



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

June 4, 2015; 10:00 a.m. – 3:00 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 June 4, 2015 at 10:00 a.m.

MEMBERS PRESENT

Ms. Renee Hays, Mr. David Bedington, Ms. Dianne Layden, Ms. Holly Foster and Ms. Nancy Harrell

MEMBERS ABSENT

Dr. Edwin Preston

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, Acting Chair

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. Mr. Bedington and Ms. Harrell recused themselves from any discussion regarding Ms. Watson. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of April 23, 2015.

TREASURER'S REPORT

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

2015-2016 BUDGET

The 2015-2016 Budget was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

The Establishment Regulation Rules were sent to the Office of Administrative Hearings and have been published in the NC Register to begin the rules adoption process.

The Joint Legislative Procedure Oversight Committee reviewed the Rules Review Commission report on the final classifications for 21 NCAC 30. The Committee approved the report and the Board is required to readopt Rules .0201 and .0701.

Rule .0201

The Board reviewed Rule .0201 pursuant to House Bill 74, requiring re-adoption of rules designated as 'necessary with substantive public interest'. Upon motion made, seconded and passed, the Board approved the changes to Rule .0201. The Board will complete the rules review process with a projected effective date of August 1, 2015.

Rule .0701

The Board reviewed Rule .0701 pursuant to House Bill 74, requiring re-adoption of rules designated as 'necessary with substantive public interest'. Upon motion made, seconded and passed, the Board approved the changes to Rule .0701. The Board will complete the rules review process with a projected effective date of August 1, 2015.

Rule .0702

The Board reviewed Rule .0702, amending the rule to comply with Rule .0701. Upon motion made, seconded and passed, the Board approved the changes to Rule .0702. The Board will complete the rules review process with a projected effective date of August 1, 2015.

Rules .1001-.1015

The Board reviewed Rules .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014 and .1015, licensing massage and bodywork therapy establishments. Upon motion made, seconded and passed, the Board approved the changes to Rules .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014 and .1015. The Board will complete the rules review process with a projected effective date of August 1, 2015.

Status of Amendments to Practice Act

There are no amendments to the Practice Act scheduled for consideration. The General Assembly is currently in session.

Disciplinary Hearings

Three hearings were scheduled today. Two hearings were resolved through a signed Consent Order and one hearing was dismissed.

Consent Orders

Mr. Wilkins informed the Board of complaints filed against Louise Inch and Yolanda Watson for allegedly practicing massage and bodywork therapy with an expired license, Jahquis Alston, David Dutton and Lawrence Truglio for engaging in inappropriate sexual activity during a massage and bodywork therapy session. The Board agreed to consider the proposed Consent Orders in Closed Session.

Ms. Kirk reported:

Licensee Report

14,783 have been issued
8,372 active licenses

Renewal Report

There are 3,757 licensees scheduled to renew for the 2016-2017 renewal period. 570 licenses expired on December 31, 2013 and can renew by December 31, 2015. The online license renewal information will be sent in July. The routine Continuing Education Audit letters were mailed February 5, 2015 to 200 therapists who renewed online. The continuing education certificates are due to the Board by March 31, 2015. The Board review the 2014 CE audit results and determined three licensees, who did not respond to the audit request, will be mailed a Notice of Hearing for the August 2015 Board meeting. Two licensees have not submitted all of the documentation required for the audit and will be contacted by the Board to submit the documentation or will be mailed a Notice of Hearing for the August 2015 Board meeting.

Application Report

Board staff informed the Board of the request to 'slim down' the Application packet, specifically for applicants attending a NC Board approved school. Board staff reviewed the Application packet and updated the forms and Instructional Handbook to assist in the application process.

Board staff also informed the Board of updates to the Board's website, specifically with creating fillable PDF forms and the ability to accept online payments for the Application Request Form, License Verification Form, Request for Duplicate Certificate and Mailing List Request Form, which will be available in the near future.

COMMITTEE REPORTS

Policy Committee

Ms. Layden reported the Committee met via conference call on May 13, 2015, and discussed the matters set forth in the minutes of the Committee.

Conference call with Debra Persinger, FSMTB

Ms. Layden reported the Committee met via conference call with Debra Persinger, Executive Director for FSMTB. The Committee discussed with Ms. Persinger the FSMTB CE approval program, MBLEx, Structural Integration and the Regulatory Education and Competence Hub (REACH).

English Proficiency

Ms. Layden reported the Committee discussed the issues the Board, specifically the License Standards Committee of the Board, faces with applicants who demonstrate a lack of proficiency in the English language. Mr. Bedington agreed to take the TOEFL exam, on behalf of the Board, to determine whether this exercise/test will help in establishing proficiency in the English language.

Community College Bridge Program

Ms. Layden reported the Committee discussed the bridge program used through several massage and bodywork therapy programs in the NC community college system and agreed this program is beneficial for enhancing education in massage and bodywork therapy but cannot be attended by an individual who has not attended massage and bodywork or received a license by the Board.

Cease and Desist letters

Ms. Layden reported the Committee discussed the decision between the Federal Trade Commission and the NC Dental Board. Ms. Layden informed the Board that the Board will no longer mail Cease and Desist Orders to persons practicing massage and bodywork therapy without a license but Mr. Wilkins will draft another letter addressing this issue.

Contract for CE approval

Ms. Layden reported the Committee discussed developing a draft contract to provide standards for course content for continuing education that would be accepted by the Board.

License Standards Committee

Mr. Bedington reported the Committee met April 24, 2015, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Hays reported the Committee met June 1, 2015, and discussed the matters set forth in the minutes of the Committee.

