



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 29, 2011; 10:00 am – 12:00 pm

Wachovia Capitol Center Building

150 Fayetteville Street, 13th Floor Large Conference Room, Raleigh, NC 27601

"The mission of 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 29, 2011 at 10:00 a.m.

MEMBERS PRESENT

Ms. Jaime Huffman, Ms. Candace Frye, Ms. Laura Allen, Ms. Nancy Toner Weinberger, Mr. Kevin Powell and Dr. Edwin Preston

MEMBERS ABSENT

Mr. Robby Brown

OTHERS PRESENT

Mr. Charles Wilkins, Legal Counsel to the Board, Ms. Bonnie Kennedy, Administrative Director and Ms. Elizabeth Welden, Administrative Assistant

CHAIR

Ms. Huffman

RECORDING SECRETARY

Ms. Welden

CONFLICT OF INTEREST

Ms. Huffman asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Allen advised she would recuse herself from any discussion or decision regarding the Federation of State Massage Therapy Boards. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of February 17, 2011.

TREASURER'S REPORT

The treasurer's report was approved as presented.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Rule .0624

Rule .0624, Standards of Professional Conduct, is recommended for amendment to comply with the directive by the Board that professional conduct should apply to all school facilities where staff and students are performing therapeutic treatments. A public hearing on the proposed rule change will be held today at 11:00 a.m. Public comment ends June 5, 2011. The Board may adopt the rule change at its June 2011 meeting for an effective date of August 1, 2011.

Status of Amendments to Practice Act

There are no amendments to the Practice Act scheduled for consideration.

Disciplinary Hearings

There are no disciplinary hearings scheduled for today.

Legislative

The Naturopathic Doctors Licensing Act and Clinical Exercise Physiologist License are current bills presented in the legislature and could effect the practice of massage therapy.

Ms. Kennedy reported:

Licensee Report

10,972 licenses have been issued
7,079 active licenses

Renewal Report

There are 4,122 licensees scheduled to renew by November 1, 2010. There are 3,496 licensees that have renewed of which 548 were late.

COMMITTEE REPORTS

Policy Committee

No written report.

License Standards Committee

Ms. Allen reported the Committee met February 18, 2011 and April 28, 2011 as set forth in the minutes.

School Approval Committee

Ms. Weinberger reported the Committee met by conference call on April 25, 2011 as set forth in the minutes. She further reported:

Mount Eagle Institute

The Committee reviewed the correspondence between the Board and Mount Eagle Institute following review by M&M Consulting of Mount Eagle's application for school approval. Following completion of the application, M&M Consulting will conduct a site visit of the school.

Rule .0612

The Committee considered whether Rule .0612 should be amended to further specify requirements for a prospective teacher of massage and bodywork therapy to be trained in teaching methods. M&M Consulting reviews the credentials of prospective teachers, including their stated teacher training, and recommends whether the teacher should be approved. M&M Consulting advised they could conduct an assessment (possibly including personal observation) and review of the various teacher training courses offered in North Carolina to determine whether the teacher training is adequate to sufficiently train prospective teachers in teaching methods, if the SAC and Board thought that was necessary. Teacher training takes several different forms, from a 200+ in class course to "on the job" training at the school where the teacher plans to teach. The Committee agreed it would ask M&M Consulting to include, along with its summary of each school's renewal application, the teacher training form provided in school renewals for the SAC to review. The Committee would like to see what teacher training schools are currently offering. The issue will remain in Committee for further discussion.

Miller-Motte College-Greenville Site Visit

The review of M&M Consulting's report of their site visit to Miller-Motte College-Greenville was tabled to the Committee's next meeting to give the Committee time to review the report.

Maiden School of Massage and Bodywork

Ms. Weinberger recused herself from any discussion or vote on Maiden School of Massage and Bodywork due to her personal friendship with the owner of the school. Upon motion made, seconded and passed, Maiden School of Massage and Bodywork was approved.

2011 School Renewals

Renewal packages were sent out in December 2010 for the 2011 school renewals and have been received from fifteen of the eighteen approved schools that are scheduled to renew this year. However, three schools, Blue Ridge Healing Arts Academy, Privai Academy and The Whole You School of Massage, scheduled to renew this year have closed. Two schools, Miller-Motte of Cary and TMTI were granted two year renewals in 2010 and do not have to renew until 2012. Letters have been sent to those schools that need to provide additional information or clarification for their renewals. It is anticipated M&M Consulting will be able to provide a summary of the renewals to the Committee by late May or early June so the Committee will have the information for its next meeting and can make a recommendation to the Board in June whether to approve the renewals and, if so, whether to approve the schools for one or two years.

Strategic Planning Goals

The Committee reviewed its goals from the 2010 Strategic Planning Retreat and agreed the Committee met its goals. The Committee discussed goals for 2011 and agreed the issue of teacher training should be considered.

