



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

February 27, 2014; 10:00 a.m. – 6:30 p.m.

**Wells Fargo 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 February 27, 2014 at 10:00 a.m.

MEMBERS PRESENT

Dr. Edwin Preston, Ms. Darinda Davis, Mr. Josh Herman, 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

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 December 12, 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 is one hearing scheduled today at 1:00 p.m.

Consent Orders

Mr. Wilkins informed the Board of complaints filed against Miranda Brown, Melissa Burdeos, James Fisher, Levi Houser, Jessica Trull and Roanne Welsh for allegedly practicing with expired licenses and against William Stoltz for allegedly engaging in inappropriate sexual activity with a client during a massage and bodywork therapy session. The Board agreed to consider the seven proposed Consent Orders in Closed Session.

Ms. Kirk reported:

Licensee Report

13, 722 have been issued
7, 906 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. 2,275 therapists have renewed. 810 late renewal letters and 323 Letters of Reprimand were mailed in January 2014. Routine Continuing Education Audit letters were mailed February 10, 2014 to

200 therapists who renewed online. The audit documentation is due to the Board by March 31, 2014.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Committee met January 17, 2014, and discussed the matters set forth in the minutes of the Committee.

Tantra/tantric services

Dr. Preston reported the Committee reviewed emails sent by Mr. Wilkins addressing the concerns of LMBTs practicing massage and bodywork therapy and providing tantra/tantric services. The Committee recommended to the Board that LMBTs should not practice tantra/tantric services. The Board agreed with the Committee's recommendation.

Email from Charles Creegan

Dr. Preston reported the Committee discussed an email sent by Charles Creegan on November 6, 2013 expressing his concerns of renewing his license for two renewal periods and the financial and continuing education requirements. The Committee recommended to the Board that Mr. Creegan either complete the requirements for his 2011 and 2013 renewal or reapply for a massage and bodywork therapy license. The Board agreed with the Committee's recommendation.

K-Laser Therapy

Dr. Preston reported the Committee reviewed an email dated November 13, 2013 from Michael Harrington, which provided information on K-Laser Therapy and requested the Board give consideration to adding Class IV laser therapy to the list of approved modalities. The Committee recommended to the Board that the Board not regulate a licensed massage and bodywork therapist using Class IV laser therapy approved by the FDA but to advise the therapist of the requirement that the therapist be trained and qualified to use K-Laser Therapy and that the therapist's training and competence be demonstrated and documented. The therapist will also be encouraged to participate in the manufacturer's training and obtain certification in order to practice this modality. The Board agreed with the Committee's recommendation.

License Standards Committee

Mr. Bedington reported the Committee met February 26, 2014, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Mr. Wilkins reported the 2014 Application for School Renewals were sent in December 2013 to 12 Board approved proprietary schools and are due to the Board by March 3, 2014.

Establishment Regulation Committee

Mr. Herman reported the Committee met by conference call on February 21, 2014, and discussed the matters set forth in the minutes of the Committee. The Committee developed a rule addressing retention and ownership of patient's records and presented Draft #8A to the Board for approval. Upon motion made, seconded and passed, the Board approved Draft #8A of the Massage and Bodywork Therapy Establishment rules and agreed that Legal Counsel of the Board will proceed with the rules review process.

Communications Committee

Ms. Foster reported the Committee met by conference call on January 30, 2014, and discussed the matters set forth in the minutes of the Committee. The Committee reported the video spots were recorded by the videographer but will be recorded again with a teleprompter.

OLD BUSINESS

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.

Strategic Planning Retreat meeting dates

The Board discussed the Strategic Planning Retreat meeting dates and agreed to have the retreat on September 26-27th, 2014. Mr. Wilkins will contact the Rizzo Center for availability.

NEW BUSINESS

Emails regarding human trafficking from other state boards

The Board reviewed the January 22, 2014 emails from the Georgia Board of Massage Therapy and the Mississippi State Board of Massage Therapy concerning issues of human trafficking and fraudulent schools.

Presentation by Kelly Harrison, Special Agent for Homeland Security Investigations

Ms. Harrison was not able to attend the February Board meeting to make a presentation on human trafficking but agreed to attend a future Board meeting.

NCBTMB score reports

The Board reviewed the January 21, 2014 email from Billie Shea, Government Relations Liaison for the NCBTMB in regards to the new applicant score report.

NCBTMB White Paper Inspiration

The Board reviewed the NCBTMB White Paper Inspiration dated February 12, 2014.

Presentation by Billie Shea, Government Relations Liaison for NCBTMB

Ms. Shea was not able to attend the February Board meeting to make a presentation on the NCBTMB's continuing education provider program but agreed to attend a future Board meeting.

PUBLIC COMMENT

The Board received comments from the public.

RECESS

The Board recessed for lunch at 12:05 p.m.

OPEN SESSION

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

DISCIPLINARY HEARINGS

The Board conducted one disciplinary hearing regarding Mr. Robert Denniston for allegedly engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Denniston appeared with legal counsel for his 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 5:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 6:30 p.m.

Yan Zhang

The Board reported Ms. Zhang will be reviewed and interviewed by the License Standards Committee.

Miranda Brown

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

Melissa Burdeos

The Board reported Ms. Burdeos' signed Consent Order was approved.

James Fisher

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

Levi Houser

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

William Stolz

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

Jessica Trull

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

Roanne Welsh

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

Robert Denniston

Dr. Preston reported the Board reviewed the evidence presented during Mr. Denniston's hearing and was of the opinion Mr. Denniston engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Denniston's license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 6:30 p.m.

Dr. Edwin Preston, Chair

Josh Herman, Treasurer