

North Carolina Board of Massage & Bodywork Therapy
Open Session Minutes
December 11, 2008

TIME AND PLACE

The North Carolina Board of Massage and Bodywork Therapy met in Open Session in the Offices of the Board on December 11, 2008 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 Mr. 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. Middleswarth, Ms. Weinberger and Ms. Allen stated they would recuse themselves from any discussion of the Board regarding hours of continuing education allowed for Business Management since they teach or offer continuing education. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of October 9, 2008.

TREASURER'S REPORT

The treasurer's report was approved as presented. There followed a discussion of the fees received and expenses incurred in the school approval process.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Proposed Amendments to Rules

There are no Rule changes currently under consideration by the Board.

Status of Amendments to Practice Act

There are no Practice Act changes currently under consideration by the Board.

Disciplinary Hearings

There are no disciplinary hearings scheduled for today.

Ms. Kennedy reported:

Licensee Report

8540 licenses have been issued
7014 licensees are still in good standing

Renewal Report

Of the 4,126 licenses scheduled to renew for December 31, 2008, 2742 license have renewed.

COMMITTEE REPORTS

Policy Committee

Ms. Middleswarth reported on the Committee's meeting of December 8, 2008 as follows:

Amendment to Guideline 1.8

The Board considered the recommendation of the Committee to amend Guideline 1.8. The Board agreed to return Guideline 1.8 to the Committee for further consideration of amendments to comply with the new statute that allows license by endorsement. It was agreed the Committee may make changes to Guideline 1.9 to conform to Guideline 1.8 and may also

propose a new guideline, if necessary, on the requirements for license by endorsement.

Absentee Voting

The Committee again discussed whether to allow absentee voting by Board members by proxy, by telephone conference call, or by videoconferencing and was of the opinion that absentee voting by any means other than attendance at the meeting should not be allowed. The Committee was of the opinion that Board members who vote on an issue should be present to hear the discussion of the issue by the Board and, if applicable, other interested parties and members of the public, and further, that the Board does not currently have the electronic capabilities for teleconferencing or videoconferencing.

The Board agreed with the recommendation of the Committee that no changes be made to the attendance and voting process of the Board at this time.

Jurisprudence Exam

Ms. Beam appointed a special committee of Ms. Allen and Ms. Weinberger to investigate development of a Jurisprudence Examination. The Committee was asked to consider:

1. the economic feasibility of working with Pearson Vue to develop and/or administer the examination;
2. the economic feasibility of hiring an outside person or group to review the Practice Act and Rules and prepare 100+ examination questions for consideration;
3. use members of the Board along with school owners/directors to develop the examination questions;
4. ask the schools to submit examination questions for consideration;
5. appoint a special committee to develop the examination;
6. ask the LSC to develop the examination;

Microphone for Board Meetings

Ms. Weinberger suggested the Board purchase a microphone and amplifier system for use at Board meetings so all present can hear the discussions of the Board. Ms. Kennedy will research the suggestion and report to the Committee.

License Massage Establishments

Mr. Wilkins reminded the Committee that the Board sought to amend the Practice Act in 2008 to allow the Board to regulate establishments that provide massage and bodywork therapy services. Florida has regulated such establishments for many years and Massachusetts has just started doing so. It was agreed that the issue be tabled until the next meeting of the Committee to give time to review the Florida and Massachusetts laws and rules.

License Standards Committee

Ms. Huffman, Chair, reported the Committee met October 28, 2008 as set forth in the minutes of that meeting and as attached to today's agenda. The Committee also met today prior to the Board meeting and plans to meet again following today's Board meeting.

School Approval Committee

Ms. Weinberger reported the Committee met December 3, 2008 and considered the following agenda items:

Site Visits

M&M Consulting had now completed six site visits: Miller-Motte Technical Colleges in Wilmington and Cary, Medical Arts Massage School, ECPI, North Carolina School of Advanced Bodywork and Natural Touch School of Massage in Greensboro. The first three site visit reports from M&M Consulting were reviewed by individual members of the Committee and all expressed they were favorably impressed with the detail and thoroughness of the reports. A letter will be sent to each school setting forth the findings in the M&M Consulting reports.

College of Wilmington

The Committee confirmed its opinion that the College of Wilmington has not met the requirements of NCGS 90-631(c) and is not exempt from the school approval process of the Board. Ms. Weinberger asked that Mr. Wilkins draft a rule defining "college" as a degree-granting institution.

The Board agreed that a guideline defining "college" should be drafted for Board consideration and that a Rule based on the guideline should be submitted for the rule review process.

Richmond Community College

Prior to a discussion of the situation with Richmond Community College, Ms. Middleswarth, an employee of Forsyth Community College, recused herself from discussing or voting on the issues presented.

