



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 1910, Raleigh, NC 27601

OPEN SESSION MINUTES

August 18, 2016; 10:00 a.m. – 4:30 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 18, 2016 at 10:00 a.m.

MEMBERS PRESENT

Ms. Dianne Layden, Ms. Holly Foster, Ms. Kim Turk, Ms. Melissa Smith, Ms. Renee Hays and Ms. Nancy Harrell

MEMBERS ABSENT

Dr. Tim Taft

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. There being no conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of June 2, 2016.

TREASURER'S REPORT

The Treasurer's Report was reviewed and approved as presented. The Board discussed concerns with licensees not renewing their license and agreed to develop a survey to gather more information on this matter. The Board also requested Board staff to provide a timeline for online applications at the October Board meeting.

ADMINISTRATIVE REPORTS

Rules

There are no rules pending before the Rules Review Commission.

The Board agreed to amend Section .0600 of the Rules and Regulations of the Board to comply with United States Department of Education requirements that schools approved by the Board are postsecondary schools of higher education. Mr. Wilkins informed the Board the United States Department of Education provided information on this matter and Section .0600 will be amended.

Status of Amendments to Practice Act

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

Disciplinary Hearings

Mr. Wilkins informed the Board of complaints filed against a therapist for injury to a client's abdomen during a massage treatment and two incidents of practicing with expired licenses. The Board agreed to consider the proposed Letters of Reprimand in Closed Session. One therapist was not served with the Consent Order so that issue will be continued to the October Board meeting. There are no disciplinary hearings scheduled today.

Ms. Kirk reported:

Licensee Report

15,826 have been issued
8,845 active licenses

Renewal Report

There are 5,019 licensees scheduled to renew for the 2017-2018 renewal period. 751 licenses expired on December 31, 2014 and can renew by December 31, 2016. Online license renewal information was sent by email in July. 552 therapists renewed between November 2, 2015 and July 31, 2016 and received a Letter of Reprimand.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met August 17, 2016, and discussed the matters set forth in the minutes of the Committee.

Continuing Education

Ms. Foster reported the Committee discussed the NCBTMB and FSMTB continuing education collaboration.

FSMTB

a. 2017 Education Verification policy

Ms. Foster reported the Committee discussed an email dated July 28, 2016 from FSMTB regarding the 2017 education verification policy.

b. 2016 Proposed Resolutions

Ms. Foster reported the Committee discussed an email dated August 8, 2016 from FSMTB regarding the 2016 Proposed Resolutions. Upon motion made, seconded and passed, the Board agreed to request the Board's delegate to pass the resolution titled 'Amendment to Re-testing/Re-examination Policy to Limit the Number of Attempts to Pass the MBLEx Before Additional Education and Training is Required' submitted by the Georgia Board of Massage Therapy and not pass the other resolutions submitted to FSMTB.

c. Letter and response regarding elections

Ms. Foster reported the Committee discussed emails dated June 2, 2016 and June 14, 2016, respectively, regarding the FSMTB's election process. The Board agreed that Ms. Foster respond to FSMTB to request an amendment to the bylaws so applications for the election process are submitted by July 1 and the nominating committee must submit candidates to member boards by August 1.

d. Survey regarding TOEFL/TOEIC

Ms. Foster reported the Committee reviewed emails between Mr. Wilkins and FSMTB requesting information from member boards regarding acceptance of the TOEFL and TOEIC examinations.

Federal mandate for license portability for military veterans and spouses

Ms. Foster reported the Committee discussed the federal mandate for license portability for military veterans and spouses and agreed to continue discussion on this topic at future meetings.

Complaint regarding Thai Massage/Bodywork

Ms. Foster reported the Committee discussed an email dated June 6, 2016 from Jamie Kozlowski regarding an unlicensed individual providing Thai Yoga. The Board agreed to request the Exemptions ad/hoc Committee review the practice of Thai Yoga, Thai Yoga Bodywork and Thai Yoga Massage.

Email regarding Rule .0504

Ms. Foster reported the Committee reviewed an email dated August 10, 2016 from Kim Bonsteel regarding Rule .0504, Documentation; Referrals. Upon motion made, seconded and passed, the Board agreed to begin the rules review process to amend Rule .0504.

Email regarding NQC Roster

Ms. Foster reported the Committee reviewed an email dated August 11, 2016 from Kim Moore regarding a link to the Roster for Therapeutic Massage Programs in the North Carolina Community College System. Upon motion made, seconded and passed, the Board agreed to add a link to the roster to the Board's website.

License Standards Committee

Ms. Layden reported the Committee met June 3, 2016, and discussed the matters set forth in the minutes of the Committee.

Jinxiang Dou

Ms. Dou's appeal will be continued to the October Board meeting.

Kelley Weaver

Ms. Weaver 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.

Communications Committee

Ms. Harrell reported the Board approved an article to be placed in foreign newspapers. The article has been placed in local Korean and Russian newspapers for approximately eight months. Upon motion made, seconded and passed, the Board agreed to continue placing the article in the Korean and Russian newspapers through December 2016 and continue discussion with the Chinese newspaper.

Exemptions Ad Hoc Committee

Ms. Harrell reported the Committee met July 15, 2016, and discussed the matters set forth in the minutes of the Committee. The Committee reviewed the following energy-based techniques contained in the

Board's Guideline 1.11: Healing Touch; Jin Shin; Medical Qi Gong; Polarity Therapy; Reflexology; Reiki; Specialized Kinesiology; Therapeutic Touch. The Board agreed with the Committee's assessment and conclusion that the NC Massage and Bodywork Therapy Practice Act in N.C.G.S. 90-624(7) provides exemptions for "the practice of techniques that are specifically intended to affect the human energy field".

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.

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 30th-31st, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings.

CLEAR 2016/17 meetings

The 2016 CLEAR Annual Educational Conference will be held in Portland, Oregon, September 14th-17th, 2016. The 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16th-17th, 2017.

FSMTB 2016 Annual meeting

The 2016 FSMTB Annual meeting will be held in Cleveland, Ohio, October 6th-8th, 2016. Ms. Foster and Ms. Layden agreed to attend.

Response to Jennifer Spencer regarding facial peels and topical preparations

The Board reviewed and agreed with the response by Ms. Kirk to Jennifer Spencer regarding facial peels and topical preparations.

NEW BUSINESS

FSMTB 2016 Resolutions

The FSMTB 2016 Resolutions were discussed during the Policy Committee report.

2017 Board Meeting Schedule

The Board discussed the 2017 Board meeting dates. Upon motion made, seconded and passed, the Board agreed to approve the 2017 Board meeting dates.

Email from Frank Fraboni regarding reflexology

The Board reviewed an email dated July 27, 2016 from Frank Fraboni regarding reflexology. Mr. Wilkins agreed to respond to Mr. Fraboni's request.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:35 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 12:40 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 4:30 p.m.

Sherry Bonds

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

Leyna Picariello

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

Stefanie Hall

The Board reported Ms. Hall was not served with the Consent Order therefore it will be continued to the October Board meeting.

Jinxiang Dou

The Board reported Ms. Dou's appeal will be continued to the October Board meeting.

Kelley Weaver

The Board reported it affirmed the decision of the LSC and Ms. Weaver's application will be denied and reconsidered in November 2017.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 4:30 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer