



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

April 10, 2014; 10:00 a.m. – 3:15 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 April 10, 2014 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Josh Herman and Ms. Renee Hays

OTHERS PRESENT

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

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 February 27, 2014.

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. The Establishment Regulation Rules are currently being informally reviewed by attorneys at the Rules Review Commission.

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 Sara Lopez and Jean Rowe for allegedly practicing with expired licenses, Frank Recco for allegedly engaging in inappropriate sexual activity with a client during a massage and bodywork therapy session and against Eric Hooker for charges resulting in a criminal case. The Board agreed to consider the three proposed Consent Orders and one proposed Order in Closed Session.

Ms. Kirk reported:

Licensee Report

13, 819 have been issued
8,041 active licenses

Renewal Report

There are 3,312 licensees scheduled to renew for the 2014-2015 renewal period. 2,809 therapists have renewed. Routine Continuing Education Audit letters were mailed February 10, 2014 to 200 therapists who renewed online. The audit documentation was due to the Board by March 31, 2014. A reminder email was sent on March 10, 2014. The Board did not receive information

from 20 therapists and they were contacted on April 2, 2014 to submit their information by April 15, 2014.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Committee met April 2, 2014, and discussed the matters set forth in the minutes of the Committee.

Long Range Plan/Board Retreat

Dr. Preston reported the Committee discussed a strategic planning retreat for the Fall of 2014, with a Friday night, Saturday and Sunday morning format. Mr. Wilkins will check on availability with the Rizzo Center for the weekends of September 12-14 and 26-28. Mr. Wilkins also sent an email to the Board attaching a document with an update of what was accomplished during the 2010 and 2011 retreats and requested agenda items to be discussed at the 2014 strategic planning retreat. The Board agreed a facilitator will not be necessary for the 2014 strategic planning retreat. The Board will review the agenda items from Board members and create a retreat agenda.

Proposals for CE Rule Changes/NCBTMB/FSMTB

Dr. Preston reported the Committee discussed the different ideas submitted on behalf of continuing education requirements and approved provider programs. The Board agreed to focus on the FSMTB's approved provider program and to encourage and recommend input from outside sources for future discussion about continuing education.

Auricular Seed Acupressure

Dr. Preston reported the Committee reviewed an email dated February 22, 2014 from Liz Cross, which provided information on auricular seed acupressure. Ms. Cross requested confirmation from the Board that using auricular ear seeds is within the scope of practice of massage and bodywork therapy in North Carolina. Upon motion made, seconded and passed, the Board agreed a licensed massage and bodywork therapist may perform auricular seed acupressure so long as the therapist is trained and competent to perform auricular seed acupressure and the therapist's training and competence have been demonstrated and documented.

Kinesio Taping

Dr. Preston reported the Committee reviewed an email dated February 25, 2014 from Gail Russo, which provided information on kinesio taping. Ms. Russ requested confirmation from the Board that she be able to take a continuing education course in kinesio taping and practice this modality under her massage and bodywork therapy license in North Carolina. Upon motion made, seconded and passed, the Board agreed that kinesio taping is acceptable continuing education and that a licensed massage and bodywork therapist may perform kinesio taping so long as the therapist is trained and competent to perform kinesio taping and the therapist's training and competence have been demonstrated and documented.

Request To Do CE Online Due To Health Issues

Dr. Preston reported the Committee reviewed an email dated March 26, 2014 from Penny Dixon requesting that she be granted permission to complete all 24 continuing education hours online due to personal health related issues. Upon motion made, seconded and passed, the Board agreed to allow Ms. Dixon to complete all 24 continuing education hours online for her 2014 license renewal.

License Standards Committee

No written report

Yingqing Monast

Ms. Monast appeared before the Board to appeal the decision of the License Standards Committee to deny her application for a license.

School Approval Committee

Ms. Davis reported the Committee met April 9, 2014, and discussed the matters set forth in the minutes of the Committee.

Western North Carolina School of Massage

Upon motion made, seconded and passed, the Board approved Western North Carolina School of Massage for one year and added the school to the list of approved schools.

