



## **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**

*December 9, 2010; 10:00 am –12:25 pm*

**Wachovia Capitol Center Building**

**150 Fayetteville Street, 13<sup>th</sup> Floor Large Conference Room, Raleigh, NC 27601**

*"The mission of 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 December 9, 2010 at 10:00 a.m.

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

Mr. Robby Brown

#### **OTHERS PRESENT**

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

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

### **APPROVAL OF MINUTES**

The Board approved its minutes of October 21, 2010.

### **TREASURER'S REPORT**

The treasurer's report was approved as presented.

### **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

#### **Rule: .0630**

Upon motion made, seconded and passed, the Board approved its proposed amendment to Rule .0630 and asked that it be referred to the Rules Review Commission for approval and an effective date of February 1, 2011.

#### **Rules .0203, .0206 and .0624**

Mr. Wilkins reported on three proposed rules changes, .0203, .0206 and .0624, that have been brought to the Board's attention by a licensed massage therapist. The proposed rule changes were referred to the Policy Committee.

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

There are no amendments to the Practice Act scheduled for consideration. Mr. Wilkins reported on the change of control in the 2011 General Assembly from Democratic to Republican.

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

An amendment to Guideline 1.8 will be discussed later in the meeting.

### **Disciplinary Hearings**

There are no disciplinary hearings scheduled for today.

Ms. Kennedy reported:

#### **Licensee Report**

10,636 licenses have been issued

7,330 active licenses

#### **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 3,177 licensees that have renewed.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Huffman, Chair, reported the Committee met December 2, 2010 as set forth in the Committee's minutes.

The Committee considered the following agenda items:

#### **Wallet Sized Card for LMBTs**

The Committee reviewed the expense of providing licensees with wallet sized duplicates of their license for them to use when away from their principal place of business. Due to the limited request and the expense of providing duplicate license cards, the Committee agreed to consider this within the wider discussion of public education and protecting the public.

#### **Lymphatic Massage of Genital Area**

Dr. Preston provided the Committee with his additional research which confirmed the previous opinion of the Committee that lymphatic massage of the genital area is a medical condition that should be treated medically and was not permitted by the Practice Act and Rules pursuant to NCGS 90-623(d)(1) and Rule .0516. It was agreed conditions that would require lymphatic massage of the genital area should be treated medically.

#### **NCBTMB Revocation of School Code**

The Committee discussed the procedure followed by some states to investigate schools in their states offering massage therapy educations and also discussed the procedure followed by the NCBTMB in investigating questionable schools to which it has issued school codes. The Committee agreed a letter should be sent to the FSMTB requesting that the Federation provide its member boards with information on which states regulate massage therapy schools and how they notify the Federation and other boards of schools in their states that are not in compliance with the rules of the boards or regulations of the states. It was agreed letters should also be written to the NCBTMB following up on previous correspondence on the same subject and to the Alliance for Massage Therapy Education to see what it might be doing or planning to do in this area. Mr. Wilkins was also asked to obtain from the Federation the pass/fail rate of applicants for licensure in the country and in North Carolina.

#### **International Association of Structural Integrators Examination**

The Committee again discussed the request from representatives of IASI regarding its examination and licensure of structural integrators and agreed that no further action can be taken by the Board on their request based on the requirements for licensure set forth in the Practice

Act. During the discussion the Committee also considered the suggestion that references to “Bodywork” be removed from the Practice Act and the Practice Act be amended accordingly. The Committee agreed that the term “Bodywork” should not be removed from the Practice Act.

### **Strategies for Working with Community Colleges**

The Committee considered whether a representative of the Board should attend the meetings of the Community College System massage and bodywork therapy committee. The Committee agreed to continue this discussion and asked Ms. Frye to consider being the liaison from the Board.

### **Chiropractic Continuing Education**

The Committee considered a request that chiropractic continuing education be accepted by the Board for chiropractors who are also licensed massage and bodywork therapists. The Committee agreed the continuing education standards and continuing education courses offered for each profession are sufficiently different that it would not be advisable for the Board to accept chiropractic continuing education to meet the continuing education requirements of the Board.

### **License Standards Committee**

Ms. Huffman, Chair, reported the Committee met October 22, 2010 and December 8, 2010, as set forth in the minutes.

### **School Approval Committee**

Ms. Weinberger, Chair, reported the Committee met December 1, 2010 as set forth in the minutes.

