



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

October 16, 2014; 10:00 a.m. – 2:40 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 October 16, 2014 at 10:00 a.m.

MEMBERS PRESENT

Ms. Renee Hays, Mr. David Bedington, Ms. Dianne Layden, Ms. Holly Foster and Ms. Nancy Harrell

MEMBERS ABSENT

Dr. Edwin Preston and Ms. Darinda Davis

OTHERS PRESENT

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

CHAIR

Ms. Foster

RECORDING SECRETARY

Ms. Kirk

NEW BOARD MEMBER

Ms. Foster welcomed Ms. Nancy Harrell as a new member of the Board appointed by Senator Phil Berger, President Pro Tempore of the Senate, for a three year term ending June 30, 2017.

CONFLICT OF INTEREST

Ms. Foster 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 August 14, 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. Additional changes will be made based on the review and will be submitted to the Board for approval before being sent to the Office of Administrative Hearings for publication in the NC Register to begin the rules adoption process.

Status of Amendments to Practice Act

There are no amendments to the Practice Act scheduled for consideration. The General Assembly is currently out of session but will return for the 2015 legislative session in January 2015.

Disciplinary Hearings

There were three hearings scheduled today at 1:00 p.m. One hearing was postponed to the December 2014 Board meeting.

Consent Orders

Mr. Wilkins informed the Board of complaints filed against Olumakinde Ogundipe and Rafael Smith for allegedly practicing with expired licenses that may be resolved with Consent Orders. The Board agreed to consider the proposed Consent Orders in Closed Session.

Ms. Kirk reported:

Licensee Report

14,335 have been issued

8,653 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. 1,291 therapists have renewed. 990 therapists renewed online and 301 therapists renewed by mail. An online renewal reminder email was sent on October 10, 2014.

COMMITTEE REPORTS

Policy Committee

No written report.

License Standards Committee

Mr. Bedington reported the Committee met August 15, 2014 and October 15, 2014, and discussed the matters set forth in the minutes of the Committee.

Holly Bish

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

Chun Zeng

Ms. Zeng, along with her legal counsel, appeared before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

School Approval Committee

No written report.

Establishment Regulation Committee

Mr. Wilkins reported he, Dr. Preston and Ms. Kirk met for a pre-review with the attorneys of the Rules Review Commission to discuss the proposed establishments regulation rules. Changes suggested by the attorneys will be made and presented to the Board at the December 2014 Board meeting.

Communications Committee

No written report.

Continuing Education Ad Hoc Committee

Ms. Foster reported on the meeting held by the Continuing Education Ad Hoc Committee on September 12, 2014. The Committee will continue its consideration of changes to Section .0700 of the Rules and Regulations of the Board.

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 and the survey submitted by the Board and by all licensing boards and state agencies. Mr. Wilkins and Ms. Kirk met with the legislative staff who developed the survey and who are currently working on a report to the Joint Legislative Program Evaluation Committee in January 2015.

2014 CAC Annual Meeting

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

CLEAR Announcements

a. 2014 Annual Conference

The 2014 CLEAR Annual Conference was held in New Orleans, Louisiana, September 11th-13th, 2014. Ms. Layden attended and reported on the conference.

b. 2015 International Congress

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

c. 2015 Annual Conference

The 2015 CLEAR Annual Conference will be held in Boston, Massachusetts, September 17th-19th, 2015.

FSMTB CE Task Force Meeting Update

Ms. Foster reported on the FSMTB CE Task Force Meeting. The FSMTB member boards approved the resolution.

