

# **North Carolina Board of Massage & Bodywork Therapy**

## **Open Session Minutes**

**August 12, 2010**

### **TIME AND PLACE**

The North Carolina Board of Massage and Bodywork Therapy met in Open Session in the offices of the Board on August 12, 2010 at 10:00 a.m.

### **MEMBERS PRESENT**

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

### **New Board Members**

Ms. Huffman recognized Dr. Edwin Preston, Ms. Candace Frye and Mr. Robby Brown as new members of the Board appointed by Governor Beverly Perdue.

### **MEMBERS ABSENT**

None

### **OTHERS PRESENT**

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

### **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 National Certification Board. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of June 17, 2010.

## **TREASURER'S REPORT**

The treasurer's report was approved as presented.

## **BUDGET FOR JULY 1, 2010 - JUNE 30, 2011**

Upon motion duly made, seconded and passed, the 2010-2011 Budget was adopted.

## **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

### **New Rules: .0629(9); .0629(10); .0630(11)**

Mr. Wilkins reported the rules review process is continuing for the three new rules to increase potential students' awareness of the requirement that an applicant for a LMBT license must have good moral character and that an applicant's criminal record will be considered by the Board. The proposed rules require schools to publish this information in their catalog and in their student enrollment agreement. Rules .0629(9) and .0629(1), if finally approved, will be in effect October 1, 2010 and Rule .0630 (11), if finally approved, will be in effect February 1, 2011. A public hearing is scheduled for amendment of Rule .0630 on October 21, 2010 at 11 a.m.

### **Status of Amendments to Practice Act**

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

### **Amendments to Board's Guidelines**

None

### **Disciplinary Hearings**

There are two disciplinary hearings scheduled for 1:00 p.m. today.

Ms. Kennedy reported:

### **Licensee Report**

10,236 licenses have been issued  
8,710 licensees are still in good standing

### **Renewal Report**

There are 4,122 licensees scheduled to renew by November 1, 2010. There are 439 licenses that expired December 31, 2008 that are eligible to renew by December 31, 2010. There are 185 licensees that have renewed.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Weinberger reported the Committee met June 17, 2010, following the Board meeting, with representatives of the International Association of Structural Integrators (IASI). There were no decisions made. The Board will continue discussions with representatives of IASI.

### **License Standards Committee**

Ms. Huffman, Chair, reported the Committee met June 18, 2010 as set forth in the minutes. Ms. Huffman further reported:

#### **Substance Abuse and Mental Health Issues**

Mr. Wilkins reported he had been in contact with representatives of the Board of Nursing to determine what programs the Board of Nursing might have that would assist the Board in identifying, treating, monitoring and resolving licensees with substance abuse or mental health issues. The Board of Nursing is reviewing its ability to provide services to the Board. This matter will remain in this Committee for further discussion when it hears further from the Board of Nursing.

#### **Disciplinary Compliance Follow-Up**

Mr. Wilkins will review the company that provides follow-up and monitoring of disciplined licensees to insure compliance and recommend whether the service would be helpful and cost effective.

#### **Rebekah Ann Saylor**

The Committee asks that Ms. Saylor be requested to meet with the Committee to discuss her past criminal record and to bring with her any witnesses or additional documentation she wants the Committee to consider.

#### **Paul Parker**

The Committee asks that Mr. Parker be written and asked to provide documentation to show his curriculum includes 15 hours of business practice education, 15 hours of ethics education and 20 hours of psychosomatic psychology. If he can't demonstrate he has completed that training, he must advise the Committee how he plans to obtain that education and when he expects to complete it.

#### **Theresa Ann Saulter**

The Committee asks that Ms. Saulter provide her entire disciplinary record with the Board of Nursing and further that she advise whether her nursing license has been fully re-instated.

**Emily Suzanne Scott**

The Committee agrees that Ms. Scott may be granted a Conditional License provided she agrees to submit copies of her criminal record with her next two license renewals.

**Heather Barefoot**

The Committee asks that Ms. Barefoot be requested to meet with the Committee to discuss her past criminal record, including her drug addiction issues, and to bring with her any witnesses or additional documentation she wants the Committee to consider.

**School Approval Committee**

No written report.

**Jurisprudence Examination Committee**

No written report.

**Communications Committee**

No written report.

**Licensing Boards Coordination Committee**

No written report.

**OLD BUSINESS**

**FARB**

Ms. Huffman reported that we should put the FARB forum on the agenda for the next Board meeting and determine who will attend.

**Public information campaign**

The Board discussed and agreed that the Communications Committee develop a public awareness campaign for the Board. Board members should submit any suggestions to the Committee as soon as possible. A line item for Public Campaign was added to the budget.

**Rossiter System Correspondence**

The Board reviewed a July 8, 2010 letter from Mr. Richard H. Rossiter and Mr. Wilkins' letter of July 16, 2010 in response. The Board was advised that Mr. Rossiter never received Mr. Wilkins' letter. If Mr. Rossiter did not receive Mr. Wilkins' letter he should so inform the Board so a copy of the letter can be sent to him. (During Public Comment the Board viewed a demonstration of what was stated to be the Rossiter System.)

## **NEW BUSINESS**

### **Updated Board Member and Staff contact information**

The Board members were provided with a 2010-2011 contact information roster in their Board packets.

### **FSMTB**

The Board reviewed Mr. Wilkins' letter to Ms. Debra Persinger expressing the Board's interest in whether the FSMTB plans to establish a program for approving continuing education providers and continuing education courses. The Board is waiting on a response from Ms. Persinger.

### **Distance Learning**

The Board agreed to ask the NCBTMB and the FSMTB to require that distance learning be differentiated on school graduation certificates and that distance learning, if applicable, be differentiated on their examination certificates.,

### **NCBTMB**

Mr. Paul Lindamood, CEO of NCBTMB, appeared before the Board to advise of the programs established and planned by NCBTMB. He stated the NCBTMB is investigating schools to see if they are legitimate and are not havens for human trafficking, prostitution or diplomas for sale. He provided a booklet for each Board member to review during his presentation. He requested that the Board reconsider its decision not to accept the NCBTMB examinations after December 31, 2010.

### **Vapocoolant device**

The Board discussed the Vapocoolant device. Ms. Huffman referred the issue to the Policy Committee.

### **CAC conference**

Ms. Huffman reported on this conference and recommended that we send a Board member to attend the November 11-12, 2010 conference in Washington, D.C. Ms. Huffman, Ms. Allen, Dr. Preston and Mr. Brown expressed interest in attending the conference.

### **Strategic Planning Session**

Ms. Huffman reported the Board needs to decide how often they would like to participate in a Strategic Planning Session. Upon motion duly made, seconded and passed, the Board agreed to schedule a one-day planning session in January 2011 at the Rizzo Center in Chapel Hill to review the goals implemented from the previous strategic planning session.

### **Committee Appointments**

The Board reviewed the committee assignments. The tentative Chair will schedule a meeting within the next two weeks and will elect a chair at that time.

## **PUBLIC COMMENT**

The Board received comments from the public.

## **RECESS**

The Board took a lunch recess from 12:10 p.m. to 1 p.m.

## **RESUME OPEN SESSION**

The Board returned to Open Session at 1:00 p.m.

### **Heather Lewis**

The Board conducted a disciplinary hearing regarding allegations Ms. Heather Lewis, LMBT violated the Massage and Bodywork Therapy Practice Act and Rules of the Board by failing to comply with the terms of her Conditional License. Ms. Lewis failed to appear before the Board.

### **Lauren Barta**

The Board conducted a disciplinary hearing regarding allegations Ms. Lauren Barta, LMBT violated the Massage and Bodywork Therapy Practice Act and Rules of the Board by practicing without a massage and bodywork therapy license. Ms. Barta failed to appear before the Board.

## **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 1:10 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session at 2:05 p.m.

### **Howard Anderson**

The Board announced it had reviewed and approved the Consent Order entered into by Mr. Anderson for alleged inappropriate actions with a client during a massage session wherein he agreed to be on probation for one year, obtain continuing education, pay a civil penalty of \$500 and costs of \$250. Mr. Anderson has paid the civil penalty and costs.

### **Kneaded Energy School of Massage**

The Board announced it had reviewed and approved the Consent Order entered into by Kneaded Energy School of Massage for inappropriate use of students to provide massage therapy services to clients wherein the school agreed to be on probation for one year, pay a civil penalty of \$1000 and costs of \$250. Kneaded Energy School of Massage has paid the civil penalty and costs.

**Shelley Johnson**

The Board announced it had reviewed and approved the Consent Order entered into by Ms. Shelley Johnson, an owner of Kneaded Energy School of Massage, for inappropriate use of a student in the school clinic to provide massage therapy services to a client wherein Ms. Johnson agreed to be on probation for one year, pay a civil penalty of \$500 and costs of \$250. Ms. Johnson has paid the civil penalty and costs.

**Bill Norman**

The Board announced it had reviewed and approved the Consent Order entered into by Mr. Bill Norman, an owner of Kneaded Energy School of Massage, for inappropriate use of a student at a local hotel to provide massage therapy services to a client wherein Mr. Norman agreed to be on probation for one year, pay a civil penalty of \$1000 and costs of \$250. Mr. Norman has paid the civil penalty and costs.

**NEW BUSINESS****Jared C. Maliska**

The Board reviewed and approved the Consent Order entered into by Mr. Jared Maliska for alleged inappropriate actions with a client during a massage session wherein Mr. Maliska agreed his license was revoked. The Board agreed to accept the faxed copy of his signed Consent Order.

**Heather Canada Lewis**

The Board reported it had found that Ms. Lewis had not complied with the terms of her Conditional License and that her license shall be revoked and she shall remain obligated to pay the civil penalty and costs set forth in her Conditional License.

**Lauren Barta**

The Board reported it had found that Ms. Barta had practiced massage and bodywork therapy on two occasions without a license and that an Order shall be entered that she pay a civil penalty of \$500, costs of \$100 and that the entire amount shall be paid in six months. If she fails to pay the civil penalty and costs within the six months a disciplinary hearing will be scheduled.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:05 p.m.

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Ms. Jaime Huffman, Chair

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Nancy Toner Weinberger, Treasurer