Establishment Regulation Committee

Ms. Powell, Chair, reported the Committee met by conference call on March 30, 2011, as set forth in the minutes. He further reported:

Massage Establishment Regulation

It was agreed that regulation of establishments that provide massage and bodywork therapy services will be a substantial administrative and financial commitment for the Board and can only be accomplished through license fees charged to the regulated establishments. Mr. Wilkins reported the consensus from Ed Sansbury, Kim Moore, Ann Christian and himself was that the Practice Act should not be opened in 2011 for the purpose of obtaining authority to charge a fee for licensing massage therapy establishments in that the chance of passage was remote due to the economic crisis and the affect on small businesses.

It was agreed the Board should begin to gather data of massage establishments in North Carolina to determine the number of establishments and to have data available to the Board for its consideration should the Board seek authority from the Legislature to charge fees to license massage establishments in the future. The Committee discussed the possibility of a self-reporting process for massage establishments as an initial step once an adequate database of establishments is developed.

The Committee also agreed the Board should gather information from disciplinary actions that involve massage establishments to illustrate the problems the Board encounters when it is unable to discipline massage establishments and to illustrate the risk to the public.

The Committee discussed the Florida statute that authorizes the Florida Massage Board to regulate establishments and also reviewed applications for massage therapy establishment licenses from Florida, Hawaii, Missouri and Nebraska, states that currently license massage therapy establishments. The Committee noted that these states license individual therapists and establishments that offer massage therapy services whether or not the establishments are owned or operated by LMBTs.

The definition of "massage therapy establishment" from Florida states: "Establishment" means a site or premises, or portion thereof, wherein a massage therapist practices massage.

Threshold questions for the Committee are:

- (1) What is the Board attempting to achieve by licensing massage therapy establishments?
- (2) How will it be accomplished?
- (3) What will be the initial and ongoing administrative burden and expense?
- (4) Are the administrative burden and expense necessary to protect the public?
- (5) Are the administrative burden and expense cost effective?

The Board wants to determine the estimated cost in developing a database of massage establishments in North Carolina.

Communications Committee

Ms. Weinberger reported the Committee met by conference call on April 27, 2011, as set forth in the minutes. She further reported:

Public Education Campaign

There was discussion of the feasibility of using press releases, ads in newspapers, internet, TV, radio or billboards for the public education campaign. The primary message to the public is: "If you are getting a massage the therapist must be licensed." The Committee discussed the anticipated cost/benefit of the various methods of getting the message out.

It was agreed to develop a public page to the website as a first step of the campaign and as a basis to which further public education can be directed.

Jurisprudence Examination Committee

Ms. Weinberger reported the jurisprudence exam should be on the NCBMBT website this year.

Licensing Boards Coordination Committee

Mr. Powell reported the Committee would like to meet with the NC Board of Chiropractic Examiners.

OLD BUSINESS

FSMTB Conference

Ms. Huffman reported the FSMTB 2011 conference will be held in Los Angeles, CA, October 14-16, 2011. Ms. Huffman advised the Board members to send an email if interested in attending.

CAC meeting

The CAC meeting will be held October 20 & 21, 2011 in Washington, DC. Ms. Huffman advised the Board members to send an email if interested in attending.

Strategic Planning Session

The 2011 Strategic Planning Session will be held April 30, 2011 at the Rizzo Center in Chapel Hill.

FSMTB exam review

Mr. Powell reported on the meeting held on February 18-20, 2011 in Chicago, IL. Mr. Powell reported the exam review process is six stages from the time the exam question is proposed. Mr. Powell also reported the Board will benefit by providing input to the exam.

NEW BUSINESS

FSMTB model Practice Act and continuing education approval program

The FSMTB information on the model Practice Act and continuing education approval program were included in the Board packets for review.

Alliance for Massage Therapy Education News Release

The Alliance for Massage Therapy Education news release was included in the Board packet for review.

Zero Balancing

The Board discussed whether zero balancing is a modality under our Practice Act and whether it is manipulation of the soft tissue. Upon motion made, seconded and passed, the Board approved Zero Balancing as a modality that would require a massage and bodywork therapy license.

Community College System – Rene Batts

Ms. Batts thanked the Board for working with the community colleges on their attestation letters. She also advised it is too early to determine whether budgetary issues will affect the Community Colleges.

Aubrey Marett

Ms. Marett appealed the decision by the Board to deny her application for licensure and made a presentation to the Board.

September Board Meeting

The Board agreed to change its September meeting from September 29, 2011 to September 22, 2011.

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), (3) and (7) as well as NCGS 143-318.18(6), the Board went into Closed Session at 11: 20 p.m.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 12:00 p.m.

Ms. Jaime Huffman, Chair

Nancy Toner Weinberger, Treasurer