



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 5, 2014; 10:00 a.m. – 3:40 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 June 5, 2014 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Renee Hays

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. Mr. Herman recused himself from discussion on Miller-Motte-Cary and any other Miller-Motte massage schools. There being no other potential conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of April 10, 2014.

TREASURER'S REPORT

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

2014-2015 BUDGET

The 2014-15 Budget 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. Upon motion made, seconded and passed, the Board agreed to make the appropriate changes suggested by the Rules Review Commission and continue with the rules process for the Establishment Regulation Rules.

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 Kim Brackett and Rebecca Murray for allegedly practicing with expired licenses, Maridel Gonzalez Crespo for allegedly practicing without a current license, Yan Zhang for failure to meet the requirements for licensure and HongLing Zhou for allegedly engaging in sexual activity during a massage and bodywork therapy session and aiding and abetting illegal massage and bodywork activity. The Board agreed to consider the four proposed Consent Orders and one proposed Order in Closed Session.

Ms. Kirk reported:

Licensee Report

13, 996 have been issued
8,258 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.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Committee met May 21, 2014, and discussed the matters set forth in the minutes of the Committee.

Long Range Plan/Board Retreat

Dr. Preston reported the Committee discussed a strategic planning retreat for the Fall of 2014 but the Rizzo Center is not available during the Fall. The Committee recommended rescheduling the strategic planning retreat for the Winter of 2015, with a Friday night, Saturday and Sunday morning format. Mr. Wilkins will check on availability with the Rizzo Center for the weekend of January 30 – February 1. Mr. Wilkins also sent an email to the Board attaching a document with an update of what was accomplished during the 2010 and 2011 retreats and requested agenda items to be discussed at the 2015 strategic planning retreat. The Board agreed a facilitator will not be necessary for the 2015 strategic planning retreat. The Board will review the agenda items from Board members and create a retreat agenda.

Human Trafficking

The Board addressed the issue of human trafficking and how it affects the massage and bodywork therapy session. Kelly Harrison, Special Agent for Homeland Security Investigations, is scheduled to present to the Board at 1:00 pm today on issues of human trafficking from her perspective.

Proposals for CE Rule Changes/NCBTMB/FSMTB

Dr. Preston reported the Committee discussed the different ideas submitted on behalf of continuing education requirements and approved provider programs. The Board agreed to focus on the FSMTB's approved provider program and to encourage and recommend input from outside sources for future discussion about continuing education. Upon motion made, seconded and passed the Board agreed to develop an ad hoc committee, consisting of three board members appointed by the Chair, to review the information submitted for continuing education requirements and approved provider programs.

Dr. Preston appointed Ms. Foster, Ms. Davis and himself to the Continuing Education Ad Hoc Committee.

Discussion with Debra Persinger – CE/MOCC program

The Board reviewed additional information submitted by Ms. Persinger on the CE/MOCC program. The FSMTB position paper will be available in July 2014 and the Board agreed to review the submission at the August meeting. The Board also agreed to invite Ed Bolden, Chair of the Task Force Committee, to attend its October Board meeting.

Scope of Practice

Dr. Preston reported the Committee reviewed an email dated May 5, 2014 from Kevin Bergeron, DC, which provided information on lymphatic drainage machines, infrared, paraffin baths and vasopneumatic devices and requested approval by the Board that using “infrared” devices would be within the scope of practice under massage and bodywork therapy in NC. Upon motion made, seconded and passed, the Board agreed that the Board will not regulate a licensed massage and bodywork therapist using “infrared” devices but to advise the therapist of the requirements that the therapist be trained and competent to use “infrared” devices and that the therapist’s training and competence be demonstrated and documented.

FSMTB Practice Act

Dr. Preston reported the Committee reviewed the Federation of State Massage Therapy Board’s Model Practice Act. The Board agreed to recommend to FSMTB to add sections addressing massage and bodywork therapy establishments, schools, requirement for English proficiency, hold/suspension status of a license and adult entertainment/tantra services. Mr. Wilkins agreed to draft a letter for submission to the FSMTB and send to the Board for review addressing the sections the Board would like to add to the Practice Act.

