



## **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 21, 2013; 10:05 a.m. – 2:35 p.m.*

**Wachovia Capitol Center Building  
150 Fayetteville Street, 13<sup>th</sup> 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 21, 2013 at 10:05 a.m.

#### **MEMBERS PRESENT**

Dr. Edwin Preston, Ms. Darinda Davis, Ms. Candace Frye, Mr. Josh Herman, Ms. Renee Hays, Mr. David Bedington and Mr. Robby Brown.

#### **MEMBERS ABSENT**

None

#### **OTHERS PRESENT**

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Welden, Administrative Director and Ms. Julia Lancaster, Administrative Assistant

#### **CHAIR**

Dr. Preston

#### **RECORDING SECRETARY**

Ms. Welden

#### **CONFLICT OF INTEREST**

Dr. Preston asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Davis recused herself from any discussion or decision regarding Groupon. There being no other conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of December 13, 2012.

### **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 are no hearings scheduled for today.

#### **Consent Orders.**

Mr. Wilkins informed the Board of complaints filed with the Board; one against Jason Goldsmith for allegedly engaging in inappropriate activity with female clients, and three others against Rosemary Aslund, Radian Ray and Naomi Clark for allegedly practicing without a license. The Board agreed to consider Consent Orders for all four complaints in Closed Session.

Ms. Welden reported:

#### **Licensee Report**

12,799 licenses have been issued  
7,492 active licenses

#### **Renewal Report**

There are 4,178 licensees scheduled to renew for the 2013-2014 renewal period as well as 498 licenses that expired on December 31, 2010 and could renew by December 31, 2012. To date 3,817 therapists have renewed. To date 859 therapists have not renewed and received a late

renewal letter. 500 therapists renewed between November 1, 2012 and December 31, 2012 and received a Letter of Reprimand.

## **COMMITTEE REPORTS**

### **Policy Committee**

#### **Board of Chiropractic Examiners**

Dr. Preston reported on his discussions with representatives of the Board of Chiropractic Examiners about issues of mutual interest. A meeting was scheduled with Dr. Randy Shilsky, Secretary of the NC Board of Chiropractic Examiners. Dr. Shilsky was unable to attend so the meeting was to be scheduled for a later Policy Committee meeting.

#### **Groupon**

Dr. Preston reported the Committee again discussed an email provided by the NC Medical Board and an email submitted to Board-approved schools and community colleges by Mr. Wilkins requesting their opinions on licensees entering into contracts with Groupon or Living Social or a similar company. The Committee reviewed the opinion of the NC Medical Board and also reviewed the feedback provided by the schools. The Board agreed with the Committee's recommendation that the use of Groupon was not fee-splitting and to take the same approach as the NC Medical Board and allow massage and bodywork therapists to use Groupon, Living Social and similar companies as a form of voucher advertising, so long as the LMBTs complied with the Board's rules related to advertising.

#### **Applicant Missing Curricula**

Dr. Preston reported the Committee reviewed Mr. Wilkins' memorandum of November 18, 2012, feedback from the Board approved schools, a summary by Mr. Herman of the feedback from the Program Directors of the Board Approved schools, and a guideline Mr. Bedington provided regarding the problem of missing curricula hours in applications for licensure. . Dr. Preston referred the matter to the Policy Committee and Licensing Standards Committee to develop a policy for review by the Board.

#### **NCBTMB Misinformation**

Dr. Preston reported the Committee reviewed the November 29, 2012 letter from Mike Williams, CEO of NCBTMB, regarding misinformation about the NCBTMB. The Board agreed there does not need to be a response to NCBTMB at this time. The Board agreed to continue to accept the NCBTMB as a continuing education provider.

#### **AMTA Request for Clarification – Scope of Practice**

Dr. Preston reported the Committee reviewed the November 13, 2012 letter from Donovan Griffith, Government Relations Program Manager for the AMTA, and the February 11, 2013 memorandum from Mr. Wilkins regarding the trial project to compile information regarding scope of practice issues. Upon motion made, seconded and passed, the Board agreed with the

Committee's recommendation that: (1) Yes, the terms "joint mobilization" and/or "pin and stretch" come within the definition of massage and bodywork therapy; and (2) the terms "joint mobilization" and/or "pin and stretch" do not come within the "shall not includes". Mr. Wilkins will respond.

## **IASI**

Dr. Preston reported the Committee reviewed the proposal presented by IASI representatives. The Board discussed the request from IASI and Dr. Preston referred the matter to the Policy Committee. The Policy Committee will meet after the Board meeting to develop a response to the requests by IASI.

## **Long Range Planning Retreat**

Dr. Preston reported a long range planning retreat will be planned for the Spring of 2014.

## **License Standards Committee**

Mr. Brown reported the Committee met February 20, 2013, and discussed the matters set forth in the minutes of the Committee.

### **Helen Baker**

Ms. Baker presented her appeal of the decision by the Licensing Standards Committee to require 40 additional massage school hours in order to grant her a license.

### **P. Cheryl McIlraith**

Ms. McIlraith presented her appeal of the decision by the Licensing Standards Committee to deny her application for a license

## **School Approval Committee**

No report.

## **Establishment Regulation Committee**

No report.

## **Communications Committee**

Ms. Frye reported the 2012 Newsletter is complete with some minor changes. Upon motion made, seconded and passed, the Board approved the 2012 Newsletter and the changes presented by Ms. Frye.

## **OLD BUSINESS**

## **Groupon discussion**

The Groupon issue was discussed in the Policy Committee report.

### **Missing curricula discussion**

The missing curricula feedback was discussed in the Policy Committee report.

### **AMTA Request for Clarification – Scope of Practice**

The AMTA request for clarification was discussed in the Policy Committee report.

### **NCBTMB misinformation**

The NCBTMB misinformation email was discussed in the Policy Committee report.

## **NEW BUSINESS**

### **2013 FSMTB Annual Meeting and Bylaws review**

The 2013 FSMTB Annual Meeting will be held in Baltimore, Maryland, October 10<sup>th</sup>-12<sup>th</sup>, 2013. The Board reviewed the February 8, 2013 email from Dixie Wall, Chair of the Policy Committee for FSMTB, regarding the review and request for input from member boards and agencies on the FSMTB Bylaws.

### **2013 CAC Annual Meeting**

The 2013 CAC Annual Meeting will be held in Seattle, Washington, October 29<sup>th</sup>-30<sup>th</sup>, 2013.

### **NCBTMB updates to the NCETM and NCETMB**

The Board reviewed the December 17, 2012 email from Lori Ohlmann, Director of Outreach for the NCBTMB, regarding the updates to the NCETM and NCETMB exams.

### **CLEAR articles**

The Board reviewed the February 8, 2013 email from Robert Brooks, Executive Director for the NC State Board of CPA Examiners, regarding articles from CLEAR on occupational licensing Boards in NC and other States and a report from the Locke Foundation.

## **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 12:15 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session at 2:35 p.m.

**Helen Baker**

The Board reported the Licensing Standards Committee's decision regarding denial of Ms. Baker's application and that she obtain 40 additional hours of education was reversed and she will be granted a regular license.

**P. Cheryl McIlraith**

The Board reported the Licensing Standards Committee's decision regarding denial of Ms. McIlraith's application was affirmed.

**Jason Goldsmith**

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

**Rosemary Abrantes Aslund**

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

**Radian Wilson Ray**

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

**Naomi Sarah Clark**

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

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:35 p.m.

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Dr. Edwin Preston, Chair

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Josh Herman, Treasurer