



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

October 20, 2016; 10:00 a.m. – 2:00 a.m.; November 21, 2016; 9:00 a.m. – 4:00 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 20, 2016 at 10:00 a.m.

MEMBERS PRESENT

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

NEW BOARD MEMBER

Ms. Foster welcomed Dr. Tim Taft as a new member of the Board appointed by Governor Pat McCrory for a term ending June 30, 2019.

MEMBERS ABSENT

None

OTHERS PRESENT

Mr. Charles Wilkins, 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. Smith recused herself from discussion on Travis Blocker and Jonathan Dodrill and Ms. Harrell recused herself from discussion on Jonathan Dodrill. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of August 18, 2016 and August 29, 2016.

TREASURER'S REPORT

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

2015-16 FINANCIAL AUDIT

The 2015-16 Financial Audit was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

There are no rules currently at the Rules Review Commission. The Board reviewed the amendments to Rule .0504, .0601, .0602, .0618, .0620, .0623, .0628, .0629, .0630, .0903 and the adoption of Rule .0906. Upon motion made, seconded and passed, the Board adopted the rules and agreed to send the rules to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process.

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 Pavel Cobzaru for engaging in inappropriate sexual activity during a massage and bodywork therapy session and Austin Avent, Chrissy Bruce, Stefanie Hall and Susan Jebo for practicing with expired licenses. The Board agreed to consider the proposed Consent Orders in Closed Session. There are five disciplinary hearings scheduled today involving thirteen licensees.

Ms. Kirk reported:

Licensee Report

15,965 have been issued

9,010 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. 955 therapists have renewed. 646 therapists renewed online and 309 therapists renewed by mail. An online renewal reminder email was sent on October 14, 2016.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met October 19, 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. 2016 Annual Meeting

Ms. Foster reported the Committee reported on the 2016 Annual Meeting and provided updates on the License Renewal Program, the Federation Authentic Information Renew (FAIR) Task Force, the Human Trafficking Task Force, the MBLEx Eligibility Panel, the Regulatory Education and Competence Hub (REACH) program and the Massage Therapy Licensing Database (MTLD). The Board reviewed a letter sent by Ed Bolden, President of FSMTB, to the members of the FSMTB addressing the letters sent by the American Massage Therapy Association and the National Certification Board of Therapeutic Massage and Bodywork regarding collaboration to develop guidelines for approval of massage therapy continuing education.

b. Letter and response regarding elections

Ms. Foster reported the Committee reviewed emails and a letter dated August 24, 2016 regarding FSMTB's election process.

MBLEx pass rates for Board approved schools

Ms. Foster reported the Committee discussed MBLEx pass rates for Board approved schools. Board staff agreed to gather this information from FSMTB and discuss with the School Approval Committee.

Live Scan fingerprints for initial and renewal background checks

Ms. Foster reported the Committee discussed the use of live scan fingerprints for initial and renewal background checks. Ms. Kirk agreed to contact the NC State Bureau of Investigation regarding the use of live scan fingerprints.

License Standards Committee

Ms. Layden reported the Committee met August 19 and 29, 2016, respectively, and discussed the matters set forth in the minutes of the Committee.

Travis Blocker

Mr. Blocker appeared before the Board to appeal the decision by the License Standards Committee to deny his application for a license.

Jonathan Dodrill

Mr. Dodrill did not appear before the Board to appeal the decision by the License Standards Committee to deny his application for a license.

Jinxiang Dou

Ms. Dou did not appear before the Board but her attorney submitted a letter to the Board for review in Closed Session.

Jennifer King

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

Yingqing Monast

Ms. Monast 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

No written report.

Exemptions Ad Hoc Committee

Ms. Harrell reported the Committee met September 14, 2016, and discussed the matters set forth in the minutes of the Committee. The Board agreed to dissolve this Committee until further questions arise that would require a review of specific modalities.

Email from Lee Buck regarding reflexology

Ms. Harrell reported the Committee discussed an email dated September 1, 2016 from Lee Buck regarding reflexology. The Board agreed that reflexology is “specifically intended to affect the

human energy field” and that those who practice reflexology are not practicing massage and bodywork therapy.

Emails regarding Thai Yoga/Thai Yoga Massage/Thai Yoga Bodywork

Ms. Harrell reported the Committee reviewed emails dated September 16, 2015 and June 6, 2016 regarding the practice of Thai Yoga, Thai Yoga Massage and Thai Yoga Bodywork. The Board agreed there is no fundamental difference between the terms, therefore it is within the scope of practice of massage and bodywork therapy and a LMBT license is required. Upon motion made, seconded and passed, the Board agreed to add Thai Yoga, Thai Yoga Massage and Thai Yoga Bodywork to the ‘List of Modalities Requiring Licensure’ on the Board’s website.

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 was held in Portland, Oregon, September 14th-17th, 2016. Mr. Wilkins attended and reported on the conference. The 2017 Winter Symposium will be held in St. Petersburg, Florida, January 11, 2017, the 2017 Annual Education Conference will be held in Denver, Colorado, September 13th-16th, 2017 and the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16th-17th, 2017.