2015-2016 School Renewals

The Committee reviewed the 2015 renewals received from the 15 schools required to renew this year along with the summaries and survey reported produced by M&M Consulting. The following schools are recommended to the Board for approval for one or two years as designated:

1. American and European Massage Clinic, Inc. – approved for 2 years
2. Asheville Massage and Yoga – approved for 2 years
3. Body Therapy Institute – approved for 2 years
4. Center for Massage & Natural Health – approved for 2 years
5. College of Wilmington – approved for 2 years
6. Kneaded Energy School of Massage – approved for 2 years
7. Living Arts Institute – approved for 2 years
8. Maiden School of Massage and Bodywork – approved for 1 year
9. Medical Arts Massage School – approval pending; Letter of Reprimand; Letter of Concern
10. Miller-Motte College of Fayetteville – approved for 1 year; Letter of Concern
11. Miller-Motte College of Greenville – approved for 1 year; Letter of Concern
12. Mount Eagle College – approval pending; Letter of Reprimand; Letter of Concern
13. North Carolina Massage School – approved for 2 years
14. The Healing Arts and Massage School – approved for 2 years
15. Western North Carolina School of Massage – approved for 2 years

The following five schools did not have to renew in 2015 but are scheduled to renew in 2016 along with the above six schools that received a one year renewal:

1. Miller-Motte College of Cary
2. Miller-Motte College of Wilmington
3. NC School of Advanced Bodywork, Inc.
4. Southeastern Institute
5. Therapeutic Massage Training Institute

Communications Committee

Ms. Harrell reported the Committee met via conference call on May 29, 2015, and discussed the matters set forth in the minutes of the Committee.

Foreign language newspaper ads

Ms. Harrell reported the Committee developed an article to publish in select foreign language newspapers. The Committee communicated with Kelly Harrison, Special Agent of Homeland Security Investigations regarding the article and addresses for appropriate newspapers. Ms. Harrell informed the Board that Board staff contact the translating company to request they contact the foreign newspapers in regards to cost of putting the article in the different newspapers.

Marketing Expert

Ms. Harrell reported the Committee reviewed an email from Michael Roper, marketing expert, on assisting with the Board's website. The Committee requested more information from Mr. Bedington on this topic. Ms. Foster recommended the Board submit letters to editor to inform the public of the massage and bodywork therapy profession.

Web Developer

Ms. Harrell reported the Committee discussed contacting a web developer for more access to the Board's website for all internet enabled devices (phones, tablets, laptops and desktops). The Board agreed to contact Devin Lushbaugh, IT services for the Board, to assist with this issue.

Rules Review Ad Hoc Committee

Mr. Bedington reported the Committee met on May 15, 2015, and discussed the matters set forth in the minutes of the Committee.

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. Study recommendations were reported to the Joint Legislative Program Evaluation Committee and the Joint Legislative Administrative Procedure Oversight Committee in December 2014 and January 2015. Mr. Wilkins also reported he has been meeting with a group of attorneys who represent various professional licensing boards to respond to the Program Evaluation Division study and suggest possible legislation. Mr. Wilkins provided the Board with a copy of Senate Bill 469 addressing changes to occupational licensing board reporting requirements.

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.

CLEAR 2015 meetings

The 2015 CLEAR Annual meeting will be held in Boston, Massachusetts, September 17th-19th, 2015. The 2015 CLEAR Regional Seminar will be held in Raleigh, North Carolina, April 30th, 2015. The 2015 CLEAR International Congress will be held in Amsterdam, June 25th-26th, 2015. Ms. Layden agreed to attend the annual meeting and regional seminar.

FSMTB 2015 Annual meeting

The 2015 FSMTB Annual meeting will be held in Albuquerque, New Mexico, October 8th-10th, 2015. Ms. Layden, Ms. Foster and Mr. Bedington agreed to attend the annual meeting.

FARB 2015/2016 Annual meetings

The 2015 FARB Regulatory Law Seminar will be held in Denver, Colorado, October 1st-4th, 2015. The 2016 FARB Forum will be held in Clearwater Beach, Florida, January 28th-31st, 2016. Ms. Foster agreed to attend the 2016 forum.

CAC 2015 meetings

The 2015 CAC meetings will be held in Washington, DC, June 23rd, 2015 and November 12th-13th, 2015.

NEW BUSINESS

2015 Board Elections

Upon appropriate nomination and vote, the Board elected Ms. Holly Foster to serve as Chair, Dr. Edwin Preston to serve as Vice Chair and Mr. David Bedington to serve as Treasurer.

2016 Board meeting dates

The Board discussed the 2016 Board meeting dates and agreed to change the June 18, 2016 meeting to June 9, 2016. Upon motion made, seconded and passed, the Board agreed to approve the 2016 Board meeting dates.

Email regarding Yamuna Table Treatment

The Board reviewed an email dated May 21, 2015 from Sydney Holzman regarding Yamuna Table Treatment. Upon motion made, seconded and passed, the Board agreed Yamuna Table Treatment is within the scope of practice of massage and bodywork therapy and should be added to the list of modalities on the Board's website.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 12:40 p.m.

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 1:40 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 3:00 p.m.

Meng Zheng

The Board reported Ms. Zheng's application will be reconsidered.

Louise Inch

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

Lawrence Truglio

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

Yolanda Watson

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

Jahquis Alston

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

Erik Carlson

The Board reported Mr. Carlson's complaint was dismissed.

David Dutton

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

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:00 p.m.

Ms. Holly Foster, Vice-Chair

David Bedington, Treasurer