

North Carolina Board of Massage & Bodywork Therapy
Open Session Minutes
October 18, 2007

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, 2007 at 10:00 a.m.

MEMBERS PRESENT

Ms. Susan Beam, Dr. Raphael Orenstein, Ms. Jean Middleswarth, Ms. Nancy Toner Weinberger, Ms. Laura Allen, Ms. Jaime Huffman, and Victor Farah.

MEMBERS ABSENT

None.

OTHERS PRESENT

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

CHAIR

Ms. Beam

RECORDING SECRETARY

Ms. Kennedy

CONFLICT OF INTEREST

Ms. Beam asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Allen advised she had a conflict with the hearing scheduled for 1 PM and would recuse herself. There being no other conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved the minutes of August 16, 2007.

TREASURER'S REPORT

The treasurer's report was approved as presented.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Proposed Amendments to Rules

The proposed amendments to the Board's .0600 rules were presented to the Rules Review Commission at its September meeting and all but five were approved at that time. The five .0600 rules not approved in September were amended and approved by the Rules Review Commission October 18, 2007.

Status of Amendments to Practice Act

SB 1314 to amend the Practice Act has passed the Senate and will be considered by the House during the 2008 legislative session. Mr. Ed Sansbury, on behalf of the AMTA-NC Chapter, wrote a letter to the Board requesting information. Ms. Beam sent a letter with the requested information to Mr. Sansbury. The Board will continue to work with the AMTA-NC Chapter on the Board's concerns in the current version of the Practice Act.

Disciplinary Hearings

Mr. Wilkins reported that one disciplinary hearing is scheduled for today.

Ms. Kennedy reported:

Licensee Report

7525 licenses have been issued
6099 licensees are still in good standing

Renewal Report

1935 licensees scheduled to renew for December 31, 2007
291 licenses that expired December 31, 2005 can also be renewed
353 have renewed as of August 1, 2007

COMMITTEE REPORTS

Policy Committee

No report.

License Standards Committee

Ms. Middleswarth, Chair, reported that the Committee met August 16, 2007 and again on October 17, 2007. Due to Ms. Middleswarth's absence for the October 17, 2007 meeting, Ms. Huffman chaired the meeting. The Board was referred to the minutes of the meetings and no Board members had any questions.

School Approval Committee

Ms. Weinberger, Chair, reported on the following of several matters considered by the SAC as contained in the minutes of the Committee of October 15, 2007:

Amendments to School Rules

The rules regarding schools were reviewed by the Rules Review Commission at its September 2007 meeting. All but five rules (.0611, .0613, .0614, .0615, .0619) were approved and became effective October 1, 2007. Mr. Wilkins met with the RRC about the five rules with questions and changes were made to satisfy the requirements of the Commission. The remaining five rules are scheduled for approval by the RRC on Thursday, October 18, 2007 and will be effective November 1, 2007.

Teacher Training

The Committee reviewed the memorandum from M&M Consulting regarding the teacher training issue and the amended forms used by M&M Consulting to gather information from schools about the training received by their teachers. Ms. Weinberger asked that the following wording be added to the Teacher Training Program form found on p. 60: "Please also tell us about the schedule for offering this course and /or its components." With that change the forms were approved.

Community Colleges

Mr. Wilkins reported that several community colleges and proprietary schools have requested or sent in applications for approval of new schools. It was agreed that applications for approval of new schools or programs would be reviewed by M&M Consulting when the appropriate fees are received.

Instructor Qualifications

The Committee reviewed a question from M&M Consulting regarding qualifications of a proposed teacher. Mr. Wilkins was asked to obtain more information about the teacher's license

history and the courses she is proposed to teach.

Out of State School Question

The Committee reviewed a question from the owner of Health Works Institute, a COMTA approved school in Montana. There is no regulation of schools or therapists in Montana and therefore the school is exempt from regulation from the state of Montana. The school's COMTA accreditation, which it obtained voluntarily, expires April 30, 2008 and will not be renewed before it expires since the owner is retiring. There are students scheduled to graduate in September 2008 and she asks if they will meet the North Carolina licensure requirement regarding their education.

A review of the Practice Act and Rules indicate that so long as the school meets the requirements for a board approved school when the students graduate, the students will meet the educational requirements for a North Carolina license, even though the COMTA accreditation expires before the students graduate because the COMTA accreditation obtained by the school was not a requirement of the State of Montana but was a voluntary act by the school.

Communications Committee

No report.

Licensing Boards Coordination Committee

Ms. Huffman, Chair, reported on the following of several matters considered by the Committee as contained in the minutes of the Committee of October 15, 2007. Ms. Huffman further reported she had written the Chiropractic, Acupuncture, and Cosmetic Art Boards about scheduling a meeting with them to introduce her self and discuss issues of mutual concern. Ms. Huffman reported she had heard back from the Acupuncture and Cosmetic Arts Boards and planned to have meetings with them during her next trip to Raleigh.

OLD BUSINESS

Board Education Retreat

Ms. Beam reported the training with the Acupuncture Board and Mr. Dale Atkinson is still scheduled for November 2, 2007 from 10:15 a.m. to 5 p.m. in the 13th floor conference room. Board members were encouraged to review and answer the true/false questions provided by Mr. Atkinson and bring them to the meeting.

Yellowpages.com

The Board reviewed documentation between Mr. Wilkins and Yellowpages.com regarding appropriate advertising.

Board Seal

The Board reviewed the several suggested seals for the Board and agreed that Ms. Wineberger would check with a graphic artist to see how much it would cost for a professional rendering.

NCBTMB Database Pilot

Ms. Middleswarth reported on her trip to the AMTA Conference in Cincinnati. She also reported on the collaboration efforts between the NCBMBT and the FSMTB regarding testing and the future of both organizations.

Federation of State Massage Therapy Boards (FSMTB)

Ms. Beam reported on her trips to the FSMTB Conferences in Chicago and Orlando and her election as an "at large" member of the FSMTB Board. She reported that NC is one of 24 other states that make up the Federation. The FSMTB has developed its own examination that it began administering in October 2007. She believed the FSMTB exam should be allowed as proof of minimum competence in North Carolina. She advised the FSMTB does not and will not meet NCCA requirements. There followed a general discussion of the pros and cons of the NCBTMB examination and the FSMTB examination and whether the Board has the current authority to require the FSMTB examination. Mr. Wilkins reported the Practice Act allows the Board to approve the examination but that the Rules were more restrictive. It appears there will have to be another change to the Board rules to allow the Board to accept the FSMTB exam. There is a question about accepting the AMA exam if the Board accepts the FSMTB exam.

The Board then discussed its control over the FSMTB exam, requirements to take the exam, pre-qualification to take exam, reporting results, how often exam is changed, pass rate, Board qualifications, and jobs task force analyses. Ms. Weinberger recommended communication with the schools so the schools can prepare to provide the requisite courses to pass the exam.

NEW BUSINESS

No new business

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) and (3), the Board went into Closed Session at 11:30 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 1:00 p.m. to conduct a hearing in the matter of Michael R. Greene II.

CLOSED SESSION

Upon motion duly made, seconded, and passed, and pursuant to NCGS 143-318.11(a)(1) and (3), the Board went into Closed Session at 2:00 p.m.

ADJOURNMENT

The Board returned to Open Session and upon motion duly made, seconded and passed, the meeting was adjourned at 4:25 p.m.

Ms. Susan Beam, Chair

Dr. Raphael Orenstein, Treasurer