FSMTB 2016 Annual meeting

The 2016 FSMTB Annual meeting was held in Cleveland, Ohio, October 6th-8th, 2016. Ms. Foster and Ms. Layden attended and reported on the conference. Ms. Foster reported that FSMTB and CLEAR have partnered and will provide an Introduction to Regulatory Governance online course for Board members to attend.

Letter to Board approved schools and community colleges regarding English proficiency

The Board reviewed an email dated September 7, 2016 and September 8, 2016, respectively, from Ms. Kirk to Board approved schools and community colleges regarding English proficiency.

Letter to Board approved schools regarding unscheduled site visits

The Board reviewed an email dated September 7, 2016 from Ms. Kirk to Board approved schools regarding unscheduled site visits.

Response to Jamie Kozlowski regarding Thai Yoga

The Board reviewed and agreed with the response by Ms. Kirk to Jamie Kozlowski regarding Thai Yoga.

Response to Kim Bonsteel regarding Rule .0504

The Board reviewed and agreed with the response by Ms. Kirk to Kim Bonsteel regarding Rule .0504.

Response to Frank Fraboni regarding reflexology

The Board reviewed and agreed with the response by Mr. Wilkins to Frank Fraboni regarding reflexology.

NEW BUSINESS

Email from Rachael Eddleman regarding infrared saunas

The Board reviewed an email dated August 19, 2016 from Rachael Eddleman regarding infrared saunas. Upon motion made, seconded and passed, the Board agreed a licensed massage and bodywork therapist can operate an infrared sauna as long as the therapist is trained and competent to operate an infrared sauna and the therapist's training and competence is demonstrated and documented.

Email from Tae Hoover regarding Thai Yoga Therapy

The Board reviewed an email dated August 1, 2016 from Tae Hoover regarding Thai Yoga Therapy. Upon motion made, seconded and passed, the Board agreed Thai Yoga Therapy is within the scope of massage and bodywork therapy and requires a LMBT license and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

Email from Jolie Zhou-Hoff regarding Gua Sha and Moxibustion

The Board reviewed an email dated September 13, 2016 from Jolie Zhou-Hoff regarding Gua Sha and Moxibustion. Upon motion made, seconded and passed, the Board agreed to further discuss the use of Gua Sha and Moxibustion.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

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

RETURN TO OPEN SESSION

The Board returned to Open Session at 1:00 p.m.

DISCIPLINARY HEARINGS

Lan Fen Zhou

The Board conducted a disciplinary hearing regarding allegations Ms. Zhou aided and abetted illegal massage and bodywork therapy activity. Ms. Zhou appeared and testified.

Hong Wei Zhang

The Board conducted a disciplinary hearing regarding allegations Mr. Zhang aided and abetted illegal massage and bodywork therapy activity. Mr. Zhang appeared and testified.

Jie Li

The Board conducted a disciplinary hearing regarding allegations Ms. Li aided and abetted illegal massage and bodywork therapy activity. Ms. Li appeared and testified.

Cai Fen Zhou

The Board conducted a disciplinary hearing regarding allegations Ms. Zhou aided and abetted illegal massage and bodywork therapy activity. Ms. Zhou appeared and testified.

Yongmei Lu

The Board conducted a disciplinary hearing regarding allegations Ms. Lu aided and abetted illegal massage and bodywork therapy activity. Ms. Lu appeared and testified.

Xiaoyan He

The Board conducted a disciplinary hearing regarding allegations Ms. He aided and abetted illegal massage and bodywork therapy activity. Ms. He appeared and testified.

Jun Shi

The Board conducted a disciplinary hearing regarding allegations Ms. Shi aided and abetted illegal massage and bodywork therapy activity. Ms. Shi appeared and testified.

Yan Qi Wang

The Board conducted a disciplinary hearing regarding allegations Ms. Wang aided and abetted illegal massage and bodywork therapy activity. Ms. Wang appeared and testified.

Pan Gao

The Board conducted a disciplinary hearing regarding allegations Mr. Gao aided and abetted illegal massage and bodywork therapy activity. Mr. Gao appeared and testified.

Bin Liu

The Board conducted a disciplinary hearing regarding allegations Mr. Liu aided and abetted illegal massage and bodywork therapy activity. Mr. Liu did not appear.

Hong Jiang Cao

The Board conducted a disciplinary hearing regarding allegations Mr. Cao aided and abetted illegal massage and bodywork therapy activity. Mr. Cao appeared and testified.

Meng Wang

The Board conducted a disciplinary hearing regarding allegations Mr. Wang aided and abetted illegal massage and bodywork therapy activity. Mr. Wang appeared and testified.

Suxia Tao

The Board conducted a disciplinary hearing regarding allegations Ms. Tao aided and abetted illegal massage and bodywork therapy activity. Ms. Tao appeared and testified.

RECESS BOARD MEETING

The Board completed the hearings and recessed at 2:00 a.m., Friday, October 21, 2016.

