



## **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**

*June 16, 2011; 10:00 am – 3:00 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 June 16, 2011 at 10:00 a.m.

#### **MEMBERS PRESENT**

Ms. Jaime Huffman, Ms. Candace Frye, Ms. Nancy Toner Weinberger, 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 Weldon, Administrative Assistant

#### **CHAIR**

Ms. Huffman

#### **RECORDING SECRETARY**

Ms. Weldon

## **WELCOME NEW BOARD MEMBERS**

Ms. Huffman welcomed and introduced Ms. Darinda Davis and Mr. Josh Herman and new members of the Board appointed by the Speaker Pro Tempore of the Senate to four-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 April 29, 2011.

## **TREASURER'S REPORT**

The treasurer's report was approved as presented.

## **BUDGET FOR 2011-2012**

The Board reviewed and approved its budget for July 1, 2011 through June 30, 2012.

## **ADMINISTRATIVE REPORTS**

Mr. Wilkins reported:

### **Rule .0624**

Rule .0624, Standards of Professional Conduct, is recommended for amendment to comply with the directive by the Board that professional conduct should apply to all school facilities where staff and students are performing therapeutic treatments. A public hearing on the proposed rule was held April 29, 2011 and the time for public comment ended June 5, 2011. No comments were received at the public hearing or in writing. Upon motion, made, seconded and passed the Board adopt the amended Rule .0624 with an effective date of August 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**

11,158 licenses have been issued  
7,297 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 2012-2013 renewal forms are on the Board's website.

## **COMMITTEE REPORTS**

### **Policy Committee**

No written report.

### **License Standards Committee**

No written report.

### **School Approval Committee**

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

#### **Mount Eagle Institute**

Mount Eagle Institute has completed its application for a new school and M&M Consulting conducted a site visit of the school on May 16, 2011. The Committee recommends Mount Eagle Institute for Board approval. Upon motion, made, seconded and approved the Board Approved Mount Eagle Institute.

#### **Miller-Motte College - Greenville Site Visit**

The Committee reviewed M&M Consulting's report of their site visit to Miller-Motte College-Greenville. The site visit report was satisfactory.

#### **2011 School Renewals**

Ms. Weinberger reported completed renewal packages for the 2011 school renewals had been received from fifteen of the twenty approved schools. Three schools, Blue Ridge Healing Arts Academy, Privai Academy and The Whole You School of Massage, which were supposed to renew this year, have closed. Two schools, Miller-Motte of Cary and TMTI were granted two year renewals in 2010 and do not have to renew until 2012.

The Committee recommends the following schools be approved for one year. Upon motion, made, seconded and passed, the Board approved the following schools for one year:

College of Wilmington

Edmund Morgan School  
ECPI College of Technology  
Kneaded Energy School of Massage  
Living Arts Institute  
Medical Arts Massage School  
Miller-Motte College of Greenville  
Miller-Motte College of Wilmington  
North Carolina School of Advanced Bodywork  
Southeastern Institute

The Committee recommends the following schools be approved for two years. Upon motion, made, seconded and passed, the Board approved the following schools for two years:

American & European Massage Clinic, Inc.  
Asheville School of Massage & Yoga  
Body Therapy Institute  
The Center for Massage and Natural Health  
The Healing Arts & Massage School

### **Community Colleges Attestation List**

The Committee received Attestation Letters from 15 Community College curriculum level massage therapy programs and 5 certificate level programs.

Ms. Weinberger was praised and thanked for her five years of leadership on the Board; particularly her work and efforts as Chair of the School Approval Committee, the Jurisprudence Learning Exercise Committee and the Communications Committee. Her expertise and contributions will be missed.

Ms. Allen was also commended for her efforts and contributions to the Board and its various committees on which she diligently served.

### **Establishment Regulation Committee**

No written report.

### **Communications Committee**

Ms. Weinberger reported the Public Education Campaign is progressing and that it might be possible to produce the videos at a reasonable cost as suggested and demonstrated by Ms. Allen. An issue to be determined is whether it is ethical for a Board member to appear in a Board video. Mr. Wilkins was asked to obtain an opinion from the Ethics Commission. Work is continuing on the FAQ for the public section of the Board's webpage. It was agreed to develop a public page to the website as a first step of the campaign and as a base to which further public education can be directed.

### **Jurisprudence Learning Exercise Committee**

Ms. Weinberger reported on the status of the Jurisprudence Learning Exercise and presented the Board with a document expressing her opinion on how the Jurisprudence Learning Exercise should be

implemented. Ms. Huffman referred the issue of implementation of the Jurisprudence Learning Exercise to the Policy Committee for further consideration.

### **Licensing Boards Coordination Committee**

Mr. Powell reported the Committee plans to meet with the NC Board of Chiropractic Examiners.

## **OLD BUSINESS**

### **FSMTB Conference**

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

### **CAC meeting**

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

### **Strategic Planning Session**

Ms. Huffman reported on the 2011 Strategic Planning Session held April 30, 2011 at the Rizzo Center in Chapel Hill. The Board and various committees have successfully completed 80% of the action items identified at the 2010 Strategic Planning Conference and work is continuing on the remaining items as well as additional items identified such as the Public Education Campaign and the licensing massage establishments.

### **Zero Balancing**

The Board reviewed the email advising that Zero Balancing as a modality that would require a massage and bodywork therapy license.

## **NEW BUSINESS**

### **Alliance for Massage Therapy Educations News Release**

The Board reviewed Mr. Rick Rosen's position paper for the Alliance for Massage Therapy Education.

### **Election of Officers**

Upon appropriate nomination and vote, the Board elected Ms. Jaime Huffman to serve as Chair, Mr. Kevin Powell to serve as Vice Chair and Dr. Ed Preston to serve as Treasurer.

## **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: 45 a.m.

## **OPEN SESSION**

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

## **DISCIPLINARY HEARINGS**

### **Ryan Elliott**

The Board conducted a disciplinary hearing regarding allegations Mr. Ryan Elliott engaged in inappropriate sexual activities with a client during a massage session. Mr. Elliott did not appear at the hearing but had voluntarily turned in his license to the Board.

### **Byung Yoon Kim**

The Board conducted a disciplinary hearing regarding allegations Mr. Byung Yoon Kim employed three unlicensed female persons to provide massage services to the public at his place of business in Indian Trail, N.C. in violation of ordinances of the city as well as the Practice Act and Rules of the Board. Mr. Kim did not appear at the hearing.

## **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 1:30 p.m.

## **OPEN SESSION**

The Board returned to Open Session at 1:45 p.m.

### **Ryan Elliott**

Ms. Huffman reported the Board reviewed the evidence presented during Mr. Elliott's hearing and was of the opinion Mr. Elliot had engaged in inappropriate sexual activities with a client during a massage session. The Board Ordered that Mr. Elliott's license to practice massage and bodywork therapy in North Carolina be revoked.

### **Byung Yoon Kim**

Ms. Huffman reported the Board reviewed the evidence presented during Mr. Kim's hearing and was of the opinion Mr. Kim had employed three unlicensed female persons to provide massage services to the public at his place of business in the Town of Indian Trail, N.C. and in doing so violated the local ordinances of the town as well as the Practice Act and Rules of the Board. The Board Ordered that Mr.

Kim's license to practice massage and bodywork therapy in North Carolina be revoked; that he pay a civil penalty of \$1,000 and costs of \$300.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 1:45 p.m.

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Ms. Jaime Huffman, Chair

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Dr. Edwin Preston, Treasurer