License Standards Committee

Mr. Bedington reported the Committee met April 11, 2014, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Davis reported the Committee met June 2, 2014, and discussed the matters set forth in the minutes of the Committee.

2014-2015 School Renewals

The Committee reviewed the 2014 renewals received from the 12 schools required to renew this year along with the summaries and survey reports produced by M&M Consulting. The following schools are recommended to the Board for approval for one or two years as designated:

1. Kneaded Energy School of Massage - approved for 1 year

2. Living Arts Institute - approved for 1 year
3. Maiden School of Massage and Bodywork - approved for 1 year
4. Medical Arts Massage School – approved for 1 year
5. Miller-Motte College, Cary – approved for 2 years; send letter of concern for low MBLEx pass rates and high staff turnover
6. Miller-Motte College, Fayetteville - approved for 1 year
7. Miller-Motte College, Greenville – approval pending
8. Miller-Motte College, Wilmington – approved for 2 years
9. Mount Eagle College - approved for 1 year
10. North Carolina School of Advanced Bodywork - approved for 2 years
11. Southeastern Institute – approved for 2 years; send letter of concern for low MBLEx pass rates and low graduation rates
12. Therapeutic Massage Training Institute - approved for 2 years

The following seven schools did not have to renew in 2014 but are scheduled to renew in 2015 along with the above six schools that received a one year renewal and Miller-Motte College, Greenville, if approved for one year:

1. American and European Massage Clinic, Inc.
2. Asheville School of Massage & Yoga
3. Body Therapy Institute
4. Center for Massage & Natural Health
5. College of Wilmington
6. NC Massage School
7. The Healing Arts & Massage School

Establishment Regulation Committee

No written report.

Communications Committee

Public Service Notice

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.

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. Ms. Layden agreed to attend the annual meeting.

2014 CLEAR Annual Meeting

The 2014 CLEAR Annual Meeting was held in Raleigh, North Carolina, April 29th, 2014 and Ms. Kirk attended.

FSMTB CE Task Force Meeting Update

Ms. Davis provided a background on the Board's involvement as a member board with the FSMTB and reviewed the CE Task Force talking points as provided in the Board's Dropbox folder.

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 agreed to respond addressing the sections the Board would like to add to the Practice Act.

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 was authorized to attend as well.

2013 Continuing Education Audit Results

The Board reviewed the 2013 continuing education audit results. The Board agreed to refer each therapist who provided incomplete documentation to the Licensing Standards Committee for review. The Board also agreed to send a Notice of Hearing and proposed Consent Order for the August 2014 Board meeting to those who did not submit any information to the Board.

Election of new Board officers

Upon appropriate nomination and vote, the Board elected Dr. Edwin Preston to serve as Chair, Ms. Holly Foster to serve as Vice Chair and Mr. David Bedington to serve as Treasurer.

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 12:55 p.m.

Presentation by Kelly Harrison, Special Agent for Homeland Security Investigations

Ms. Harrison, Special Agent for Homeland Security Investigations, provided a PowerPoint presentation to the Board containing information on human trafficking and human smuggling and how it affects the massage and bodywork therapy profession in North Carolina.

DISCIPLINARY HEARINGS

The Board conducted a disciplinary hearing regarding Hong Ling Zhou for allegedly aiding and abetting illegal massage and bodywork therapy activity. Ms. Zhou did not appear for his 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 2:45 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 3:10 p.m.

Kim Brackett

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

Maridel Gonzalez Crespo

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

Rebecca Murray

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

Yan Zhang

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

HongLing Zhou

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

August Board meeting

The Board discussed scheduling a “special meeting” to address the review of rules required by House Bill 74 and a disciplinary hearing. Upon motion made, seconded and passed, the Board agreed to change the August 21, 2014 Board meeting to August 14, 2014 at 9 am and include these two items as agenda items.

Miller-Motte College - Greenville

The Board discussed the pending approval of Miller-Motte College – Greenville and provided a deadline to submit the required information for the renewal of school approval. Upon motion made, seconded and passed, the Board agreed to allow the school until June 12, 2014 to submit the required information for the renewal of school approval and agreed the School Approval Committee is authorized to make the final decision for approval.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:40 p.m.

Dr. Edwin Preston, Chair

Josh Herman, Treasurer