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 on November 21, 2016 at 9:00 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on November 21, 2016 at 4:00 p.m.

M&M Consulting Proposal for School Approval and Renewal

The Board reviewed the October 2016 M&M Consulting Proposal for the School Approval and Renewal processes of NCBMBT approved schools and agreed to accept the proposal after it is amended to show that unscheduled site visits are approved.

Kyle Wright

The Board reported it will send Mr. Wright a proposed Consent Order requiring he voluntarily surrender his license, pay a civil penalty of \$1000, pay disciplinary costs of \$500 and not teach in a North Carolina Board approved or recognized massage therapy program.

Travis Blocker

The Board reported it will require Mr. Blocker to appear before the LSC at their December 2016 meeting and if he does not appear he will be denied a license.

Jonathan Dodrill

The Board reported it agreed to issue Mr. Dodrill a regular license.

Jinxiang Dou

The Board reported it affirmed the decision of the LSC and Ms. Dou's application will be denied.

Jennifer King

The Board reported it would require a written statement from Ms. King's previous employer regarding practicing without a current license. Ms. King's application will be referred to the LSC for their December 2016 meeting.

Yingqing Monast

The Board reported it affirmed the decision of the LSC and Ms. Monast will be required to complete the TOEFL examination.

Austin Avent

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

Chrissy Bruce

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

Pavel Cobzaru

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

Stefanie Hall

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

Susan Jebo

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

Lan Fen Zhou

Ms. Foster reported the Board reviewed the evidence 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 \$750.

Hong Wei Zhang

Ms. Foster reported the Board reviewed the evidence during Mr. Zhang's hearing and was of the opinion Mr. Zhang aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Mr. Zhang's license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

Jie Li

Ms. Foster reported the Board reviewed the evidence presented at Ms. Li's hearing and was of the opinion Ms. Li violated, among other things, the Practice Act and Rules and Regulations of the Board by failing to conduct a client assessment and informed consent and complete proper documentation during massage and bodywork therapy sessions. The Board Ordered that Ms. Li be issued a conditional license, a Reprimand, and that she pay disciplinary costs of \$250.

Cai Fen Zhou

Ms. Foster reported the Board reviewed the evidence presented at Ms. Zhou's hearing and was of the opinion Ms. Zhou violated, among other things, the Practice Act and Rules and Regulations of the Board by failing to conduct a client assessment and informed consent and complete proper documentation during massage and bodywork therapy sessions. The Board Ordered that Ms. Zhou be issued a conditional license, a Reprimand and that she pay disciplinary costs of \$250.

Yongmei Lu

Ms. Foster reported the Board reviewed the evidence during Ms. Lu's hearing and was of the opinion Ms. Lu aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Ms. Lu's license be revoked and that she pay a civil penalty of \$1000 and costs of \$750.

Xiaoyan He

Ms. Foster reported the Board reviewed the evidence presented at Ms. He's hearing and was of the opinion Ms. He violated, among other things, the Practice Act and Rules and Regulations of the Board by failing to conduct a client assessment and informed consent and complete proper documentation during massage and bodywork therapy sessions. The Board Ordered that Ms. He be issued a conditional license, a Reprimand, and that she pay disciplinary costs of \$250.

Jun Shi

Ms. Foster reported the Board reviewed the evidence during Ms. Shi's hearing and was of the opinion there was not sufficient evidence that Ms. Shi aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that the complaint against Ms. Shi be dismissed.

Yan Qi Wang

Ms. Foster reported the Board reviewed the evidence during Ms. Wang's hearing and was of the opinion Ms. Wang aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Ms. Wang's license be revoked and that she pay a civil penalty of \$1000 and costs of \$750.

Pan Gao

Ms. Foster reported the Board reviewed the evidence during Mr. Gao’s hearing and was of the opinion Mr. Gao aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Mr. Gao’s license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

Bin Liu

Ms. Foster reported the Board reviewed the evidence presented at Mr. Liu’s hearing and was of the opinion Mr. Liu violated, among other things, the Practice Act and Rules and Regulations of the Board by failing to conduct a client assessment and informed consent and complete proper documentation during massage and bodywork therapy sessions. The Board Ordered that Mr. Liu be issued a conditional license, a Reprimand, and that he pay disciplinary costs of \$250.

Hong Jiang Cao

Ms. Foster reported the Board reviewed the evidence during Mr. Cao’s hearing and was of the opinion Mr. Cao aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Mr. Cao’s license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

Meng Wang

Ms. Foster reported the Board reviewed the evidence during Mr. Wang’s hearing and was of the opinion Mr. Wang aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Mr. Wang’s license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

Suxia Tao

Ms. Foster reported the Board reviewed the evidence during Ms. Tao’s hearing and was of the opinion Ms. Tao aided and abetted illegal massage and bodywork therapy activity. The Board Ordered that Ms. Tao’s license be revoked and that she pay a civil penalty of \$1000 and costs of \$750.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 4:00 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer