



## **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 17, 2013; 10:00 a.m. – 2:25 p.m.*

**Wells Fargo 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 October 17, 2013 at 10:00 a.m.

#### **MEMBERS PRESENT**

Dr. Edwin Preston, Mr. Josh Herman, Ms. Darinda Davis, Mr. David Bedington, Renee Hays, Dianne Layden and Holly Foster

#### **MEMBERS ABSENT**

None

#### **OTHERS PRESENT**

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

#### **CHAIR**

Dr. Preston

#### **RECORDING SECRETARY**

Ms. Kirk

## **WELCOME NEW BOARD MEMBERS**

Dr. Preston welcomed and introduced Ms. Holly Foster and Ms. Dianne Layden as new members of the Board appointed by the Office of the Governor to three-year terms beginning October 11, 2013. Mr. Wilkins congratulated Dr. Preston on being reappointed by the Office of the Governor to his second three-year term beginning October 11, 2013. All three terms will end June 30, 2016, although Ms. Foster and Ms. Layden may be reappointed for a second three-year term.

## **CONFLICT OF INTEREST**

Dr. Preston 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 15, 2013.

## **TREASURER'S REPORT**

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

## **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

### **New Rules**

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 are two hearings scheduled today at 1:00 p.m.

### **Consent Orders**

Mr. Wilkins informed the Board of complaints filed against Vikki Husband and Siew Sayasene for allegedly practicing with an expired license, Gary Killian for engaging in improper sexual activity with a client during a massage and bodywork therapy session and Brett Rodgers for engaging in an act that aided, abetted and assisted members of the public to violate the laws of the State of North Carolina and the Rules of the North Carolina Board of Massage and Bodywork Therapy. The Board agreed to consider the four Consent Orders in Closed Session.

Ms. Kirk reported:

## **Licensee Report**

13,399 licenses have been issued  
8,293 active licenses

## **Renewal Report**

There are 3,312 licensees scheduled to renew for the 2014-2015 renewal period as well as 554 licenses that expired on December 31, 2011 and can renew by December 31, 2013. Online license renewal information was sent by email in July and by postcard in August. 752 therapists have renewed.

## **COMMITTEE REPORTS**

### **Policy Committee**

Dr. Preston reported the Committee met August 23, 2013 and September 26, 2013, and discussed the matters set forth in the minutes of the Committee.

### **Chiropractic Board**

Dr. Preston reported the Committee is still open to discussions between the two Boards regarding chiropractors providing and advertising massage therapy when not licensed as LMBTs and using unlicensed personnel as “chiropractic assistants” to provide massage therapy. The Board agreed to monitor whether chiropractors are properly advertising massage therapy services and practicing in compliance with the Massage and Bodywork Therapy Practice Act and Rules.

### **Chiropractic Association**

Dr. Preston reported the Committee met with Dr. Joe Siragusa, Executive Director of the NC Chiropractic Association, and Ross Duncan, LMBT, at its August 23, 2013 Policy Committee meeting. The Committee agreed not to recommend disciplinary action against Mr. Duncan or Lotus Temple Massage based on its belief that the evidence presented did not constitute a violation of the Practice Act or Rules, specifically Rule .0411(1) or (2). Dr. Preston reported the Committee reviewed Mr. Duncan’s website and could not find the article in question.

### **Art of Healing**

Dr. Preston reported the Committee reviewed the history of the Art of Healing Tax as it applies to LMBTs, including the Tax Statutes, Ms. Weinberger’s documentation and Mr. Wilkins’ report on why it was included in the Orientation Booklet in 2000. Mr. Wilkins discussed the history of the Art of Healing Tax. The Board agreed to request that AMTA look into this issue further. Kim Moore, a representative from the AMTA, agreed to speak with the Executive Director and discuss the issues regarding the tax. Upon motion made, seconded and passed, the Board agreed to keep the Art of Healing Tax information in the Orientation Handbook.

### **CE for Senior LBMTs**

Dr. Preston reported the Committee discussed the emailed suggestion that senior LMBTs should not be required to complete 24 hours of CE to renew their licenses. Upon motion made, seconded and passed, the Board agreed that senior LMBTs should be required to complete 24 hours of CE to renew their licenses.

### **Long Range Plan/Board Retreat**

Dr. Preston reported the Committee reviewed topics to discuss for a retreat in 2014. The Board agreed to consider a retreat in 2015.

### **License Standards Committee**

Mr. Bedington reported the Committee met October 16, 2013, and discussed the matters set forth in the minutes of the Committee.

#### **Review Person's Moral Character Prior to Attending School**

Mr. Bedington brought up the idea of the Board reviewing a person's moral character and criminal record prior to attending massage and bodywork therapy school to advise whether the person's moral character would prevent the person from being licensed in North Carolina. The Board does have a process for an in-depth review of a person's moral character and criminal past through an Application for Additional Examination of Moral Character that has been used when an applicant has a particularly troublesome moral or criminal history. The fee to review an Application for Additional Examination of Moral Character is \$150. While this review has been during the application process after a person has graduated from school, it could be used for persons who are deciding whether to attend massage and bodywork therapy school. Upon motion made, seconded and passed, the Board agreed to refer this issue to the LSC to consider whether a change in policy on reviewing prospective applicant's criminal history records should be recommended to the Board.

### **School Approval Committee**

No written report.

### **Establishment Regulation Committee**

Mr. Herman reported the Committee met by conference call on July 10, 2013, and discussed the matters set forth in the minutes of the Committee. The Board agreed to review Draft #6 for regulating establishments that employ or provide space to LMBTS. The Board agreed to review and propose any changes to Draft #6 for approval at the December Board meeting.

### **Communications Committee**

No written report.

### **OLD BUSINESS**

#### **Missing curricula issue**

The Board sent an email to the proprietary schools and community colleges to get a list of schools willing to participate in accepting students who lack particular course hours in their massage therapy education. The Board reviewed feedback from the proprietary schools and community colleges, some of which are able to provide appropriate courses. Ms. Frye, Therapeutic Massage Program Director at Pitt Community College, discussed an 80-hour bridging course being considered by the community college programs, which will provide applicants with missing hours in their massage therapy education.

### **2013 CLEAR Annual Educational Conference**

The 2013 CLEAR Annual Educational Conference was held in St. Louis, Missouri, October 3<sup>rd</sup>-5<sup>th</sup>, 2013.

### **2013 CAC Annual Meeting**

The 2013 CAC Annual Meeting will be held in Seattle, Washington, October 29<sup>th</sup>-30<sup>th</sup>, 2013.

### **2013 FSMTB Annual Meeting**

The 2013 FSMTB Annual Meeting was held in Baltimore, Maryland, October 10<sup>th</sup>-12<sup>th</sup>, 2013. Ms. Davis attended the meeting. Ms. Davis reported on the topics discussed at the annual meeting.

### **NC General Assembly Proposed Laws Affecting Licensing Boards**

Mr. Wilkins reported on proposed laws pending in the NC General Assembly that may affect licensing boards.

## **NEW BUSINESS**

### **FSMTB announcement of change to MBLEx**

The Board reviewed the September 6, 2013 email from FSMTB announcing a change to the Massage and Bodywork Licensing Examination that will become effective July 1, 2014 regarding changes to the weight of the categories on the exam.

### **Request to place email addresses on mailing list**

The Board reviewed the August 20, 2013 email from Rene Shuford, Director of Blue Ridge Healing Arts Academy, regarding including email addresses on the mailing list. Upon motion made, seconded and passed, the Board agreed not to include email addresses on the mailing list.

### **Florida request for information re: Human Trafficking**

The Board reviewed the October 7, 2013 email from Anthony Jusevitch, Executive Director of the Florida Department of Health, regarding incidents with fraudulent transcripts that may be connected with human trafficking.

### **2014 Board meeting dates**

The 2013-2014 Board meeting dates were reviewed. The Board had a conflict with the April and June Board meeting dates. Upon motion made, seconded and passed the April 17, 2014 and June 19, 2014 meeting dates were changed to April 24, 2014 and June 12, 2014.

### **PUBLIC COMMENT**

The Board received comments from the public.

### **RECESS**

The Board recessed for lunch at 12:15 p.m.

### **OPEN SESSION**

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

### **DISCIPLINARY HEARINGS**

The Board conducted two disciplinary hearings regarding Mr. Mehmet Fahri Pasli and Mr. Benford Walter Payne. Each LMBT was alleged to have engaged in inappropriate sexual activity with clients during massage sessions. Neither Mr. Pasli nor Mr. Payne appeared for their hearing.

### **CLOSED SESSION**

Upon motion 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 2:00 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session at 2:25 p.m.

#### **Vikki Husband**

The Board reported Ms. Husband's signed Consent Order was approved.

#### **Gary Killian**

The Board reported Mr. Killian's signed Consent Order was approved.

#### **Brett Rodgers**

The Board reported Mr. Rodger's signed Consent Order was approved.

#### **Siew Sayasene (Jenny Mok)**

The Board reported Ms. Sayasene's signed Consent Order was approved.

**Mehmet Fahri Pasli**

Dr. Preston reported the Board reviewed the evidence presented during Mr. Pasli's hearing and was of the opinion Mr. Pasli engaged in inappropriate sexual activity with a client during a massage session. The Board Ordered that Mr. Pasli's license be revoked and that he pay a civil penalty of \$1000 and costs of \$250.

**Benford Walter Payne**

Dr. Preston reported the Board reviewed the evidence presented during Mr. Payne's hearing and was of the opinion Mr. Payne engaged in inappropriate sexual activity with a client during a massage session. The Board Ordered that Mr. Payne's license be revoked and that he pay a civil penalty of \$1000 and costs of \$250.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:25 p.m.

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Dr. Edwin Preston, Chair

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Josh Herman, Treasurer