



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

August 11, 2011; 10:00 am – 2:35 pm

Wachovia Capitol Center Building

150 Fayetteville Street, 13th 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 August 11, 2011 at 10:00 a.m.

MEMBERS PRESENT

Ms. Jaime Huffman, Ms. Candace Frye, Mr. Kevin Powell, Mr. Robby Brown, Dr. Edwin Preston, Ms. Darinda Davis and Mr. Josh Herman.

MEMBERS ABSENT

None

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

WELCOME NEW BOARD MEMBERS

Ms. Huffman welcomed and introduced Ms. Darinda Davis and Mr. Josh Herman as new members of the Board appointed by the Speaker Pro Tempore of the Senate to three-year terms beginning July 1, 2011.

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 conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of June 16, 2011.

TREASURER'S REPORT

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

BUDGET FOR 2011-2012

The Board reviewed the proposed budget and, upon motion made, seconded and passed, approved its budget for July 1, 2011 through June 30, 2012.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Rule .0624

Rule .0624, Standards of Professional Conduct, was reviewed by the Rules Review Commission at its July 21, 2011 meeting at which time counsel to the Rules Review Commission objected to portions of Rule .0624. The Commission asked that counsel for the Board and counsel for the Commission work on the Rule and it will be considered again at the Commission's August meeting. Mr. Wilkins met with Commission counsel and agreed to insert the word "key" before administrative staff since the term "key administrative staff" is defined in the Rules. With this amendment, Commission counsel withdrew his objection to the Rule. The Rule should be approved by the Commission on August 18, 2011 with an effective date of September 1, 2011.

Status of Amendments to Practice Act

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

Disciplinary Hearings

There are no disciplinary hearings scheduled for today.

Ms. Kennedy reported:

Licensee Report

11,290 licenses have been issued
7,264 active licenses

Renewal Report

There are 3,084 licensees scheduled to renew by November 1, 2011. There are 329 licensees whose license expired December 31, 2009 but who can renew if they do so by December 31, 2011. The proposed 2012 Board meeting schedule was presented to the Board and they agreed to change the February 16th meeting to February 9th and the August 16th meeting to August 9th. There has been a change in the mileage and subsistence rates. Revised travel vouchers were given to the Board.

COMMITTEE REPORTS

Policy Committee

Ms. Huffman reported the Committee met June 16, 2011, following the Board meeting, and discussed the matters set forth in the minutes of the Committee.

License Standards Committee

Ms. Huffman reported the Committee met June 16, 2011, following the Board meeting, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report.

Establishment Regulation Committee

No written report.

Communications Committee

No written report.

Jurisprudence Learning Exercise Committee

No written report.

Licensing Boards Coordination Committee

No written report.

OLD BUSINESS

FSMTB Conference

Ms. Huffman reported the FSMTB 2011 conference will be held in Los Angeles, CA, October 14-16, 2011. Ms. Huffman said she plans to attend and advised the Board members to send an email if also interested in attending.

CAC Conference

The CAC conference will be held October 20 & 21, 2011 in Washington, DC. Dr. Preston indicated an interest in attending. Ms. Huffman advised the Board members to send an email if interested in attending.

CLEAR Conference

The CLEAR conference will be held September 8-10, 2011 in Pittsburgh, PA. Ms. Huffman advised the Board members to send an email if interested in attending.

FSMTB School and Continuing Education Approval Request

The FSMTB is still considering the Board's request that it develop a school approval program as well as a continuing education approval program. Ms. Persinger stated in her email of July 26, 2011 that she was asking legal counsel if the FSMTB could post North Carolina pass/fail MBLEX information on the FSMTB website.

Public Education Campaign

Ms. Kennedy was asked to email the FAQ to the Board and asked that the Board provide input by August 24, 2011.

NEW BUSINESS

NCCAOM

The Board was advised the NCCAOM plans to cease giving the Asian Bodywork Therapy examination at the end of 2013. The Board agreed its Guidelines would need to be amended to reflect that action when appropriate.

North Carolina Board of Nursing

Mr. Wilkins reported he had been in contact with the NCBON regarding the Board's request that the NCBON enter into a contract with the Board to assist the Board with alcohol and drug abuse issues. Unfortunately, the NCBON is unable to enter into a contract with the Board at this time due to its current work load and resources. The issue was referred to the Policy Committee.

OSBM

The NC State Office of Budget and Management reported it had received an anonymous comment that the Board should put its application on its website for download. The OSBM recommends this be done. The issue was referred to the Policy Committee for consideration.

Senate Bill 781 Increase Regulatory Efficiency

The Board reviewed the effects of Senate Bill 781 on its ability to promulgate future rules. No further action is required at this time.

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 11: 00 a.m.

OPEN SESSION

The Board returned to Open Session at 2:35 p.m.

DISCIPLINARY HEARINGS

Byung Yoon Kim

Mr. Wilkins reported that Mr. Kim was served with the Order of the Board revoking his license and that Mr. Kim, through his attorney, filed a petition with the Office of Administrative Hearings contesting the Order. Mr. Wilkins advised the proper procedure was for Mr. Kim to appeal the Order of the Board to the Superior Court of Wake County or to the Superior Court of the county in North Carolina in which he resides. Mr. Wilkins will file a Motion with the Office of Administrative Hearings to dismiss the petition for lack of jurisdiction.

CONSENT ORDERS

Whitney Catherine Taylor Smith

The Board reported it had approved a Consent Order proposed by counsel and signed by Ms. Smith wherein Ms. Smith agreed she had practiced massage and bodywork therapy in North Carolina between January 1, 2011 and July 15, 2011 after her license had expired. The Consent Order provided that Ms. Smith will be issued a Conditional License, will be on probation of two years, will pay a civil penalty of \$1,000 and costs of \$250.

Kimberly Marie Squires

The Board reported it had approved a Consent Order proposed by counsel and signed by Ms. Squires wherein Ms. Squires agreed she had practiced massage and bodywork therapy in North Carolina between January 1, 2011 and June 11, 2011 after her license had expired. The Consent Order provided that Ms. Squires will be issued a Conditional License, will be on probation of two years, will pay a civil penalty of \$1,000 and costs of \$250. The Board agreed to accept the Consent Order.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:35 p.m.

Ms. Jaime Huffman, Chair

Dr. Edwin Preston, Treasurer