



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

October 17, 2024; 10:00 a.m. – 6:10 p.m.; 8:20 p.m. – 8:35 p.m.

**GlenLake One
4140 ParkLake Avenue, 4th Floor Conference Room, Raleigh, NC 27612
and
Via Conference Call**

"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-person and virtually via Webex in Open Session on October 17, 2024, at 10:00 a.m.

MEMBERS PRESENT

Mr. Robert Reeves, Ms. Kay Warren, Ms. Tawanda Auston, Ms. Laura Ford, Dr. Christopher Grubb, Ms. Valory Hicks, Ms. Ella Price and Ms. Amy Swink

MEMBERS ABSENT

None

OTHERS PRESENT

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

CHAIR

Mr. Reeves, Chair

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Mr. Reeves asked if any Board member had any conflict of interest with any item on the meeting's agenda. Mr. Reeves recused himself from discussion on Southeastern College, Ms. Swink recused herself from discussion on Juan Araoz and Ms. Warren recused herself from discussion on Robert Green. There being no additional conflict, the agenda was approved as amended.

APPROVAL OF MINUTES

The Board approved its minutes of August 15, 2024, as amended to add Board members' votes for Board elections.

TREASURER'S REPORT

The Treasurer's Report was reviewed and approved as presented. Upon motion made, seconded and passed, the Board agreed to form a Contract Committee to review the Board's contracts for services and discuss RFPs. Mr. Reeves appointed himself, Ms. Warren and Ms. Swink to the committee.

ADMINISTRATIVE REPORTS

Rules

- a. Periodic Review of Rules
The Board reviewed the final rules chart provided by the Rules Review Commission for the periodic review of rules required by House Bill 74.
- b. Hearing for Rules .0201, .0204, .0620, .0623, .0627, .1012
The Board held a public hearing to receive public comments on the amendments to Rules .0201, .0204, .0620, .0623, .0627 and .1012.
- c. Rule .0636
The Board discussed an amendment to Rule .0636 and agreed to amend the rule during the readoption process required for the periodic review of rules.

Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Juan Araoz, Daniel Chase and Jordy Lopez for inappropriate sexual contact with a client during a massage and bodywork therapy session; Zachary Campbell for unprofessional and inappropriate conversation and for using his license to engage in a personal relationship; John Gale for failing to ensure the client's safety, comfort and privacy during a massage and bodywork therapy session; Jacob Miller for failing to ensure the client's safety and comfort and practicing without a license; Xiaomei Wan for aiding and abetting unlicensed massage and bodywork therapy at her place of business.

There is a hearing scheduled today for Robert Green. The hearings scheduled for William Fulp and Chongmei Wei were postponed to the December meeting.

Ms. Kirk reported:

Licensee Report

22,245 have been issued.
10,407 active licenses.

Renewal Report

There are 5,585 licensees scheduled to renew for the 2025-2026 renewal period. 628 licenses expired December 31, 2022 and can renew by December 31, 2024. License renewal information was sent by email in July and a reminder will be sent in October.

Establishment Report

1,520 establishments have requested an application.
748 establishments have submitted an application.
626 establishment licenses have been issued.

Establishment Renewal Report

236 establishments are scheduled to renew for the 2025-2026 renewal period. 61 establishments have renewed.

COMMITTEE REPORTS

Policy Committee

Dr. Grubb reported the Committee met October 9, 2024, and discussed the matters set forth in the minutes of the Committee.

Review emails from LMBTs and CE providers regarding Hurricane Helene

The Committee reviewed emails from LMBTs, CE providers and schools affected by Hurricane Helene and considered license renewal/CE requirements. The Committee agreed to recommend a refund of the \$75 late fee for any LMBT whose CE has been canceled or postponed due to the hurricane. The Board discussed the devastation of Hurricane Helene in Western North Carolina and considered actions the Board could take to alleviate some of the hardships for licensees. The Board agreed with the Committee's recommendation and approved a draft email to be sent to LMBTs, CE providers and schools.

Discuss online education for CMNH and WNCOSM due to Hurricane Helene

The Committee discussed allowing CMNH and WNCOSM to provide limited online education pursuant to Rule .0636 for currently enrolled students until water is restored at the schools or other water accommodations are made. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Auston reported the Committee met October 1, 2024, and discussed the matters set forth in the minutes of the Committee.

William Thompson

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

Haihong Yang

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

School Approval Committee

Ms. Swink requested additional comments and input from the Board on the school renewal application for Southeastern College due to its change of Program Directors. The Committee expressed its concerns with administrative changes, notification of those changes and its ongoing action plan and attendance audit. The Board agreed, if a school is on an action plan, Board staff should notify the Committee of Program Director or ownership changes. Upon motion made, seconded and passed, the Board agreed to accept the previous decision for a one-year renewal for Southeastern College. The Committee also agreed to discuss being notified of any Program Director changes at its next meeting.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins informed the Board there are no bills pending in the North Carolina General Assembly that may affect the Board.

Strategic Planning Conference

Mr. Reeves reported the Board met for a Strategic Planning Conference on January 19-21, 2018, and discussed the matters set forth in the minutes of the conference. The Board agreed to meet for a Strategic Planning Conference on January 30-31, 2025.

