



## **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 19, 2017; 10:00 a.m. – 3:30 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 October 19, 2017 at 10:10 a.m.

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

None

#### **WELCOME NEW BOARD MEMBER**

Ms. Foster welcomed Ms. Rachael Goolsby as a new member of the Board appointed by Speaker Tim Moore for a term ending June 30, 2018.

#### **OTHERS PRESENT**

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board and Ms. Elizabeth Kirk, Administrative Director

#### **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 on Steven Reid. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of August 17, 2017.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

Mr. Wilkins informed the Board a draft of establishment regulation rules has been developed. The Board agreed to review the draft and provide input to Board staff on changes or additions to the rules.

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

Mr. Wilkins informed the Board Senate Bill 548 passed and was signed by the Governor in July 2017 which gives the Board authority to regulate massage and bodywork therapy establishments.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Xiaoyan He for invalidation of her MBLEx exam score report; Jaileen Morelen for practicing massage and bodywork therapy with an expired license; Aaron Shay for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session; and Yiguang Zhong and Jing Zhou for aiding and abetting illegal massage and bodywork therapy practice.

Ms. Kirk reported:

#### **Licensee Report**

16,825 have been issued  
9,197 active licenses

#### **Renewal Report**

There are 4,017 licensees scheduled to renew for the 2018-2019 renewal period. 598 licenses expired December 31, 2015 and can renew by December 31, 2017. 816 therapists have renewed.

646 therapists renewed online and 170 therapists renewed by mail. An online license renewal reminder was sent on October 16, 2017. The online renewal system was amended to add in a Business Owner and Business Owner Email section. This addition will assist in collecting information regarding massage and bodywork therapy establishments in NC.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Foster reported the Committee met October 18, 2017, and discussed the matters set forth in the minutes of the Committee.

#### **Continuing Education**

Ms. Foster reported the Committee agreed to continue discussion on standards for continuing education for various entities and follow the progress on the FSMTB continuing education program.

#### **FSMTB**

##### **a. Regulatory Education and Competence Hub (REACH) program**

Ms. Foster reported the Committee discussed the REACH program. Ms. Harrell and Ms. Foster met with FSMTB regarding development of a treatment planning/intake course which will include four modules with a total of eight hours. Ms. Foster reported the course should be available in June 2018.

##### **b. Email regarding Massage Therapy Licensing Database (MTLD)**

Ms. Foster reported Board staff met with representatives from FSMTB regarding the MTLD program and will continue working with FSMTB on providing information to the program.

#### **Emails from Robert Wootton regarding CE contract**

Ms. Foster reported the Committee reviewed emails from Robert Wootton, on behalf of the NC Coalition of Massage and Bodywork CE Instructors, regarding standards and guidelines for a continuing education contract. Mr. Wootton made a presentation to the Board on behalf of the Coalition.

#### **Letter regarding stretch services at Massage Envy**

Ms. Foster reported the Committee discussed an email from Mitch Armbruster, counsel to North Carolina Massage Envy franchisees, who disagreed with the Board's decision that assisted stretch services are within the practice of massage and bodywork therapy as "passive stretching" and would need to obtain a license to practice massage and bodywork therapy to provide those services. The Board agreed Mr. Wilkins will contact Mr. Armbruster to discuss a proceeding before the Board at a future Board meeting on this issue.

## **License Standards Committee**

Ms. Layden reported the Committee met August 17, 2017, and discussed the matters set forth in the minutes of the Committee.

## **School Approval Committee**

No written report.

## **Communications Committee**

No written report.

## **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 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. The 2018 Strategic Planning Conference is scheduled for January 19<sup>th</sup>-21<sup>st</sup>, 2018. The Board will be discussing continuing education, massage and bodywork therapy establishments and the appearance of the license.

### **CLEAR 2017 meetings**

The 2017 Annual Education Conference was held in Denver, Colorado, September 13<sup>th</sup>-16<sup>th</sup>, 2017, the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16<sup>th</sup>-17<sup>th</sup>, 2017 and the 2018 Winter Symposium will be held in Scottsdale, Arizona, January 10<sup>th</sup>, 2018. Ms. Layden attended the 2017 Annual Education Conference.

## **FSMTB**

### **a. 2017 Annual meeting**

The 2017 FSMTB Annual meeting will be held in Tampa, Florida, September 29<sup>th</sup>-30<sup>th</sup>, 2017. The 2018 FSMTB Annual meeting will be held in Salt Lake City, Utah, October 4<sup>th</sup>-6<sup>th</sup>, 2018. Ms. Foster, Ms. Layden, Mr. Wilkins, Ms. Kirk and Ms. Lancaster attended the 2017 Annual meeting.

### **Response to Jena Skai regarding Fascial Stretch Therapy**

The Board reviewed the response by Mr. Wilkins to Jena Skai regarding Fascial Stretch Therapy.

**Response to Delores Harris regarding The Stretch Zone**

The Board reviewed the response by Mr. Wilkins to Delores Harris regarding The Stretch Zone.

**Response to Jessica Mark regarding Ortho-Bionomy**

The Board reviewed the response by Mr. Wilkins to Jessica Mark regarding Ortho-Bionomy.

**NEW BUSINESS**

No new business.

**PUBLIC COMMENT**

The Board received comments from the public.

**RECESS FOR LUNCH**

The Board recessed for lunch at 11:50 a.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on October 19, 2017 at 1:00 p.m.

**DISCIPLINARY HEARINGS**

**Steven Reid**

Prior to the Board’s disciplinary hearing regarding allegations of inappropriate sexual contact with a client during a massage and bodywork therapy session, Mr. Reid through his attorney agreed to a Consent Order that revoked his license and levied a civil penalty and costs.

**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 October 19, 2017 at 2:05 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on October 19, 2017 at 3:30 p.m.

**Jaileen Morelen**

The Board reported Ms. Morelen’s Consent Order was approved.

**Aaron Shay**

The Board reported Mr. Shay’s Consent Order was approved.

**Xiaoyan He**

The Board reported Ms. He's Consent Order was approved.

**Yiguang Zhong**

The Board reported Mr. Zhong's Consent Order was approved.

**Jing Zhou**

The Board reported Mr. Zhou's Consent Order was approved.

**Steven Reid**

The Board reported Mr. Reid's Consent Order was approved.

**2017-18 Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC**

Ms. Foster reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 1<sup>st</sup> quarter in fiscal year 2017-2018.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:30 p.m.

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Ms. Holly Foster, Chair

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Ms. Dianne Layden, Treasurer