



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 1910, Raleigh, NC 27601

OPEN SESSION MINUTES

August 17, 2017; 10:00 a.m. – 5:00 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 August 17, 2017 at 10:10 a.m.

MEMBERS PRESENT

Ms. Dianne Layden, Ms. Holly Foster, Ms. Renee Hays, Ms. Nancy Harrell, Ms. Kim Turk and Dr. Tim Taft

MEMBERS ABSENT

None

WELCOME NEW BOARD MEMBER

Ms. Foster introduced Ms. Rachael Goolsby to the Board. Due to pending approval of her Statement of Economic Interest, Ms. Goolsby was not sworn in and did not participate at the Board meeting.

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

Ms. Foster

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Ms. Foster 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 June 15, 2017.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

There are no rules being considered at the Rules Review Commission.

Status of Amendments to Practice Act

Mr. Wilkins informed the Board Senate Bill 548 passed and was signed by the Governor in July 2017 which gives the Board authority to regulate massage and bodywork therapy establishments. Mr. Wilkins also informed the Board of the plan and timetable to implement licensure of massage and bodywork therapy establishments.

Disciplinary Hearings

Mr. Wilkins informed the Board of pending complaints and proposed Consent Orders regarding: Robert Cooney and Thomas Oakley for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session; Heather Parker for practicing massage and bodywork therapy with an expired license; David Salih for practicing massage and bodywork therapy without a current license; and Yanqui Shao and Qian Lin for aiding and abetting illegal massage and bodywork therapy practice. There are also two disciplinary hearings scheduled today.

Ms. Kirk reported:

Licensee Report

16,673 have been issued
9,018 active licenses

Renewal Report

There are 4,017 licensees scheduled to renew for the 2018-2019 renewal period. 598 licenses expired December 31, 2015 and can renew by December 31, 2017. Online license renewal information was sent by email in July. The online renewal system is now requiring employment to be entered. There is a box to check if a licensee is not practicing massage and bodywork therapy in NC which allows the licensee to leave the employment section blank. This additional information will assist in identifying and collecting information about massage and bodywork therapy establishments.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met August 16, 2017, and discussed the matters set forth in the minutes of the Committee.

Continuing Education

Ms. Foster reported the Committee discussed the progress of the FSMTB continuing education program and the development of criteria for continuing education. Ms. Foster also informed the Board the Committee reviewed a proposed Letter of Agreement and Contract to be sent to the CEO and Chair of the NCBTMB. Upon motion made, seconded and passed, the Board agreed to send the Letter of Agreement and Contract for approval by NCBTMB.

FSMTB

a. Regulatory Education and Competence Hub (REACH) program

Ms. Foster reported the Committee discussed the REACH program and Ms. Harrell will be meeting with FSMTB regarding development of a treatment planning/intake course in August 2017.

b. Email regarding Massage Therapy Licensing Database (MTLD)

Ms. Foster reported the Committee reviewed the memorandum dated June 30, 2017 from FSMTB regarding MTLTLD. Upon motion made, seconded and passed, the Board agreed to participate in the database process.

c. 2017 Proposed Resolutions

Ms. Foster reported the Committee reviewed the 2017 proposed Resolutions being discussed at the 2017 FSMTB Annual Meeting. Upon motion made, seconded and passed, the Board agreed Ms. Kirk, FSMTB delegate for the Board, will vote in favor of the three resolutions.

Senate Bill 548 and MT establishments

Ms. Foster reported the Committee discussed Senate Bill 548 and the proposed plan to implement licensure of massage and bodywork therapy establishments.

Senate Bill 407

Ms. Foster reported the Committee discussed Senate Bill 407 regarding the requirements for independent contractors through the Employee Fair Classification Act.

