



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

February 16, 2017; 10:00 a.m. – 3:50 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 16, 2017 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

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. There being no conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 15, 2016.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The Board began the rules process in October 2016 for Rule .0504, .0601, .0602, .0618, .0620, .0620, .0623, .0628, .0629, .0630, .0903 and .0906. The rules were sent to the Office of Administrative Hearings and were published in the NC Register. The Board did not receive any public comment at the hearing and did not receive any written comment by January 17, 2017. The Board reviewed a resolution submitted on February 13, 2017 by the American Massage Therapy Association for Rule .0906. Upon motion made, seconded and passed, the Board approved Rule .0504, .0601, .0602, .0618, .0620, .0623, .0628, .0629, .0630, .0903 and .0906. The Board will complete the rules review process with a projected effective date of April 1, 2017.

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 Howard Anderson for inappropriate behavior during a massage and bodywork therapy session; Redesa Batts for sending inappropriate texts and pictures and engaging in an inappropriate relationship with her client; Sherrie Cameron for practicing massage and bodywork therapy with an expired license; Brian Christopher for engaging in inappropriate sexual contact with a client; Jasmine Jerome for failure to use proper massage cupping techniques and communicate effectively with the client; Jennifer Hart for practicing massage and bodywork therapy with an expired license; Sheri Simpson for practicing massage and bodywork therapy with an expired license; Brandy Wolfe for failing to notify the Board of criminal charges and convictions and violating her probation; and Jinpeng Wu for aiding and abetting illegal massage and bodywork therapy. The Board agreed to consider the proposed Letter of Reprimand and Consent Orders in Closed Session. There is one disciplinary hearing scheduled today.

Mr. Wilkins also informed the Board of three appeals filed following the October 20, 2016 hearings. One appeal was filed in Durham County and two appeals were filed in Wake County. The transcripts and exhibits from the Board hearings and the responses to the petitions have been filed in both Durham and Wake County for review by the Superior Court judge. The hearing in

Durham County will take place on April 3, 2017. The Board has not been notified of the hearing date in Wake County.

Ms. Kirk reported:

Licensee Report

16,225 have been issued
8,431 active licenses

Renewal Report

There are 5,019 licensees scheduled to renew for the 2017-2018 renewal period. 4,205 therapists have renewed. 2,922 therapists renewed online and 1,283 therapists renewed by mail. An online renewal reminder email was sent December 20, 2016 and an expired license notice email was sent January 5, 2017. The routine Continuing Education Audit will begin this month for 200 therapists who renewed online. Upon motion made, seconded and passed, the Board agreed to require online renewals beginning August 1, 2019.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met February 15, 2017, and discussed the matters set forth in the minutes of the Committee.

Continuing Education

Ms. Foster reported the Committee discussed the progress of the FSMTB continuing education program and will develop criteria for continuing education. Ms. Foster also reported she will be attending the NCBTMB Approved Provider Roundtable on Saturday, February 25, 2017 in Boston, Massachusetts.

FSMTB

a. Human Trafficking Task Force (HTTF) Final report

Ms. Foster reported the HTTF final report will be published March 1, 2017 and will be provided to the Board once it is available for review.

b. Regulatory Education and Competence Hub (REACH) program

Ms. Foster reported the Committee discussed the REACH program and the list of courses developed by the REACH program for licensees facing disciplinary action with the Board. Ms. Harrell recommended the REACH program offer a course in professional communication, documentation and proper intake.

c. Board Member Training

Ms. Foster reported the Committee discussed the FSMTB Board member training and agreed to request that FSMTB develop a new Board member orientation for the Board.

NC Human Trafficking Commission updates

Ms. Foster reported the Committee discussed the updates with the Human Trafficking Commission.

Cost/appearance of online license

Ms. Foster reported the Committee discussed the appearance of the license issued during license renewals and she agreed to send an email to FSMTB requesting information on the appearance of licenses in other States.

Email to FSMTB regarding background checks

Ms. Foster reported the Committee reviewed legislation in California and Florida regarding background checks. Ms. Foster also reported the NC SBI is in the process of obtaining legislation to allow for continuous background checks and the ability to notify agencies of that activity.

Discussion on license portability

Ms. Foster reported the Committee discussed Senate Bill 8 which involves license portability for members of the military and military spouses.

License Standards Committee

Ms. Layden reported the Committee met October 21, 2016, and discussed the matters set forth in the minutes of the Committee.

Jinxiang Dou

Ms. Dou's attorney requested and was granted a continuance to the April 2017 meeting.

School Approval Committee

No written report.

Communications Committee

Ms. Harrell reported the 2016 Winter Newsletter has been finalized and is available for review 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. The Board also agreed to hold a Strategic Planning Conference in January 2018 and Mr. Wilkins agreed to contact the Rizzo Conference Center regarding availability.

CLEAR 2017 meetings

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

a. 2017 Annual meeting

The 2017 Executive Director's Summit will be held in Kanasa City, Missouri, March 30th-31st, 2017 and the 2017 FSMTB Annual meeting will be held in Tampa, Florida, September 29th-30th, 2017. Ms. Kirk will attend the Executive Director's Summit.

b. February 2017 In Touch Newsletter

The Board reviewed the February 2017 In Touch Newsletter.

Email from Jolie Zhou-Hoff regarding Gua Sha and Moxibustion

The Board reviewed and agreed with the response by Ms. Kirk to Jolie Zhou-Hoff regarding Gua Sha and Moxibustion.

Email from Lauren regarding Thai Yoga/Thai Yoga Stretch

The Board reviewed and agreed with the response by Ms. Kirk to Lauren regarding Thai Yoga/Thai Yoga Stretch.

NEW BUSINESS

Email from Pamela Bronson regarding Lomi Lomi

The Board reviewed an email dated January 31, 2017 from Pamela Bronson regarding Lomi Lomi. Upon motion made, seconded and passed, the Board agreed Lomi Lomi 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.

Memorandum to NC Board approved schools and community colleges

The Board reviewed a memorandum emailed to Board approved schools and community colleges on February 3, 2017 regarding their duty to report civil and criminal violations to the Board.

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 on February 16, 2017 at 12:05 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 16, 2017 at 3:00 p.m.

Kyle Wright

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

Gina Selman

The Board reported Ms. Selman's denial letter was approved.

Jinxiang Dou

The Board reported Ms. Dou will appear at the April 2017 Board meeting.

Xiaoyan He

The Board reported Ms. He's license will be revoked.

Cai Fen Zhou

The Board reported Ms. Zhou's license will be revoked.

Fulong Ma

The Board reported Mr. Ma's license will be revoked.

Howard Anderson

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

Redesa Batts

The Board reported Ms. Batts' signed Consent Order was approved.

Sherrie Cameron

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

Brian Christopher

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

Jasmine Jerome

The Board reported Ms. Jerome's signed Consent Order will be amended to require she not provide cupping therapy of any kind until she submits to the Board proof of completion of twenty two hours of cupping continuing education.

Jennifer Hart

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

Sheri Simpson

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

Brandy Wolfe

The Board reported the Consent Order was not received therefore a Notice of Hearing and proposed Consent Order will be sent for the April 2017 Board meeting.

Jinpeng Wu

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

DISCIPLINARY HEARINGS

Joey Diaz

The Board conducted a disciplinary hearing regarding allegations of inappropriate sexual activity with two clients during massage and bodywork therapy sessions. Mr. Diaz did not appear for the hearing.

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 February 16, 2017 at 3:40 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 16, 2017 at 3:50 p.m.

Joey Diaz

Ms. Foster reported the Board reviewed the evidence during Mr. Diaz's hearing and was of the opinion Mr. Diaz engaged in inappropriate sexual activity with two clients during massage and bodywork therapy sessions. The Board Ordered that Mr. Diaz's license be revoked and that he pay a civil penalty of \$1000 and costs of \$500.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:50 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer