



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 12, 2013; 10:00 a.m. – 3:00 p.m.

**Wells Fargo 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 December 12, 2013 at 10:00 a.m.

MEMBERS PRESENT

Dr. Edwin Preston, Mr. Josh Herman, Mr. David Bedington, Renee Hays, Dianne Layden and Holly Foster

MEMBERS ABSENT

Ms. Darinda Davis

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Julia Lancaster, Administrative Assistant

CHAIR

Dr. Preston

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Dr. Preston asked if any Board member had any conflict of interest with any item on the meeting's agenda. Mr. Herman and Mr. Bedington recused themselves from any discussion regarding Chelsea Lee and Elechia Starnes. There being no further conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of October 17, 2013.

TREASURER'S REPORT

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

2012-13 FINANCIAL AUDIT

The 2012-13 Financial Audit 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 is one hearing scheduled today at 1:00 p.m.

Consent Orders

Mr. Wilkins informed the Board of complaints filed against Crystal Hand, Chelsea Lee, Rachel Proffit and Elechia Starnes for allegedly practicing with expired licenses. The Board agreed to consider the four proposed Consent Orders in Closed Session.

Ms. Kirk reported:

Licensee Report

13,530 licenses have been issued
8,461 active licenses

Renewal Report

There are 3,312 licensees scheduled to renew for the 2014-2015 renewal period as well as 554 licenses that expired on December 31, 2011 and can renew by December 31, 2013. 2,470 therapists have renewed.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Committee met October 24, 2013, and discussed the matters set forth in the minutes of the Committee.

Chiropractic Board

Dr. Preston reported the Committee is still open to discussions between the two Boards regarding chiropractors providing and advertising massage therapy when not licensed as LMBTs and using unlicensed personnel as “chiropractic assistants” to provide massage therapy. The Board agreed to monitor whether chiropractors are properly advertising massage therapy services and practicing in compliance with the Massage and Bodywork Therapy Practice Act and Rules.

Long Range Plan/Board Retreat

Dr. Preston reported the Committee reviewed topics to discuss for a retreat in 2014. The Board agreed to consider a retreat in 2014.

Art of Healing

Dr. Preston reported the Committee reviewed the history of the Art of Healing Tax as it applies to LMBTs, including the tax statutes, Ms. Weinberger’s documentation and Mr. Wilkins’ report on why it was included in the Orientation Booklet in 2000. Mr. Wilkins reported he had met with a representative of the NC Department of Revenue and was advised the Department is proceeding to remove the exception for masseuses and masseurs from the requirement that they obtain an Art of Healing license. The Art of Healing Tax information will remain in the Orientation Handbook.

Tantra/tantric services

Dr. Preston reported the Committee reviewed concerns of LMBTs practicing massage and bodywork therapy while also providing tantra/tantric services. The Committee did not have a recommendation for the Board but will do more research on tantra/tantric services and the issue will remain on the Committee agenda for future discussion.

Human Trafficking

Dr. Preston reported the Committee addressed the issue of human trafficking and how it affects the massage and bodywork therapy profession. The Committee agreed to contact the NC Stop Human Trafficking organization and ICE to ask if they will make presentations at a future Board meeting.

Email addresses on mailing list

Dr. Preston reported the Committee agreed with the Board's decision to only provide mailing addresses on the mailing list

License Standards Committee

Mr. Bedington reported the Committee met December 11, 2013, and discussed the matters set forth in the minutes of the Committee.

Allison Giaccone

Ms. Giaccone appeared before the Board to appeal the decision by the Licensing Standards Committee to deny her application for a license.

XiaoFen Jin

Ms. Jin appeared before the Board to appeal the decision by the Licensing Standards Committee to deny her application for a license. Ms. Jin had her interpreter with her.

Zhiwei Liu

Ms. Liu appeared before the Board to appeal the decision by the Licensing Standards Committee to deny her application for a license. Ms. Liu had her interpreter with her.

School Approval Committee

No written report.

Establishment Regulation Committee

Mr. Herman reported the Committee met by conference call on November 14, 2013, and discussed the matters set forth in the minutes of the Committee. The Committee agreed to develop a rule addressing retention and ownership of patient's records. The Board agreed to review Draft #7 for regulating establishments that employ or provide space to LMBTS. The Board agreed to review and propose any changes to Draft #7 for approval at the February Board meeting.

Communications Committee

Ms. Hayes reported the Committee met by conference call on October 29, 2013 and November 13, 2013, and discussed the matters set forth in the minutes of the Committee. The Committee reported the draft video spots have been recorded and recommended the Board contact the videographer. The Board also agreed to work on articles for the Newsletter and to have the completed document ready for approval at the February Board meeting.

OLD BUSINESS

2014 Board meeting dates

The 2013-2014 Board meeting dates were reviewed. The Board had a conflict with the April, June and December Board meeting dates. Upon motion made, seconded and passed the April 24, 2014, June 12, 2014 and December 18, 2014 meeting dates were changed to April 10, 2014, June 5, 2014 and December 11, 2014.

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported on proposed laws pending in the NC General Assembly that may affect licensing boards.

NEW BUSINESS

Class 4 Laser Therapy

The Board reviewed the November 13, 2013 email from Michael Harrington regarding Class IV therapeutic laser therapy. Upon motion made, seconded and passed, the Board agreed to refer this issue to the Policy Committee.

NCBTMB Approved Provider Program

The Board reviewed the October 17, 2013 email from Lori Ohlmann, Director of Outreach/Government Relations for NCBTMB, regarding the NCBTMB Approved Provider program. Upon motion made, seconded and passed, the Board agreed to refer this issue to the Policy Committee.

PUBLIC COMMENT

The Board received comments from the public.

RECESS

The Board recessed for lunch at 12:00 p.m.

OPEN SESSION

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

DISCIPLINARY HEARINGS

The Board conducted one disciplinary hearing regarding Ms. Yan Zhang and Yucca Foot Spa for aiding and abetting illegal massage and bodywork therapy activity. Ms. Zhang did not appear for her hearing.

CLOSED SESSION

Upon motion 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 2:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 3:00 p.m.

Crystal Hand

The Board reported Ms. Hand's signed Consent Order was approved.

Chelsea Lee

The Board reported Ms. Lee's signed Consent Order was approved.

Rachel Proffit

The Board reported Ms. Proffit's signed Consent Order was approved.

Elechia Starnes

The Board reported Ms. Starnes's signed Consent Order was approved.

Yan Hui Zhang/Yucca Foot Spa

Dr. Preston reported the Board reviewed the evidence presented during Ms. Zhang's hearing and was of the opinion Ms. Zhang engaged in inappropriate sexual activity and aided and abetted illegal massage and bodywork therapy activity at Yucca Foot Spa. The Board Ordered that Ms. Zhang's license be revoked and that she pay a civil penalty of \$1000 and costs of \$500.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:00 p.m.

Dr. Edwin Preston, Chair

Josh Herman, Treasurer