Ms. Weinberger further reported:

#### **Power Point Presentation for Use by Schools**

The power point presentation was presented to the Board for final approval. The schools will be sent a letter introducing the presentation with instructions on its suggested use. The proprietary schools and community colleges will receive the presentation on a compact disc so they are able to present the information in their classrooms.

#### **Increase Educational Standards**

The Committee discussed the requirement of 90-629(4) that specifies that an applicant for a license must have “completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board-approved school”. The Committee reviewed the survey drafted by Mr. Wilkins regarding the 500-hour requirement and distance learning and agreed it should be sent to the schools and community colleges.

#### **Natural Touch Massage School of Greensboro and Natural Touch Massage School of Hickory**

Mr. Wilkins reported that Natural Touch Massage of Greensboro had closed, had delivered its records to the Board, and the Board had delivered the records to State Archives. Mr. Wilkins also reported that Natural Touch Massage of Hickory had closed and that it plans to deliver its records to the Board in the next two weeks. The Board will then deliver the records to State Archives. The limited approvals for both schools expire December 30, 2010. The director of the teach-out for Natural Touch of Hickory plans to open a new school and will be sending in a School Approval Application.

### **Distance Learning**

In relation to distance learning, the Committee discussed the requirement of 90-629(4) that specifies that an applicant for a license must have “completed a training program consisting of a minimum of 500 in-class hours of supervised instruction at a Board-approved school”. The 500 in-class requirement does not allow for distance learning in the core curriculum but distance learning may be used if the school program is in excess of 500 hours. It was agreed questions regarding this issue should be contained in the survey to schools being developed.

### **Clinic Hours In School Curriculum**

The Committee reviewed a list of the current curricula of the schools prepared by M&M Consulting to compare the clinic hours to the hours of the programs. The Committee was concerned schools may have too many clinic hours compared to the number of hours being taught in the core curriculum. This issue will remain in Committee for further review.

### **Accreditation by USDOE of Board’s School Approval Process**

The Committee agreed it was not advisable for the Board to be accredited by the US Department of Education.

### **Haywood Community College**

The Board has received applications for licensure from three students who graduated from the massage therapy program at Haywood Community College. The Board has no information Haywood Community College offers a massage therapy program and the students were so notified. The Board received a letter dated November 10, 2010 from Haywood Community College stating the college could not locate its Attestation Letter from December 2008. The letter further stated the college admitted its first massage therapy students in January 2009. The letter had attached a copy of an Attestation Letter dated April 9, 2009 it says it sent to the Community College System and a copy of a second Attestation Letter dated May 22, 2010 it says it sent to the Community College System. The Board was not notified or provided a copy of either letter by the Community College System. The letter also had attached its curriculum, course descriptions, program outline and hours, which appeared to be in compliance. The Committee agreed the students should not be prejudiced by the failure of the Community College System to notify the Board of the Attestation Letters sent by Haywood Community College and agreed the applicants should be considered for licensure. The Committee agreed a letter should be written to the Community College System about the problems caused to students and

applicants when the Board is unaware that a community college has begun to offer a massage therapy program and no Attestation Letter is on file with the Board.

### **2011 School Renewals**

Ms. Weinberger reported renewal packages will be sent out in December for the 2011 school renewals. The packages will be sent to 18 of the 20 approved schools. Two schools, Miller-Motte of Cary and TMTI were granted two year renewals in 2010 and do not have to renew until 2012.

### **Site Visits**

Ms. Weinberger reported that M&M Consulting will be conducting site visits in January 2011 to Miller-Motte Greenville and Medical Arts Massage.

### **Establishment Regulation Committee**

Mr. Wilkins will draft a definition of “massage therapy establishment” for the Committee to consider. The Committee plans to meet with representatives of AMTA-NC Chapter to review a draft of an amendment to the Practice Act that would define “massage therapy establishment” and provide for licensure by the Board of such entities.

### **Communications Committee**

The December newsletter was presented at the board meeting and feedback should be sent to the Board by December 16<sup>th</sup>, 2010.

### **Jurisprudence Examination Committee**

Mr. Wilkins reported that he and Ms. Weinberger had been working on the questions for the Jurisprudence Learning Exercise and that a memorandum of the status of the exercise with all 59 questions and instructions were provided to the Board. The board members should be able to take the learning exercise by December 31<sup>st</sup>, 2010.