Two applicants for licenses appeared before the License Standards Committee on December 10, 2008. An issue is whether the program was in compliance when the applicants were enrolled as students and graduated. The Committee discussed the issue at length but no further action was taken pending the report from the LSC of its conference with the two applicants.

Mr. Wilkins is in communication with RCC regarding the massage therapy program's efforts to be in compliance with the Practice Act and Rules.

Two-Year Renewals for Approved Schools

The Committee considered implementation of the amendment to Rule .0601(c) that says in part: **"If a school has remained in compliance with all Board rules for a period of five consecutive years and has no disciplinary action taken against it by the Board for a period of five consecutive years, the Board shall increase the period of approval for that school from one to two years."**

The Committee agreed all currently approved schools will be required to submit a renewal application for July 1, 2009. If a school meets the requirements of Rule .0601(c), it will be renewed for two years, from July 1, 2009 through June 30, 2011. Schools that do not meet the requirements of Rule .0601(c) will be renewed for one year, from July 1, 2009 through June 30, 2010.

King Complaint

The Board reviewed and approved the Consent Agreement between the Board and South Piedmont Community College and Dr. Tim Reischman.

North Carolina School of Advanced Bodywork

The Committee had received a complaint that North Carolina School of Advanced Bodywork had printed and distributed some print advertising and had a webpage prior to being approved by the Board. The information contained in the advertising was

misleading as to the status and history of the school.

The Board reviewed and approved the Consent Order and Conditional approval of North Carolina School of Advanced Bodywork.

Communications Committee

Ms. Allen reported the Board's Newsletter is in the mail to licensees. Those who participated in its creation and content were commended.

Ms. Allen reported the Committee will meet with the Board's Webmaster following today's Board meeting to redesign the Board website and to add some information features. The redesign is coming along nicely and should be online by January 1, 2009.

Licensing Boards Coordination Committee

On November 12, 2008, a request was sent to the Attorney General for an opinion regarding the legality of a licensed acupuncturist practicing massage and bodywork therapy pursuant to their acupuncture license. The Board is waiting for a response.

OLD BUSINESS

Increase Business Management Hours for CE

Mr. Rick Rosen had submitted a request that the 3-hour maximum for continuing education courses in business management be increased. BTI is interested in offering a 25-hour course in Business & Marketing Practices and wanted it to be accepted by the Board as continuing education.

Ms. Middleswarth, Ms. Weinberger and Ms. Allen recused themselves and did not participate in the discussion since they either teach or offer continuing education courses to LMBTs.

The remaining Board members entered into a full discussion of the pros and cons of expanding the hours of business management acceptable as continuing education. Of concern was the limited amount of formal training required to become licensed as a LMBT and the need for more training in massage and bodywork therapy skills. It was agreed business management would be helpful to LMBTs and encouraged such courses be pursued, but not as credit for continuing education. Following the discussion it was the unanimous decision of those voting that the current 3-hour maximum for continuing education courses in business management be maintained.

FSMTB Annual Meeting

Ms. Middleswarth, Ms. Beam and Ms. Allen reported on their attendance at

the FSMTB Annual Meeting in Seattle. Ms. Middleswarth presented a detailed written report of the meeting. The NCBTMB had asked to attend but the request was denied. Twenty-five states were represented. Ms. Beam was elected treasurer of the FSMTB. All states present worked together in a spirit of harmony and the meetings were very productive.

Ms. Middleswarth announced she was not seeking re-appointment to the NCBMBT when her term expires June 30, 2009.

Citizen Advocacy Council

Ms. Huffman and Mr. Farah reported on their attendance at the CAC meeting in Asheville, NC. Both were impressed by the cooperation between health and medical licensing boards for the protection of the public. Ms. Huffman stated the CAC discussed the "no harm/no foul" tendency in disciplinary actions and encouraged the Board to consider the violation and not necessarily the result in disciplinary actions. Mr. Farah thought it would be beneficial for future public members of the Board to attend the CAC meetings. Mr. Farah reported he spoke with representatives from the NC Board of Nursing and they indicated they could possibly be of assistance to the NCBMBT in alcohol/substance abuse issues with licensees.

NEW BUSINESS

Continuing Education

Ms. Weinberger asked that the Board make it clear in its continuing education publications that courses in animal massage are not acceptable for continuing education credit. The Board made clear that HIV/AIDS training is acceptable as continuing education but it is not acceptable to meet the ethics requirement.

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 11:40 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 1:35 p.m.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned

at 1:35 p.m.

Ms. Susan Beam, Chair

Ms. Jean Middleswarth, Vice Chair