is not directed to the Board or its members.

License Standards Committee

Mr. Bedington reported the Committee met August 10 and October 17, 2012, and discussed the matters set forth in the minutes of the Committee. Mr. Bedington informed the Board that the Committee has reviewed several applications where the applicant is lacking hours to meet the core curriculum requirements of at least 500 classroom hours in various courses. The Board discussed contacting the North Carolina massage therapy schools to see how they might accept applicants to take various courses in order to make up for their lacking hours. The Board agreed the applicants would be required to take the minimum hours needed and also pass the entire course offered by the massage therapy school.

School Approval Committee

Ms. Davis reported the Committee met by conference call on October 9, 2012, and discussed the matters set forth in the minutes of the Committee. Ms. Davis was elected Committee Chair. Ms. Davis reported on the Committee's review of the application for a new school and two site visits by M&M Consulting of Miller Motte College of Fayetteville. Upon motion made, seconded and passed, the Board approved Miller Motte College of Fayetteville.

Ms. Davis reported on the current status of NC Massage School. She also reported there are 13 schools that will be renewing for 2013-2014 and 6 schools that do not have to renew until 2014.

Ms. Davis reported on the suggested changes by M&M Consulting to six of the Board's rules. Upon motion made, seconded and passed, the Board agreed to accept the proposed changes to the six school rules.

Establishment Regulation Committee

Mr. Herman reported the Committee met by conference call on October 11, 2012, and discussed the matters set forth in the minutes of the Committee. Mr. Herman was elected Committee Chair. The Board reviewed Draft #5 of the proposed rules for regulating establishments that employ or provide space to LMBTs. Upon motion made, seconded and passed, the Board agreed to refer the proposed rules back to the Committee for further discussion.

Communications Committee

Ms. Frye reported the Committee needs to discuss articles for the 2013 Newsletter which should be complete by the end of January 2013.

OLD BUSINESS

FSMTB Annual Meeting

The FSMTB Annual Meeting was held September 27-29, 2012 in New Orleans, LA. Mr. Herman and Mr. Wilkins attended the meeting. Mr. Herman reported on the topics discussed at the annual meeting.

NEW BUSINESS

NCBTMB – Launch of New Approved CE Provider Program

The Board reviewed the September 24, 2012 letter from Mike Williams, CEO of NCBTMB, regarding the launch of NCBTMB's new approved CE provider program.

Electrical Stimulation

The Board reviewed an email concerning a MPS (microcurrent point stimulation, a form of electrical stimulation) class offered by Ultimate Pain Therapy which is being taught for approved continuing education in North Carolina. The Board agreed such a class involves electrical stimulation and is not within the scope of practice of LMBTs in North Carolina and is not acceptable continuing education.

2012-2013 Board Meeting Dates

The 2012-2013 Board meeting dates were reviewed. Dr. Preston has a conflict with the June 2013 Board meeting. Upon motion made, seconded and passed, the June 20, 2013 meeting date was changed to June 13, 2013.

State Ethics Commission

Dr. Preston reminded the Board of their ethics course required by the State Ethics Commission.

Federation of Associations of Regulatory Boards

The FARB Annual Meeting will be held January 25-27, 2013 in San Diego, CA.

Kelvin Morris

Mr. Morris presented his appeal of the decision by the Licensing Standards Committee to deny his application for a license.

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 1:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 2:05 p.m.

Kelvin Morris

The Board reported Mr. Morris' appeal of the Licensing Standards Committee decision was denied.

IASI

The Board discussed comments presented by representatives of the International Association of Structural Integrators and recommended the Board schedule a meeting with the President of the IASI.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:05 p.m.

Dr. Edwin Preston, Chair

Josh Herman, Treasurer