### **Licensing Boards Coordination Committee**

Mr. Powell reported, the Committee met December 8, 2010 with executive director, Linda Elliott, and executive assistant, Stephanie Kuzdrall, of the North Carolina Board of Cosmetic Arts Examiners to discuss areas of common interest to both boards.

### **Scope of Practice**

The parties discussed the Cease and Desist Letter sent to owner/manager of Luxor Day Spa in Raleigh for allowing an esthetician to advertise and provide massage to a client. The Cosmetic Arts Practice Act and Rules do not permit the Board of Cosmetic Arts to discipline a licensee for violating the provisions of the Massage and Bodywork Therapy Practice Act or Rules and the actions of the licensee were not deemed to be in violation of the Cosmetic Arts Practice Act and Rules. Ms. Elliott indicated the Board of Cosmetic Arts could send a letter to the licensee

regarding scope of practice and the definition of cosmetic arts and would cooperate with the NCBMBT in correspondence to the licensee. Mr. Wilkins will provide Ms. Kuzdrall with more information on the issue.

All participants generally discussed the operations of both boards and agreed to collaborate on issues of mutual concern and interest.

### **Licensing Establishments**

Ms. Elliott and Ms. Kuzdrall provided information of the Board of Cosmetic Arts' programs for licensing cosmetologists (60,000), estheticians (6,000), manicurists (13,000), natural hair practitioners, teachers (1,300), schools (141) and shops (13,000). There was also a good discussion of the pros and cons as well as the process for licensing establishments (shops).

The participants agreed the meeting was beneficial and plan to keep the lines of communication and collaboration open for future meetings as necessary.

## **OLD BUSINESS**

### **FARB Forum**

Ms. Huffman reported Mr. Powell, Mr. Thompson, Ms. Allen and Ms. Huffman will be attending the FARB forum held in January 2011 in New Orleans, LA.

### **FSMTB Conference**

Ms. Huffman reported on the FSMTB conference and provided a detailed written report to highlight items discussed. Ms. Huffman and Mr. Powell both thought attending the conference was most beneficial and encouraged other Board members to try and attend in 2011.

### **CAC Conference**

Dr. Preston attended the Citizens Advocacy Council conference in Washington, D.C. on November 11 and 12, 2010 as a representative of the Board. Dr. Preston presented the Board with information on the conference and recommended future public members attend.

### **Public information campaign**

Ms. Weinberger reported she plans to meet with Jill Hammergren, to discuss the feasibility of using press releases and ads in newspapers, internet, TV, radio or billboards.

### **Strategic Planning Session**

Ms. Huffman announced the 2011 Strategic Planning Session is scheduled for Friday, January 21 and Saturday, January 22, 2011 at the Rizzo Center in Chapel Hill. Ms. Huffman stated she would provide the Board members with a questionnaire to narrow down the topics of discussion for the retreat.

### **NCBTMB Letter**

The Board reviewed a letter from the NCBTMB expressing their concerns with distribution of inaccurate information about their Board.

#### **Amended Guideline 1.8.4**

Mr. Wilkins recommended further changes to guideline 1.8. Following discussion and a review of the documents, the Board upon motion made, seconded and passed, agreed to amend its Guideline 1.8.1 by adding the words “who has graduated from an in-state school and”, and agreed to amend its Guideline 1.8.4 by deleting the words “after December 31, 2010” and “for licensure by endorsement” and adding the words “who has graduated from an out-of-state school.”

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

Mr. Wilkins reported he had received information and a proposed contract from the Board of Nursing to assist the Board in identifying, treating, monitoring and resolving licensees with substance abuse or mental health issues. The issue was referred to the Policy Committee.

### **NEW BUSINESS**

#### **Updated criminal history reports for renewals**

Ms. Allen suggested the Board consider requiring licensees to submit a criminal history background check when renewing their license. This issue was referred to the Policy Committee.

#### **October Board Meeting**

Ms. Huffman proposed we change our October board meeting so Board members can attend the FSMTB and AMTA board meetings. Upon motion made, seconded and passed, the October 20, 2011 Board meeting will be changed to September 29<sup>th</sup>, 2011.

### **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 12:00 p.m.

### **ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 12:25 p.m.

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Ms. Jaime Huffman, Chair

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Nancy Toner Weinberger