

**North Carolina Board of Massage & Bodywork Therapy**  
**Open Session Minutes**  
**August 16, 2007**

**TIME AND PLACE**

The North Carolina Board of Massage and Bodywork Therapy met in Open Session in the Offices of the Board on August 16, 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, Board Administrator

**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. There being no conflict, the agenda was approved.

**APPROVAL OF MINUTES**

The Board approved the minutes of June 21, 2007.

**TREASURER'S REPORT**

Ms. Weinberger asked about the categories for Professional Services which resulted in a discussion and explanation of those categories. Mr Wilkins offered to review the formulas by which those payment amounts are

computed with Ms. Weinberger and other Board members if requested. The large amount in the Miscellaneous expense category was noted; in 2007-2008, that category will be broken down for further clarity. The treasurer's report was approved as presented.

### **Budget for 2007-2008**

The Board reviewed the proposed budget for July 1, 2007 through June 30, 2008. After general discussion about various line items in the budget, and upon motion made, seconded, and approved, the budget for 2007-2008 was adopted as presented.

### **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

#### **Proposed Amendments to Rules**

The procedural process for adoption of the proposed amendments to the Board's rules has been completed, including public hearing and a period of written comment. Two substantive comments were received and presented informally to the Rules Review Commission. One comment was adopted that changed a rule number, but the second comment that related to teacher/student boundaries was considered material and could not be added to the current proposed amendments. The subject matter of the comment may be included in future rule revisions.

#### **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. The Board will continue to work with the AMTA-NC Chapter on the Board's concerns in the current version of the Practice Act. Mr. Farah asked whether the Board should again delegate authority to the Policy Committee to deal with Practice Act issues between Board meetings through the legislative short session. Consensus of the Board was to wait and see if time pressures make that necessary.

#### **Disciplinary Hearings**

Mr. Wilkins reported that no disciplinary hearing is scheduled for today.

Ms. Kennedy reported:

#### **Licensee Report**

7367 licenses have been issued  
5941 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  
161 have renewed as of August 1, 2007

## **2008 Board Meeting Dates**

The Board, upon motion made, seconded, and passed, agreed to the following dates to meet in 2008: February 21, April 17, June 19, August 21, October 16 and December 11.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Beam, Chair, reported on the following of several matters considered by the Policy Committee as contained in the August 1, 2007 minutes of the Committee:

1. The Committee is concerned about four items contained in the version of the Practice Act that has passed the Senate and has agreed with the AMTA-NC Chapter to have dialogue about those issues. The issues are specified in the Committee minutes.
2. The Committee recommends to the Board that "Ortho-Bionomy" does fall within the definition of massage and bodywork therapy as defined in the Practice Act.

The Board, upon motion, made, seconded and approved, accepted the recommendation of the Committee and determined that "Ortho-Bionomy" does fall within the definition of massage and bodywork therapy as defined in the Practice Act.

3. The Committee continues to research the issue of whether massage in body cavities should be prohibited or should be allowed under certain conditions. An issue that needs further research by the Committee is whether or not there is training available to massage and bodywork therapists in massage in body cavities.

## **License Standards Committee**

Ms. Middleswarth, Chair, reported on the following of several matters considered by the LSC as contained in the minutes of the Committee of April 19, 2007 and the non-approved minutes of August 16, 2007:

The Committee has reviewed the Acupuncture Practice Act and Rules and has reviewed a Memorandum from Mr. Wilkins and Mr. Farah. Based on its review the Committee is of the opinion that although massage is mentioned as an adjunctive therapy that may be included within the scope of acupuncture, that reference alone does not allow acupuncturists to advertise or perform massage therapy in North Carolina. When acupuncturists seek to use massage as an adjunctive therapy to their practice of acupuncture they may only do so when they have documented they studied sufficient courses of massage therapy in acupuncture school to be competent to perform massage therapy to the public. It was agreed that the interested parties should be notified. It was also agreed, this matter should be referred to the Licensing Board Coordinating Committee for possible dialogue with the Acupuncture Board.

Following a general discussion by the Board, the actions of the Committee were approved and the issue was referred to the Licensing Board Coordinating Committee for dialogue with the Acupuncture Board. No other action will be taken regarding this issue until after this dialogue.

## **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 June 19, July 17, and August 7, 2007:

1. The Committee reviewed eight applications for the Board's school consulting contract. The Committee selected M&M Consulting and recommends to the Board that it agree to a three year contract with M&M Consulting.
2. The Board, upon motion, made, seconded and approved, agreed to enter into a three-year contract with M&M Consulting to provide consulting assistance to carry out the school approval process.

3. All Board-approved schools were successfully renewed for 2007-2008.
4. The Committee is working on additional requirements and forms to clarify the teacher training requirements of the Rules.
5. The Committee reviewed the procedure for releasing survey results to schools and M&M has added an item to the student surveys regarding graduation date, so the SAC can release the survey results to the schools at an appropriate time.
6. Several schools have failed to comply with the 30-day rule for notifying the Board of changes to curriculum, administrative staff, and instructional staff. This could create more of a problem if the Board renews schools for a two-year period under provisions in the new Rules of the Board. The SAC is considering what action, if any, to recommend to the Board in regard to this issue.
7. There is a concern expressed by the SAC about receiving information when a community college program ceases or a new program is begun now that the Board receives only an attestation statement from a community college once a year.
8. The comments about the Board's proposed rules have been considered and appropriate changes made to correct a few statute references and the rules are ready for Board approval.

The Board, upon motion made, seconded, and passed, approved the rules as amended and authorized that they be filed with the Rules Review Commission.

### **Communications Committee**

No report.

### **Licensing Boards Coordination Committee**

No report. However, Ms. Beam read a reply she had received from the Board of Chiropractic Examiners regarding her letter to the President of the BCE requesting information and possibly a meeting between representatives of the boards. Ms. Beam provided a copy of the reply to the Committee for further action as appropriate.

## **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 13<sup>th</sup> floor conference room.

### **Decision Making Authority for Committee**

The authority given to the Policy Committee to make decisions for the Board on matters before the 2007 Legislature has expired with the adjournment of the session. At this time, the Board will continue to dialogue with the AMTA-NC Chapter about concerns with the proposed amendments to the Practice Act.

### **Federation of State Massage Therapy Boards**

Ms. Beam reported that she will be attending the meeting scheduled for August 17-19, 2007 in Chicago for representatives of FSMTB members to review the draft of the proposed examination with the experts preparing the examination.

## **NEW BUSINESS**

### **NCBTMB Database Pilot**

The Board discussed whether it should participate in a disciplinary action pilot database program being developed by the NCBTMB. The communication from NCBTMB was reviewed, along with communication with the Federation of State Massage Therapy Boards (FSMTB). The participants in the pilot, the requirements to participate, and the involvement of the FSMTB, if any, need to be clarified before the Board can make an informed decision on whether or not to participate in the pilot program.

### **ELECTION OF OFFICERS**

The Board, upon motions duly made, seconded, and approved, elected Ms. Beam to another term as Chair, elected Ms. Middleswarth to another term as Vice-chair, and Dr. Orenstein to another term as Treasurer.

### **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 11:45 a.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session at 12:20 p.m.

**BOARD SEAL**

The Board considered several prototypes for an official Board seal. It was agreed that the selection of an official Board seal be postponed until the October meeting so members could consider the prototypes as well as other possibilities.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 12:30 p.m.

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Ms. Susan Beam, Chair

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Dr. Raphael Orenstein, Treasurer