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. The final version of the FSMTB Model Practice Act was presented and approved at the 2014 FSMTB Annual Meeting.

b. Bylaws

The Board reviewed the announcement that the FSMTB Policy Committee was reviewing the Bylaws and requested input from member boards. The final version of the FSMTB Bylaws was presented and approved at the 2014 FSMTB Annual Meeting.

c. 2014 Annual Meeting

The 2014 FSMTB Annual Meeting was held in Tucson, Arizona, October 2nd-4th, 2014. Ms. Davis attended as a delegate and Ms. Foster and Ms. Layden attended to represent the Board. Ms. Foster informed the Board that FSMTB and NCBTMB entered into an agreement that the NCBTMB will no longer provide an entry level licensing exam beginning November 1, 2014. Ms. Foster also reported she was elected to the FSMTB Board of Directors. The Board was also informed of several speakers at the meeting that are willing to come and speak to the Board about various topics.

HB74 Rules Review Process

Mr. Wilkins informed the Board the Rules Review Commission met to review the final classifications for G.S. 150B-21.3A report for 21 NCAC 30 in September 2015. The Commission approved the report and all current rules of the Board; however, the Board will be required to readopt Rules .0201 and .0701.

NEW BUSINESS

Letter to FSMTB on behalf of Structural Integrators

The Board reviewed a letter from Breta Stroud, President of the Board of Directors of the International Association of Structural Integrators, a letter from Mr. Wilkins to FSMTB expressing concerns made by the structural integrators and a response from Debra Persinger, Executive Director of FSMTB, acknowledging those concerns.

Ipad Purchase and Depreciation Policy

The Board reviewed the I-pad purchase and depreciation policy. Upon motion made, seconded and passed, the Board approved the I-pad purchase and depreciation policy.

FSMTB exam update

Ms. Foster reported on the changes to the MBLEx that took effect July 1, 2014 that will help with fraudulent test takers.

PUBLIC COMMENT

The Board received comments from the public.

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 11:50 p.m.

RETURN TO OPEN SESSION

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

Holly Bish

The Board reported Ms. Bish's application for a license will be denied.

Chun Zeng

The Board reported Ms. Zeng will be issued a license provided she provide proof of satisfactory completion of an English proficiency examination.

Olumakinde Ogundipe

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

Rafael Smith

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

DISCIPLINARY HEARINGS

Hong Liang Qu

The Board conducted a disciplinary hearing regarding allegations Mr. Hong Liang Qu failed to provide required proof of completion for each continuing education course submitted for his 2014-2015 online license renewal and Mr. John Reeves failed to renew his license in a timely manner resulting in practicing massage and bodywork therapy with an expired license. Mr. Qu did not appear for the hearing.

John Reeves

The Board conducted a disciplinary hearing regarding allegations Mr. John Reeves failed to renew his license in a timely manner resulting in practicing massage and bodywork therapy with an expired license. Mr. Reeves did not appear for the hearing

2015 Board Meeting Schedule

The 2015 Board meeting schedule was reviewed and approved by the Board.

2015 Strategic Planning Conference

Mr. Wilkins reported he will contact the Rizzo Center for availability for January 30-February 1, 2015 for the Board's 2015 Strategic Planning Conference.

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 2:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 2:40 p.m.

David Dutton

The Board reported Mr. Dutton’s hearing will be postponed until the December 2014 Board meeting.

Hong Liang Qu

Ms. Foster reported the Board reviewed the evidence presented during Mr. Qu’s hearing and was of the opinion Mr. Qu failed to timely provide required proof of completion for each continuing education course submitted for his 2014-2015 online license renewal. The Board entered an Order that Mr. Qu pay a civil penalty of \$500 and costs of \$250.

John Reeves, III

Ms. Foster reported the Board reviewed the evidence presented during Mr. Reeves’ hearing and was of the opinion Mr. Reeves failed to renew his license in a timely manner resulting in practicing massage and bodywork therapy with an expired license. The Board entered an Order that Mr. Reeves pay a civil penalty of \$500 and costs of \$500.

Aimee Gaunt/Kara Witt

Ms. Foster reported the Board reviewed a complaint filed against Ms. Gaunt and Ms. Witt. The Board agreed the complaint against Ms. Witt shall be dismissed and that Ms. Gaunt shall be issued a Letter of Reprimand.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:40 p.m.

Ms. Holly Foster, Vice Chair

David Bedington, Treasurer