CLEAR

a. 2024 Annual Meeting

The 2024 Annual Meeting was held in Baltimore, Maryland, September 16-19, 2024. Ms. Ford, Ms. Swink and Ms. Warren attended and reported on the conference.

b. CLEAR News August and September 2024

The Board reviewed emails dated August 27, 2024, and September 25, 2024, respectively, regarding the CLEAR News.

FSMTB

a. 2024 Annual Meeting

The 2024 Annual Meeting was held in Washington, DC, October 3-5, 2024. Ms. Swink, Ms. Warren, Ms. Kirk and Mr. Wilkins attended and reported on the conference.

b. September and October “In Touch”

The Board reviewed emails dated September 3, 2024, and October 1, 2024, respectively, regarding the September and October “In Touch” newsletters.

c. 2024 Election Results

The Board reviewed an email dated October 9, 2024, regarding the FSMTB 2024 Election Results.

Response to Josh Schueller regarding PEMF machines

The Board reviewed and approved the response from Ms. Kirk to Josh Schueller regarding PEMF machines.

Response to Darlene Holloway regarding online CE

The Board reviewed and approved the response from Ms. Kirk to Darlene Holloway regarding online CEs. The Board agreed for Board staff to send Rule .0701 to Ms. Holloway.

Response to Lucille Lamberto regarding online CE

The Board reviewed and approved the response from Ms. Kirk to Lucille Lamberto regarding online CEs. The Board agreed for Board staff to send Rule .0701 to Ms. Lamberto.

Response to Jan Fiske regarding online CE

The Board reviewed and approved the response from Ms. Kirk to Jan Fiske regarding online CEs. The Board agreed for Board staff to send Rule .0701 to Ms. Fiske.

Response to Bonnie Barrow regarding online CE

The Board reviewed and approved the response from Ms. Kirk to Bonnie Barrow regarding online CEs. The Board agreed for Board staff to send Rule .0701 to Ms. Barrow.

Response to Stacey Brewer regarding Japanese head spa/steam machines

The Board reviewed and approved the response from Ms. Kirk to Stacey Brewer regarding Japanese head spa/steam machines.

NEW BUSINESS

2024-2025 Board Elections

Upon conducting Board elections, the vote resulted in ties of 4/4 for the Chair position, as follows:

Eight rounds of votes:

Ms. Auston, Dr. Grubb, Ms. Hicks and Mr. Reeves voted for Robert Reeves; Ms. Ford, Ms. Price, Ms. Swink and Ms. Warren voted for Kay Warren

Two rounds of votes:

Ms. Auston, Dr. Grubb, Ms. Hicks and Mr. Reeves voted for Robert Reeves; Ms. Ford, Ms. Price, Ms. Swink and Ms. Warren voted for Amy Swink

After two votes resulted in a 4/4 tie to table the elections, a third vote resulted in the Board postponing elections to the December 12, 2024 Board meeting.

Discussion on guidelines for hybrid meetings

The Board discussed requirements for Board members attending meetings in-person and virtual. Upon motion made, seconded and passed, the Board agreed for the Policy Committee to review the Board's meeting procedures and discuss adding information regarding attendance for in-person and virtual meetings.

PUBLIC COMMENT

There were three written comments and two verbal comments from the public.

DISCIPLINARY HEARINGS

Robert Green

The Board conducted a disciplinary hearing regarding allegations Mr. Robert Green failed to renew his license and advertised and practiced massage and bodywork therapy after his license expired on December 31, 2021.

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 17, 2024, at 6:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 17, 2024, at 8:20 p.m.

William Thompson

Mr. Reeves reported Mr. Thompson's application for a license will be denied.

Haihong Yang

Mr. Reeves reported Ms. Yang's application for a license will be denied.

Zachary Campbell

Mr. Reeves reported Mr. Campbell's Consent Order was approved.

Jordy Lopez

Mr. Reeves reported Mr. Lopez's Consent Order was approved.

Jacob Miller

Mr. Reeves reported Mr. Miller's Consent Order was approved.

Juan Araoz

Mr. Reeves reported Mr. Araoz's Consent Order was approved.

Daniel Chase

Mr. Reeves reported Mr. Chase's Consent Order was approved.

William Fulp

The Board postponed the disciplinary hearing for Mr. William Fulp to the December meeting.

Robert Green

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Green's hearing and was of the opinion Mr. Green failed to renew his license and advertised and/or practiced massage and bodywork therapy after his license expired on December 31, 2021. The Board Ordered that Mr. Green be issued a conditional license until December 31, 2025, be placed on probation for one year, obtain six in-class hours of continuing education in North Carolina law, rules and ethics, take the jurisprudence learning exercise and that he pay a civil penalty of \$500 and disciplinary costs of \$1000.

Xiaomei Wan

Mr. Reeves reported Ms. Wan's Consent Order was approved.

Chongmei Wei

The Board postponed the disciplinary hearing for Ms. Chongmei Wei to the December meeting.

John Gale

Mr. Reeves reported Mr. Gale's Consent Order was approved.

2024-2025 1st Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Mr. Reeves reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in-court legal services provided in the 1st quarter of fiscal year 2024-2025.

ADJOURNMENT

Upon motion duly made, seconded and passed, the October 17, 2024, meeting was adjourned at 8:35 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer