



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 9, 2012; 10:00 a.m. – 2:00 p.m.

**Wachovia Capitol Center Building
150 Fayetteville Street, 13th Floor Large Conference Room, Raleigh, NC 27601**

"The mission of the 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 9, 2011 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

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

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 conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 8, 2011.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

New Rules

There are no rules scheduled for review.

Status of Amendments to Practice Act

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

Disciplinary Hearings

There are no hearings scheduled today.

Superior Court hearings

Mr. Wilkins informed the Board of three complaints filed with the Wake County Superior Court against James Hartfield and Yehuda Lev for allegedly practicing after their licenses had been revoked and Nancy Salazar-Aldana for allegedly practicing without a license. The Court issued an Order for a Preliminary Injunction against Mr. Hartsfield and a Consent Order and Permanent Injunction was entered against Mr. Lev. A hearing regarding Ms Salazar is scheduled for Monday, February 13, 2012.

Ms. Kennedy reported:

Licensee Report

11,840 licenses have been issued
7,283 active licenses

Renewal Report

There were 3,413 licensees scheduled to renew for the 2012-2013 renewal period including licenses that expired December 31, 2009. 2,391 licensees have renewed.

COMMITTEE REPORTS

Policy Committee

There are no written reports.

License Standards Committee

Ms. Huffman reported the Committee met December 7, 2011, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

There are no written reports.

Establishment Regulation Committee

Mr. Herman reported the Committee met February 3, 2012, and discussed the matters set forth in the minutes of the Committee.

Communications Committee

There are no written reports.

Jurisprudence Learning Exercise Committee

There are no written reports.

Licensing Boards Coordination Committee

There are no written reports.

OLD BUSINESS

April 2012 Board Meeting

The April Board meeting will be held on April 5, 2012.

Public Education Campaign

Ms. Davis reported the frequently asked questions have been revised. The Board needs to submit any input by February 15th. The Board discussed using a videographer to promote the public education campaign. Upon motion made, seconded and passed, the Board agreed to use the videographer services.

FARB

Ms. Huffman reported she and Mr. Thompson attended the FARB forum held in January 2012 in Sarasota, FL. The attendees provided the Board with positive feedback on the forum. The attendees reported the focus of the forum was on public perception of Boards from the news and social media.

NEW BUSINESS

Executive Order No. 34

The Board reviewed the Governor's Executive Order No. 34.

ReFaceology

Mr. Wilkins reported the Board received an email questioning whether ReFaceology massage was required to be licensed. The Board discussed whether ReFaceology is a modality requiring licensure under the NCBMBT Practice Act. Upon motion made, seconded and passed, the Board agreed ReFaceology massage is a modality requiring a massage and bodywork therapy license.

Varshay Stoudermire

Mr. Stoudermire presented his appeal of the Licensing Standards Committee decision to deny his application. Mr. Herman recused himself from the discussion.

Tammilee Thorpe

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

Xianzhao Xu

Mr. Xu sent a letter to appeal the Licensing Standards Committee decision to deny his 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 11:30 a.m.

LUNCH

The Board recessed for lunch at 12:10 p.m.

CLOSED SESSION

The Board returned to Closed Session at 1:30 p.m.

OPEN SESSION

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

Anthony Gawlick

Mr. Wilkins reported Mr. Gawlick had signed the Consent Order revoking his license and imposing a civil penalty of \$1000 and costs of \$250.

Varshay Stoudermire

The Board reported it had considered Mr. Stoudermire's appeal of the denial of his license in Closed Session and his application will be denied at this time and he may reapply in 2015.

Tammilee Thorpe

The Board reported it had considered Ms. Thorpe's appeal of the denial of her license in Closed Session and her application will be denied at this time.

Xianhao Xu

The Board reported it had considered Mr. Xu's appeal of the denial of his license in Closed Session and his application will be denied at this time.

Newsletter

The Board discussed the final revision of its newsletter that covers Board activities in 2011. Members were advised to submit all changes by February 15th. The Board discussed sending the newsletter via email and with a postcard to those whose email addresses we do not have in the database. The newsletter can be sent by email with a link to the website and in PDF format. The staff will be gathering the information from the licensees for future transmission of the newsletters. The Board also discussed using text messaging as a way to send the newsletter via Google Voice which will need to be approved by each licensee.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:00 p.m.

Ms. Jaime Huffman, Chair

Dr. Edwin Preston, Treasurer