



## **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 20, 2015; 10:00 a.m. – 2:00 p.m.*

**Wells Fargo Capitol Center Building  
150 Fayetteville Street, 13<sup>th</sup> 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 20, 2015 at 10:00 a.m.

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

None

#### **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**

Ms. Foster

#### **RECORDING SECRETARY**

Ms. Kirk

#### **CONFLICT OF INTEREST**

Ms. Foster asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Foster recused herself from discussion with Rule .0702. Ms. Foster and Ms. Harrell recused themselves from discussion on the Therapeutic Massage Training Institute and Asheville School of Massage & Yoga. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of June 4, 2015.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

The Establishment Regulation Rules were sent to the Office of Administrative Hearings and have been published in the NC Register. A public hearing was held and the rules were submitted to begin the permanent rule-making process.

The Joint Legislative Procedure Oversight Committee reviewed the Rules Review Commission report on the final classifications for 21 NCAC 30. The Committee approved the report and the Board is required to readopt Rules .0201 and .0701.

The Rules Review Commission attorneys reviewed the rules following the approval of the Board at the June 4, 2015 Board meeting and suggested several changes. The Policy Committee met to review the suggested changes made by the Rules Review Commission attorneys and objection letters submitted to the Rules Review Commission.

#### **Rule .0201**

The Board reviewed Rule .0201 pursuant to House Bill 74, requiring re-adoption of rules designated as 'necessary with substantive public interest'. Upon motion made, seconded and passed, the Board approved the changes to Rule .0201. The Board will complete the rules review process with a projected effective date of October 1, 2015.

#### **Rule .0701**

There were no additional changes to Rule .0701.

#### **Rule .0702**

The Board reviewed Rule .0702, amending the rule to comply with Rule .0701. Upon motion made, seconded and passed, the Board approved the changes to Rule .0702. The Board will complete the rules review process with a projected effective date of October 1, 2015.

#### **Rules .1001-.1015**

The Board reviewed Rules .1001, .1002, .1003, .1004, .1008, .1013, .1014 and .1015, licensing massage and bodywork therapy establishments. Upon motion made, seconded and passed, the Board approved the changes to Rules .1001, .1002, .1003, .1004, .1008, .1013, .1014 and .1015. The Board will complete the rules review process with a projected effective date of October 1, 2015. There were no additional changes to Rules .1005, .1006, .1007, .1009, .1010, .1011, and .1012.

### **Status of Amendments to Practice Act**

There are no amendments to the Practice Act scheduled for consideration. The General Assembly is currently in session.

### **Disciplinary Hearings**

There are no hearings scheduled today.

### **Consent Orders**

Mr. Wilkins informed the Board of non-compliance with the 2014 Continuing Education Audit by Maria Donaty-Gurba, Diantha Lee and Dustin Webb. The Board agreed to consider the proposed Letters of Reprimand in Closed Session.

Ms. Kirk reported:

#### **Licensee Report**

14,986 have been issued  
8,613 active licenses

#### **Renewal Report**

There are 3,757 licensees scheduled to renew for the 2016-2017 renewal period. 570 licenses expired on December 31, 2013 and can renew by December 31, 2015. The online license renewal information was sent in July. 544 therapists renewed between November 2, 2014 and July 31, 2015 and received a Letter of Reprimand.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Foster reported the Committee met August 19, 2015, and discussed the matters set forth in the minutes of the Committee.

**Rules .0201, .0701, .0702, .1001-.1015**

Ms. Foster reported the Committee reviewed and discussed the additional comments from the attorneys at the Rules Review Commission following submission of the rules after the June Board meeting.

### **Request from Joseph Sawyer**

Ms. Foster reported the Committee reviewed a letter from Joseph Sawyer, LMBT #05913, requesting his information be deleted from the Board's database due to issues with harassment and stalking by having his information displayed on the Board's website. The Board agreed that Mr. Sawyer's information is public record and should remain in the Board's database system and on the Board's website.

### **License Standards Committee**

Mr. Bedington reported the Committee met June 5, 2015, and discussed the matters set forth in the minutes of the Committee.

#### **TOEFL exam**

Mr. Bedington reported on taking the TOEFL examination. The Board agreed this examination will be a useful resource for individuals who may lack proficiency in the English language.

### **School Approval Committee**

Ms. Hays reported the Committee met via email on August 18, 2015, and discussed the matters set forth in the minutes of the Committee.

#### **Medical Arts School**

Ms. Hays reported the Committee reviewed additional documentation submitted by the school, the Letter of Reprimand and Letter of Concern to Medical Arts School and recommended the Board approve Medical Arts School for a one-year renewal. Upon motion made, seconded and passed, the Board agreed to approve Medical Arts School for a one-year renewal and agreed not to waive the \$750 disciplinary costs required in the Letter of Reprimand.

#### **Mount Eagle College**

Ms. Hays reported the Committee reviewed additional documentation submitted by the school, the Letter of Reprimand and Letter of Concern to Mount Eagle College and recommended the Board approve Mount Eagle College for a one-year renewal. Upon motion made, seconded and passed, the Board agreed to approve Mount Eagle College for a one-year renewal.

#### **Therapeutic Massage Training Institute**

Ms. Hays reported the Committee reviewed an Application for School Approval due to new ownership for Therapeutic Massage Training Institute and recommended the Board approve the school. Upon motion made, seconded and passed, the Board agreed to approve Therapeutic Massage Training Institute effective August 20, 2015 through June 30, 2016.

## **Asheville School of Massage & Yoga**

Ms. Hays reported the Committee reviewed an Application for School Approval of an Additional Program for Asheville School of Massage & Yoga and recommended the Board approve the additional program. Upon motion made, seconded and passed, the Board agreed to approve the additional program with Asheville School of Massage & Yoga effective August 20, 2015 through June 30, 2016.

## **Communications Committee**

No written report.

## **OLD BUSINESS**

### **NC General Assembly Proposed Laws Affecting Licensing Boards**

Mr. Wilkins reported there is no additional information to report on the NC General Assembly.

### **2015 Strategic Planning Conference**

Ms. Foster reported on the 2015 Strategic Planning Conference held at the Rizzo Conference Center in Chapel Hill, North Carolina, January 30<sup>th</sup>-31<sup>st</sup>, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings and requested Board staff indicate which items have been completed.

### **CLEAR 2015 meetings**

The 2015 CLEAR Annual meeting will be held in Boston, Massachusetts, September 17<sup>th</sup>-19<sup>th</sup>, 2015. The 2015 CLEAR International Congress will be held in Amsterdam, June 25<sup>th</sup>-26<sup>th</sup>, 2015. The 2016 CLEAR Winter Symposium will be held in Savannah, Georgia, January 6, 2016. Ms. Layden agreed to attend the annual meeting.

### **FSMTB 2015 Annual meeting**

The 2015 FSMTB Annual meeting will be held in Albuquerque, New Mexico, October 8<sup>th</sup>-10<sup>th</sup>, 2015. Ms. Layden, Ms. Foster and Mr. Bedington agreed to attend the annual meeting.

### **FARB 2015/2016 Annual meetings**

The 2015 FARB Regulatory Law Seminar will be held in Denver, Colorado, October 1<sup>st</sup>-4<sup>th</sup>, 2015. The 2016 FARB Forum will be held in Clearwater Beach, Florida, January 28<sup>th</sup>-31<sup>st</sup>, 2016. The 2016 FARB Regulatory Law Seminar will be held in Chicago, Illinois, September 29<sup>th</sup>-October 2<sup>nd</sup>, 2016.

### **CAC 2015 meetings**

The 2015 CAC Annual meeting will be held in Washington, DC, November 12<sup>th</sup>-13<sup>th</sup>, 2015.

### **Response to Sydney Holzman, Yamuna Table Treatment**

The Board reviewed and agreed with the response by Mr. Wilkins to Sydney Holzman regarding questions on the Yamuna Table Treatment.

### **NEW BUSINESS**

#### **NCBTMB Assigned School Code Program**

The Board reviewed an email dated July 16, 2015 from NCBTMB regarding the importance but limitations of their Assigned School Code Program.

#### **Emails regarding informed consent from clients**

The Board reviewed two emails dated July 17, 2015 and July 18, 2015 from Kendra Sanders and Kim Dupre, respectively, regarding questions about Rule .0503 and informed consent from clients. Upon motion made, seconded and passed, the Board agreed that Rule .0503 should be followed in the order set forth in subsections (1)-(4) and that informed consent should be obtained before providing treatment. Since the Rule does not specifically state written informed consent should be obtained prior to each treatment session, so long as written, informed consent is obtained before any treatment is provided and the written informed consent sets forth the time frame during which the treatments are to be provided, it shall be up to the LMBT to determine if it is necessary to obtain written, informed consent before each treatment session.

#### **FSMTB FAIR Task Force**

The Board reviewed an email dated July 30, 2015 from Holly Foster regarding the FSMTB FAIR Task Force request for information on how to combat fraud from applicants and licensees. Board staff agreed to provide Ms. Foster with examples on the issues the Board faces with fraud from applicants and licensees.

### **PUBLIC COMMENT**

The Board received comments from the public.

### **RECESS FOR LUNCH**

The Board recessed for lunch at 12:45 p.m.

### **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 1:20 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session at 2:00 p.m.

**Meng Zheng**

The Board reported Ms. Zheng's will be required to take the TOEFL examination and score 24 or better on writing, 26 or better on speaking, 21 or better on reading and 18 or better on listening and obtain an overall score of 89 or better.

**Marie Donaty-Gurba**

The Board reported Ms. Donaty-Gurba's Letter of Reprimand was approved.

**Diantha Lee**

The Board reported Ms. Lee's Letter of Reprimand was approved.

**Dustin Webb**

The Board reported Mr. Webb's Letter of Reprimand was approved.

**ADJOURNMENT**

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

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Ms. Holly Foster, Chair

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David Bedington, Treasurer