



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

February 17, 2011; 10:05 am –2:50 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 February 17, 2011 at 10:05 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Jaime Huffman and Ms. Candace Frye

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

Mr. Powell

RECORDING SECRETARY

Ms. Welden

CONFLICT OF INTEREST

Mr. Powell 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 December 9, 2010.

TREASURER'S REPORT

The treasurer's report was approved as presented.

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

Rule: .0630

Rule .0630 was approved by the Rules Review Commission and became effective on February 1, 2011.

Status of Amendments to Practice Act

There are no amendments to the Practice Act scheduled for consideration. Mr. Wilkins reported that Governor Perdue has asked the legislature to review the rules of all North Carolina boards to determine if all are necessary. Mr. Wilkins intends to plan a meeting with the AMTA-NC Chapter, Ann Christian and Randolph Cloud to discuss the advisability of opening the Practice Act during the 2011 session of the Legislature.

Disciplinary Hearings

There are no disciplinary hearings scheduled for today.

Ms. Kennedy reported:

Licensee Report

10,809 licenses have been issued
6,846 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 3,455 licensees that have renewed.

COMMITTEE REPORTS

Policy Committee

Mr. Powell, Acting Chair, reported the Committee met by conference call on February 10, 2011 as set forth in the Committee's minutes. He further reported:

International Association of Structural Integrators Examination

If the Practice Act is amended to allow the Board to recognize and license structural integrators, the Board will develop rules to implement that authority and will consult with the IASI on the development of those rules.

NCBTMB Revocation of School Code

The Committee agreed the Board should continue to seek information from the NCBTMB on its approval of out-of-state schools and should also continue with its request to the FSMTB that it also develop a program to approve massage and bodywork therapy schools in the US. The Committee further agreed the Board should ask the FSMTB to post on its webpage the pass/fail rate of schools whose applicants take the MBLEX.

Continuing Education – NCB and FSMTB

The Committee agreed the Board should continue to seek improvement of the program by the NCB and also that the Board will continue its request to the FSMTB that it approve continuing education instructors and courses. Ms. Weinberger reported the NCB is working on developing a better way to approve providers and their plan should be put into place by the end of 2011.

Strategies for Working with Community Colleges

The Committee discussed strategies for working with Ms. Rene Batts and the person in charge of the continuing education programs at the NC Community College System. The Board asked Ms. Batts to explain why community colleges are not submitting their attestation letters before they start massage therapy programs. Ms. Batts discussed the process community colleges are supposed to take to notify the Board of their massage therapy programs and agreed to provide the Board with more feedback.

Chiropractic Continuing Education

The Committee reviewed the correspondence to and from the Chiropractic Association regarding mutual cooperation and acceptance of chiropractic continuing education 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. However, the Committee agreed a meeting should be scheduled with representatives of the Chiropractic Association to express the Board's interest in continuing a mutually beneficial relationship.

Updated Criminal Record Checks for Renewals

The Committee discussed the feasibility and necessity of requiring criminal record searches for LMBTs who apply to renew their license who have never had a criminal record report to the Board. The Committee will continue its review of this issue as more data is developed.

Proposed Contract with Board of Nursing

The Committee discussed the feasibility and necessity of contracting with the NC Board of Nursing to provide assistance with licensees with mental, alcohol and substance abuse issues. The Committee will continue its review of this issue as more data is developed.

Rules .0624

The Board reviewed proposed amendments to Rule .0624. Upon motion made, seconded and passed, Rule .0624 was adopted and will be submitted to the Office of Administrative Hearing. A public hearing will be held at the April 2011 Board meeting.

License Standards Committee

Ms. Laura Allen reported the Committee will meet on February 18, 2011.

School Approval Committee

Ms. Weinberger, Chair, reported the Committee met by conference call on February 8, 2011 as set forth in the minutes. She further reported:

2011 School Renewals

Renewal packages were sent out in December for the 2011 school renewals. The packages were 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.

Natural Touch Massage School of Hickory

Natural Touch School of Massage of Hickory had closed and that its files had been received and delivered to State Archives.

Clinic Hours In School Curriculum

The Committee had been concerned schools may have too many clinic hours compared to the number of hours being taught in the core 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 and also reviewed the requirements of Rule .0620(3) that limits the number of hours in clinic to 100 of the hours set forth in the core curriculum as stated in Rule .0620(2)(f). No further action needs to be taken at this time.

Power Point Presentation for Use by Schools

The schools were sent a letter introducing the Power Point Presentation with instructions on its suggested use. It is recommended that it be shown to prospective students at their interview and before they are admitted and commit financially. The PowerPoint presentation is copyrighted by the Board and may not be changed, added to, or slides removed. The Committee reviewed and discussed questions from school directors about their use of the power point presentation. It was agreed the Power Point Presentation should be made available on the Board's website for download by all interested parties, including the public. It is recommended that it be shown to prospective students at their interview and before they are admitted and commit financially. The power point presentation can be used by the schools with their online newsletters and on their websites, provided they notify the Board.

Increase Educational Standards

The Committee discussed the requirement of 90-629(4) that specifies 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 responses regarding the 500 hour requirement and distance learning. The Committee agreed the 500 hours in the core curriculum should continue to be offered as live in classroom learning. Additional hours in excess of the 500 hour in-class core curriculum hours could be offered as distance learning depending on the subject matter. The Committee also agreed to make its report on the 500-hour requirement and the Committee's recommendations to the Board at the Board's retreat this spring. The Committee agreed to consider a change to Rule .0630 if needed to clarify what courses can be provided by distance learning.

Southeastern Community College

The Board has received applications for licensure from students who graduated from the massage therapy program at Southeastern Community College. The Board had no information Southeastern Community College offers a massage therapy program and the students were so notified. The Board received an "attestation letter" dated December 17, 2010 from Southeastern Community College stating the program met the minimum standards for faculty, curriculum and learning resources established by the Board. 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 Southeastern Community College and agreed the applicants should be considered for licensure.

Tri County Community College

The Board has received applications for licensure from students who graduated from the massage therapy program at Tri County Community College. The Board had no information Tri County Community College offers a massage therapy program and the students were so notified. The Board received an "attestation letter" dated December 8, 2010 from Tri County Community College stating the program met the minimum standards for faculty, curriculum and learning resources established by the Board. The Committee agreed the students should not be prejudiced by the failure of Tri County Community College to notify the Board and provide the Attestation

Letter and agreed the applicants should be considered for licensure. Ms. Batts advised the Board that Tri County Community College is a curriculum program.

Maiden School of Massage and Bodywork

Maiden School of Massage and Bodywork has filed an application for school approval. Following completion of the application, M&M Consulting will conduct a site visit of the school.

Mount Eagle Institute

Mount Eagle Institute has filed an application for school approval. Following completion of the application, M&M Consulting will conduct a site visit of the school.

Living Arts

The Committee reviewed a question regarding break and lunch times and use of externships for make up work. The Rules do not specifically state how long a lunch break shall be but the lunch break should be sufficient for the student to get lunch and eat it. It was agreed that class break time is not the same as lunch break time and should not be used interchangeably.

Externships must comply with Rule .0620(4), shall be in compliance with the limitation of Rule .0620(2) and shall not be used to make up hours missed in the core curriculum of the program.

School Hours and Pass Rate Summary

The Committee reviewed two reports, one from M&M Consulting listing the program hours and pass rates for the past three years for the 24 proprietary schools and a report from the Federation of State Massage Therapy Boards listing the pass rates for proprietary schools and community college programs in North Carolina in 2010. Based on the reports, the Committee noted that North Carolina schools and programs had a passing rate of 81%, and that the rate was 7.3% above the national average of 73.2%. The Committee did not think any further action needed to be taken at this time.

The Whole You School of Massage

The Whole You School of Massage will be closing and will bring its records to the Board office for delivery to the NC State Archives.

Rule .0612

The Committee reviewed Rule .0612 including sub-sections 1-8 under section (b). The Committee agreed that the issue is whether the various training courses in teaching methods are adequate. M&M Consulting reviews the credentials of prospective teachers, including their stated teacher training, and recommends whether the teacher should be approved. Teacher training takes several different forms, from a 200+ in class course to “on the job” training at the school where the teacher plans to teach. The Committee agreed there currently is no oversight of the teacher training offered to prospective teachers, only a list of 8 methods that should be included in the teacher training. The Committee suggested that M&M Consulting be asked if

they could conduct an assessment (possibility including personal observation) and review of the various teacher training courses offered in North Carolina to determine whether the teacher training is adequate to sufficiently train prospective teachers in teaching methods.

Establishment Regulation Committee

No report.

Communications Committee

Ms. Weinberger, Chair, reported the Committee met by conference call on February 10, 2011, as set forth by the minutes. She further reported:

Public Education Campaign

The Committee discussed the feasibility of using press releases and ads in newspapers, internet, TV, radio or billboards for the public education campaign. The primary message the Board plans to send to the public is: "If you are getting a massage the therapist must be licensed." The Committee discussed the anticipated cost/benefit of the various methods of getting the message out.

It was agreed to develop a public page to the website as a first step of the campaign and as a basis to which further public education can be directed.

Jurisprudence Examination Committee

Ms. Weinberger reported the jurisprudence exam is on the NCBOT website for review by the Board members. The Board members agreed to review the exam online one more time and provide input on changes that need to be made. The changes will be addressed at the April Board meeting.

Licensing Boards Coordination Committee

No written report.

OLD BUSINESS

FARB Forum

Mr. Powell reported he, Ms. Allen and Mr. Thompson attended the FARB forum in January 2011 in New Orleans, LA. The attendees provided the Board with positive feedback on the forum and recommended that Board members attend in the future. The attendees reported the focus of the forum was to evaluate and take note of how the public perceives Boards and how the Boards can be proactive in developing their images.

FSMTB Conference

Mr. Powell reported the FSMTB Annual 2011 Meeting will be held in Los Angeles, CA, October 14-16, 2011.

Strategic Planning Session

The Board discussed the date for the April Board meeting and the 2011 Strategic Planning Session. Upon motion made, seconded and passed, the Board meeting will be April 29, 2011 and the 2011 Strategic Planning Session will be April 30, 2011 at the Rizzo Center in Chapel Hill.

NEW BUSINESS

FSMTB MBLEx exam review

Mr. Powell reported he will be attending the meeting held on February 18-20, 2011 in Chicago, IL.

Susan Beam, LMBT – FSMTB

Ms. Beam, member of the FSMTB, reported on several issues the FSMTB is currently working on: (1) the exam review meeting in Chicago, IL which Mr. Powell will be attending; (2) a disciplinary database template is currently available and all members will be receiving a letter with participation information; (3) an annual performance report for massage therapy programs so member Boards may view the results electronically; (4) a model practice act for Boards to consider when developing or modifying a practice act; (5) a continuing education approval program which is in the conceptual state at this time; and (6) the possibility of a school database which will alert member Boards whether a school is fraudulent.

NCBTMB

The NCB provided information on the transformation of their approved provider and continuing education program. The changes to their official candidate score report were also provided for review.

Mary Lacy Williamson

Ms. Williamson presented her appeal of the Licensing Standards Committee decision to deny her application.

Rachel Paterson

Ms. Paterson presented her appeal of the Licensing Standards Committee decision to issue her a conditional license. Mr. Powell recused himself.

Nicole M. Mercep

Ms. Mercep presented her appeal of the Licensing Standards Committee decision to deny her application.

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 12:20 p.m.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:50 p.m.

Mr. Kevin Powell, Vice Chair

Nancy Toner Weinberger, Treasurer