



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

February 19, 2015; 10:00 a.m. – 2:20 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 February 19, 2015 at 10:00 a.m.

MEMBERS PRESENT

Dr. Edwin Preston, Ms. Renee Hays, Mr. David Bedington, 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 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 conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 11, 2014, as amended.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Mr. Wilkins reported:

New Rules

There are no rules currently at the Rules Review Commission. The Establishment Regulation Rules have been informally reviewed by attorneys at the Rules Review Commission. Changes suggested have been made and are ready for Board approval. Once approved, the rules will be sent to the Office of Administrative Hearings for publication in the NC Register to begin the rules adoption 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.

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 three hearings scheduled today at 1:00 p.m. All three hearings have been postponed to the April 23, 2015 Board meeting.

Consent Orders

Mr. Wilkins informed the Board of complaints filed against Sherry Carpenter and Michael Young for allegedly practicing massage and bodywork therapy with an expired license. The Board agreed to consider the proposed Consent Orders in Closed Session.

Ms. Kirk reported:

Licensee Report

14,585 have been issued

8,111 active licenses

Renewal Report

There are 4,859 licensees scheduled to renew for the 2015-2016 renewal period. 4,118 therapists have renewed. 3,085 therapists renewed online and 1,033 therapists renewed by mail. 412 Letters of Reprimand were mailed in January 2015 for therapists who renewed between November 2, 2014 and December 31, 2014. The routine Continuing Education Audit letters were mailed February 5, 2015 to 200 therapists who renewed online. The continuing education certificates are due to the Board by March 31, 2015.

COMMITTEE REPORTS

Policy Committee

Dr. Preston reported the Committee met February 10, 2015, and discussed the matters set forth in the minutes of the Committee.

Conference call with Donna Sarvello, VP of Educational Support for NCBTMB

Dr. Preston reported the Committee met with Donna Sarvello, VP of Educational Support for NCBTMB, via conference call to discuss NCBTMB's CE approved provider program, the contract with New York State, a potential contract with NCBMBT, NCBTMB's teacher training program and school approval process. The Committee will schedule a future conference call to discuss NCBTMB's school approval process.

License Standards Committee

Mr. Bedington reported the Committee met February 18, 2015, and discussed the matters set forth in the minutes of the Committee.

Garrett Pesta

Mr. Pesta requested to appear before the Board to appeal the decision by the License Standards Committee to deny his application for a license. Mr. Pesta and his attorney appeared before the Board.

Jian Zhao

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

School Approval Committee

Mr. Wilkins informed the Board the School Approval Committee will be reviewing the 2015-16 school renewal applications and will make a recommendation to the Board at its June meeting.

Establishment Regulation Committee

No written report. Dr. Preston recommended terminating the Establishment Regulation Committee since the Committee work has been completed. Upon motion made, seconded and passed, the Board agreed to terminate the Establishment Regulation Committee.

Communications Committee

Ms. Foster reported the Committee met via conference call on January 16, 2015 and discussed the matters set forth in the minutes of the Committee.

Winter 2014 Newsletter

The Winter 2014 Newsletter has been posted on the Board's website and all therapists have been notified of this addition to the News and Announcements page.

Foreign language newspaper ads

The Committee developed an article to publish in select foreign language newspapers. The Committee is in communication with Kelly Harrison, Special Agent of Homeland Security Investigations regarding the article and addresses for appropriate newspapers.

Public Awareness Videos

The Committee discussed the videos on the Board's website and ways to present these videos to the public. Board staff informed the Board the videos have been linked and Google Analytics has been added to the website to track how many views the website receives on a daily basis.

Continuing Education Ad Hoc Committee

No written report. Dr. Preston recommended terminating the Continuing Education Ad Hoc Committee since the Committee work has been completed. Upon motion made, seconded and passed, the Board agreed to terminate the Continuing Education Ad Hoc Committee.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported on proposed laws pending in the North Carolina General Assembly that may affect professional licensing boards. Study recommendations were reported to the Joint Legislative Program Evaluation Committee and the Joint Legislative Administrative Procedure Oversight Committee in December 2014 and January 2015. Mr. Wilkins provided the Board with a copy of the letter to the Program Evaluation Division providing the Board's view of the results of the study. Mr. Wilkins also reported he has been meeting with a group of attorneys who represent various professional licensing boards to respond to the Program Evaluation Division and their study and suggest possible legislation.

2015 Strategic Planning Conference

Dr. Preston reported on the 2015 Strategic Planning Conference held at the Rizzo Conference Center in Chapel Hill, North Carolina, January 30th-31st, 2015.

NEW BUSINESS

FSMTB CE Initiatives

The Board reviewed the FSMTB continuing education initiatives.

CLEAR 2015 meetings

The 2015 CLEAR Annual meeting will be held in Boston, Massachusetts, September 17th-19th, 2015. The 2015 CLEAR Regional Seminar will be held in Raleigh, North Carolina, April 30th, 2015. The 2015 CLEAR International Congress will be held in Amsterdam, June 25th-26th, 2015. Ms. Layden agreed to attend the annual meeting and regional seminar.

FSMTB 2015 Annual meeting

The 2015 FSMTB Annual meeting will be held in Albuquerque, New Mexico, October 8th-10th, 2015.

FARB 2015/2016 Annual meetings

The 2015 FARB Regulatory Law Seminar will be held in Denver, Colorado, October 1st-4th, 2015. The 2016 FARB Forum will be held in Clearwater Beach, Florida, January 28th-31st, 2016.

Rule .0201

The Board reviewed the Notice of Text and changes to 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 Rule .0201 and agreed to complete the rules review process for Rule .0201.

Rule .0701

The Board reviewed the Notice of Text and changes to Rule .0701 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 Rule .0701 and agreed to complete the rules review process for Rule .0701. Ms. Foster recused herself from voting on this agenda item. Since Rule .0701 references Rule .0702, the Board agreed amendments were appropriate for Rule .0702 to conform with amendments to Rule .0701.

Rule .0702

The Board reviewed the Notice of Text and changes to Rule .0702 clarifying continuing education requirements. Upon motion made, seconded and passed, the Board approved Rule .0702 and agreed to complete the rules review process for Rule .0702. Ms. Foster recused herself from voting on this agenda item.

Rules .1001-.1015

The Board reviewed the Notice of Text and addition of Section .1000 to regulate massage and bodywork therapy establishments. Upon motion made, seconded and passed, the Board approved Rules .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014 and .1015 for adoption and will begin the rules review process.

April Board meeting

The Board discussed changing the April Board meeting from April 16, 2015 to April 23, 2015. There was also discussion of the possibility of also meeting on April 24, 2015 due to pending disciplinary hearings. Upon motion made, seconded and passed, the Board agreed to change the April 16, 2015 Board meeting to April 23, 2015 and to be prepared to continue the meeting on April 24, 2015 for disciplinary hearings, if necessary.

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 12:50 p.m.

RETURN TO OPEN SESSION

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

Yingqing Monast

The Board reported Ms. Monast will be scheduled for an interview at the next LSC meeting.

Garrett Pesta

The Board reported Mr. Pesta's application will be denied and the decision of the LSC upheld.

Jian Zhao

The Board reported Ms. Zhao's application will be denied and the decision of the LSC upheld.

Sherry Carpenter

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

Michael Young

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

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 2:20 p.m.

Dr. Edwin Preston, Chair

David Bedington, Treasurer