



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 14, 2014; 9:00 a.m. – 2:30 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 August 14, 2014 at 9:00 a.m.

MEMBERS PRESENT

Dr. Edwin Preston, Ms. Darinda Davis, Ms. Renee Hays, Mr. David Bedington, Ms. Dianne Layden and Ms. Holly Foster

MEMBERS ABSENT

Mr. Josh Herman

OTHERS PRESENT

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

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. There being no other potential conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of June 5, 2014.

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. The Establishment Regulation Rules have been informally reviewed by attorneys at the Rules Review Commission.

Status of Amendments to Practice Act

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

Disciplinary Hearings

There were two hearings scheduled today at 1:00 p.m. The Board has been notified one hearing will be rescheduled for the October 2014 Board meeting.

Consent Orders

Mr. Wilkins informed the Board of a complaint filed against Gerald Shean for allegedly engaging in improper activity during a massage and bodywork therapy session. The Board agreed to consider a proposed Consent Order in Closed Session.

Ms. Kirk reported:

Licensee Report

14, 187 have been issued
8,475 active licenses

Renewal Report

There are 4,859 licensees scheduled to renew for the 2015-2016 renewal period. 771 licenses expired on December 31, 2012 and can be renewed by December 31, 2014. Online license renewal information will be sent by email and postcard in July. 479 therapists renewed between November 2, 2013 and July 31, 2014 and received a Letter of Reprimand.

COMMITTEE REPORTS

Policy Committee

No written report.

License Standards Committee

Mr. Bedington reported the Committee met June 6, 2014, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report.

Establishment Regulation Committee

Mr. Wilkins reported the Board sent the establishment regulation rules for a pre-review to attorneys of the Rules Review Commission. Mr. Wilkins will be scheduling a meeting with the attorneys to review changes that were recommended during the pre-review process.

The Board discussed the impact of human trafficking in NC and the importance of the approval of the establishment regulation rules as one tool to address this issue.

Communications Committee

Public Service Campaign

Ms. Foster reported the Committee would contact the foreign language newspapers to provide a public service announcement from the Board on requirements for licensure in North Carolina. Ms. Foster reported the Public Service Videos have been added to the Board's Consumer Resource page on its website. A link to the Public Service Videos will be made to the Board's Facebook page.

Continuing Education Ad Hoc Committee

Ms. Foster reported on the meetings held by the Continuing Education Ad Hoc Committee. The Committee developed a narrative summary for the Board that provided a detailed summary of the meetings held on June 30, 2014 and July 1, 2014, a background of the meeting, discussion among the committee and consultants, resolution to the FSMTB and the consideration of changes to Section .0700 of the Rules and Regulations of the Board. Upon motion made, seconded and passed, the Board recommended the Committee continue its work on this issue and report at the December Board meeting.

OLD BUSINESS

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.

2014 CAC Annual Meeting

The 2014 CAC Annual Meeting will be held in Baltimore, Maryland, October 23rd-24th, 2014.

2014 CLEAR Annual Meeting

The 2014 CLEAR Annual Meeting will be held in New Orleans, Louisiana, September 11th-13th, 2014. Ms. Layden agreed to attend.

FSMTB CE Task Force Meeting Update

This topic was addressed under the FSMTB resolution topic in new business.

FSMTB Announcements

a. Model Practice Act

The Board reviewed the announcement that the FSMTB Model Practice Act Task Force has completed a draft Model Practice Act and addressed the sections the Board would like to add to the Practice Act. The changes have been made and the comment period has been opened again.

b. Bylaws

The Board reviewed the announcement that the FSMTB Policy Committee is currently reviewing the Bylaws and requesting input from member boards and agencies.

c. 2014 Annual Meeting

The 2014 FSMTB Annual Meeting will be held in Tucson, Arizona, October 2nd-4th, 2014. Ms. Davis will be attending as a delegate and Ms. Foster and Ms. Layden will attend to represent the Board.

2013 Continuing Education Audit Results

The Board reviewed the 2013 continuing education audit results. The Board agreed to send a Notice of Hearing for the October 2014 Board meeting to one therapist who did not submit the additional requirements to the Board.

HB74 Rules Review Process

Mr. Wilkins informed the Board of the public comments received on the rules and regulations of the Board. Upon motion made, seconded and passed, the Board approved the final classifications for G.S. 150B-21.3A report for 21 NCAC 30, NC Board of Massage and Bodywork Therapy.

NEW BUSINESS

2015 CLEAR International Congress

The 2015 CLEAR International Congress will be held in Amsterdam, June 25th-26th, 2015.

FSMTB Exam Updates

The Board reviewed a letter dated July 2, 2014 addressing MBLEx updates effective July 1, 2014 and a letter dated July 14, 2014 providing a list of individuals who have had their MBLEx scores invalidated by the FSMTB. Board staff cross-referenced the list of individuals who had their MBLEx scores invalidated and determined the Board does not have any licensees on this list.

FSMTB Resolution

Ms. Davis reported on the FSMTB Resolution for continuing education approval for license renewal proposed by the FSMTB Continuing Education Task Force. Upon motion made, seconded and passed, the Board approved the FSMTB Resolution.

2015 Board meeting dates

The Board discussed the 2015 Board meeting dates and agreed to change the June 18, 2015 meeting to June 4, 2015 and the December 17, 2015 meeting to December 10, 2015. Upon motion made, seconded and passed, the Board agreed to approve the 2015 Board meeting dates.

PUBLIC COMMENT

The Board received comments from the public.

RECESS

The Board recessed for lunch at 12:25 p.m.

OPEN SESSION

The Board returned to Open Session at 1:05 p.m.

DISCIPLINARY HEARINGS

The Board conducted a disciplinary hearing regarding allegations Ms. Louise Inch failed to provide required proof of completion for each continuing education course submitted for her 2014-2015 online license renewal. Ms. Inch 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 1:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 2:15 p.m.

Louise Inch

Dr. Preston reported the Board reviewed the evidence presented during Ms. Inch's hearing and was of the opinion Ms. Inch failed to provide the Board with proof of completion of her 2014-2015 continuing education requirements, including copies of her continuing education certificates, by March 31, 2014, or at any time. The Board Ordered that Ms. Inch's license be suspended immediately until September 14, 2014 and she is given until September 14, 2014 to provide the Board with proof of completion of her 2014-2015 continuing education requirements and to explain the reasons for her failure to provide the Board with proof of her completion of her 2014-2015 continuing education requirements. It is further Ordered that Ms. Inch surrender her license to practice massage and bodywork therapy within ten days of receipt of the Order, pay a civil penalty of \$500, costs of \$250 and should Ms. Inch fail to provide the Board with these requirements, her license to practice massage and bodywork therapy will be revoked.

Hong Liang Qu

The Board reported Mr. Qu's hearing will be postponed until the October 2014 Board meeting due to being out of the country.

Gerald Shean

The Board reported Mr. Shean's signed Consent Order was approved.

Angel Abbott

The Board reported Ms. Abbott failed to provide the Board with proof of completion of her 2014-2015 continuing education requirements and will be mailed a Notice of Hearing for the October 2014 Board meeting.

FSMTB Nomination

The Board agreed for Ms. Davis to submit nominations for the Board of Directors to FSMTB on behalf of Holly Foster and Dianne Layden.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:30 p.m.

Dr. Edwin Preston, Chair

David Bedington, Treasurer