Complaint against Kneaded Energy School of Massage

Upon motion made, seconded and passed, the Board agreed, based on the information provided, there was not a clear violation of the Practice Act or Rules and Regulations of the Board by Kneaded Energy School of Massage.

2014-2015 School Renewals

Mr. Wilkins informed the Board the School Approval Committee will be reviewing the 2014-15 school renewal applications and will make a recommendation to the Board at its June meeting.

Establishment Regulation Committee

No written report.

Communications Committee

Videos

The Board agreed to send the first video to the full Board for review and to receive any further comments. Once approved, Ms. Kirk will request the other three videos from the videographer and have the videos posted on the Board's website.

Facebook Page

Ms. Foster reported she has access to administer the Board's Facebook page and encourages the Board and Board staff to send her information to update Facebook.

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.

NEW BUSINESS

2014 CAC Public Outreach meeting

The 2014 CAC Public Outreach meeting will be held in Washington, DC, May 20th-21st, 2014.

2014 CAC Annual Meeting

The 2014 CAC Annual Meeting will be held in Baltimore, Maryland, October 23rd-24th, 2014.

2014 CLEAR Annual Meeting

The 2014 CLEAR Annual Meeting will be held in Raleigh, North Carolina, April 29th, 2014.

Increase of the Privilege License Fee

The Board reviewed an email from Kim Moore, AMTA-NC Chapter – Secretary, regarding a bill in the Legislature that would increase the Privilege License from \$50 to \$100. Ms. Moore informed the Board the bill would repeal the privilege license and levy a business tax. Mr. Wilkins discussed the Board's Orientation Handbook informing licensees of the tax. Mr. Wilkins recommended the Board should not take action on this issue. The issue is currently being followed by the AMTA/NC Chapter and its lobbyist.

The Board reviewed an email from Ed Sansbury containing a notice from AMTA/NC Chapter regarding double taxation of North Carolina massage therapists through the increase of 100% of the Privilege License.

Rules Review Process – “Cheat Sheet” & Rule Chart

The Board reviewed the “Cheat Sheet” and Rule Chart provided by Board staff, which helps implement the rules review process required by House Bill 74. Upon motion made, seconded and passed, the Board

agreed all 78 rules of the Board of Massage and Bodywork Therapy are necessary without substantive public interest.

FSMTB CE Task Force Meeting Update

Ms. Davis provided a background on the Board's involvement as a member board with the FSMTB and reviewed the CE Task Force talking points as provided in the Board's Dropbox folder.

Proposed rule change – Rule .0702(7)

The Board reviewed a proposed change to Rule .0702(7). The Board discussed the proposal and whether it may be premature since FSMTB has not developed a continuing education approved provider program. Upon motion made, seconded and passed, the Board agreed to table this issue to the June Board meeting.

Benford Walter Payne

Mr. Wilkins informed the Board of Mr. Payne's appeal to the Superior Court of New Hanover County of the decision of the Board to revoke his license. A hearing was held and the Superior Court in New Hanover County affirmed the Order entered by the Board.

PUBLIC COMMENT

The Board received comments from the public.

RECESS

The Board recessed for lunch at 1:00 p.m.

OPEN SESSION

The Board returned to Open Session at 1:30 p.m.

DISCIPLINARY HEARINGS

The Board conducted one disciplinary hearing regarding Mr. Eric Hooker for failing to notify the Board of charges involving a criminal case. Mr. Hooker did not appear 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 1:50 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 3:15 p.m.

Yingqing Monast

The Board reported Ms. Monast will be denied a license.

Sara Lopez

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

Frank Recco

The Board reported Mr. Recco's signed Consent Order was approved as amended.

Jean Rowe

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

Eric Hooker

Dr. Preston reported the Board reviewed the evidence presented during Mr. Hooker's hearing and was of the opinion Mr. Hooker failed to notify the Board of charges against himself for first degree murder resulting in a criminal case pursuant to Rule .0515. The Board Ordered that Mr. Hooker's license be revoked and that he pay a civil penalty of \$1000 and costs of \$500.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:15 p.m.

Dr. Edwin Preston, Chair

Josh Herman, Treasurer