Email from Jena Skai regarding Fascial Stretch Therapy

Ms. Foster reported the Committee reviewed an email dated June 23, 2017 regarding Fascial Stretch Therapy. Upon motion made, seconded and passed the Board agreed Fascial Stretch Therapy is within the scope of practice of massage and bodywork therapy and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

Email from Delores Harris regarding Stretch Zone

Ms. Foster reported The Committee reviewed an email dated May 30, 2017 regarding the Stretch Zone. Upon motion made, seconded and passed the Board agreed Stretch Zone is within the scope of practice of massage and bodywork therapy and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

Concerns with English proficiency

Ms. Foster reported the Committee discussed the issue of students graduating from NC Board approved schools without being proficient in the English language. Upon motion made, seconded and passed, the Board agreed to send a notice to all NC Board approved schools and community colleges regarding the requirement of English proficiency in Senate Bill 548.

Art of Healing Privilege License

Mr. Wilkins informed the Board Senate Bill 548 will require massage and bodywork therapists to obtain an Art of Healing privilege license beginning July 1, 2018 from the North Carolina Department of Revenue.

License Standards Committee

Ms. Layden reported the Committee met June 16, 2017, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report. Mr. Wilkins informed the Board a new school application has been received from Roebuck Institute in Huntersville, NC.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

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

2015 Strategic Planning Conference

Ms. Foster reported on the 2015 Strategic Planning Conference held at the Rizzo Conference Center in Chapel Hill, North Carolina, January 30th-31st, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings. The 2018 Strategic Planning Conference is scheduled for January 19th-21st, 2018. The Board agreed to submit agenda items to Board staff.

CLEAR 2017 meetings

The 2017 Annual Education Conference will be held in Denver, Colorado, September 13th-16th, 2017, the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16th-17th, 2017 and the 2018 Winter Symposium will be held in Scottsdale, Arizona, January 10th, 2018. Ms. Layden agreed to attend the 2017 Annual Education Conference.

FSMTB

a. 2017 Annual meeting

The 2017 FSMTB Annual meeting will be held in Tampa, Florida, September 29th-30th, 2017. Ms. Foster, Ms. Layden, Mr. Wilkins, Ms. Kirk and Ms. Lancaster agreed to attend.

b. July 2017 In Touch Newsletter

The Board reviewed the July 2017 In Touch Newsletter.

Response to Paul Thompson regarding Rule .0504

The Board reviewed the response by Ms. Kirk to Paul Thompson regarding Rule .0504.

Response to Jessica Mark regarding Ortho-Bionomy

The Board reviewed the response by Mr. Wilkins to Jessica Mark regarding Ortho-Bionomy.

NEW BUSINESS

No new business.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:45 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 17, 2017 at 1:00 p.m.

DISCIPLINARY HEARINGS

Christopher Eaddy

The Board conducted a disciplinary hearing regarding allegations of inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Eaddy did not appear for the hearing.

Yan Liang

The Board conducted a disciplinary hearing regarding allegations of aiding and abetting illegal massage and bodywork therapy. Ms. Liang appeared for the hearing with her attorney.

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 on August 17, 2017 at 3:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 17, 2017 at 5:00 p.m.

Xiaoyan He

The Board reported Ms. He will be sent a Notice of Hearing for the October 2017 Board meeting based upon her MBLEx invalidation.

Robert Cooney

The Board reported Mr. Cooney's Consent Order was approved.

Qian Lin

The Board reported Ms. Lin's Consent Order was approved when received signed by Ms. Lin.

Thomas Oakley

The Board reported Mr. Oakley's Consent Order was approved.

Heather Parker

The Board reported Ms. Parker's Consent Order was approved.

David Salih

The Board reported Mr. Salih's Consent Order was approved.

Yanqui Shao

The Board reported Ms. Shao's Consent Order was approved.

Christopher Eaddy

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

Yan Liang

Ms. Foster reported the Board reviewed the evidence presented during Ms. Liang's hearing and was of the opinion Ms. Liang aided and abetted illegal massage and bodywork therapy. The Board Ordered that Ms. Liang's license be revoked and that she pay a civil penalty of \$1000 and disciplinary costs of \$750.

2018 Board meeting dates

The Board reviewed the 2018 Board meeting dates and agreed to change the August 16, 2018 meeting date to August 23, 2018.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 5:00 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer