



## **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**

*April 18, 2019; 10:00 a.m. – 8:25 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 April 18, 2019 at 10:00 a.m.

#### **MEMBERS PRESENT**

Ms. Nancy Harrell, Ms. Dianne Layden, Ms. Kim Turk, Ms. Rachael Goolsby, Dr. Tim Taft and Ms. Kay Warren

#### **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 Arnette, Assistant Administrative Director

#### **CHAIR**

Ms. Harrell, Chair

#### **RECORDING SECRETARY**

Ms. Kirk

#### **CONFLICT OF INTEREST**

Ms. Harrell asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Harrell recused herself from discussion on Benjamin Reckendorf. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of February 14–15, 2019.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

The proposed rules and regulations were reviewed by the Rules Review Commission at its September and October 2018 meeting. Due to the Rules Review Commission receiving 10 or more letters of objection, the rules and regulations are subject to legislative review in 2019.

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

There are pending amendments to the Practice Act regarding Board members, fees, massage therapy school curriculum requirements and civil penalties/disciplinary costs.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Raquel Hainsel, Steven Ladd II, Eugene Perry and Andrew Sylvestri for practicing massage and bodywork therapy with an expired license. There are three disciplinary hearings scheduled for today for Christopher Belsito, Xiaodi Fehler and Benjamin Reckendorf. There is one disciplinary hearing postponed to the June 2019 Board meeting.

Ms. Kirk reported:

#### **Licensee Report**

18,078 have been issued  
9,104 active licenses

#### **Renewal Report**

There are 5,163 licensees scheduled to renew for the 2019-2020 renewal period. 4,427 therapists have renewed. 3,338 therapists renewed online and 1,089 therapists renewed by mail. The routine Continuing Education Audit started for 200 therapists who renewed online. Online license renewals will be required beginning August 1, 2019. Ms. Kirk also informed the Board the online initial application launched February 2019.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Harrell reported the Committee met April 17, 2019 and discussed the matters set forth in the minutes of the Committee.

#### **Continuing Education**

**a. Update on CE rules**

The Committee discussed the rules review process and changes set forth in Section .0700 of the Rules and Regulations of the Board.

#### **FSMTB**

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

The Committee discussed that the FSMTB developed the treatment planning/intake course and the official launch information will be sent to the Board.

**b. Massage Therapy Licensing Database (MTLD) program**

The Committee discussed the MTLT program and recommended that Board staff invite DEG to review the database process in the Board office.

#### **Discussion of Reflexology**

The Committee discussed reflexology and agreed to continue discussion on this topic.

#### **Email from Beth Burgin regarding IASI contract**

The Committee reviewed an email from Beth Burgin dated April 15, 2019 notifying the Committee that IASI is working on providing more information on their continuing education processes at a future date.

#### **Update on Practice Act changes**

Mr. Wilkins informed the Committee that the Practice Act Ad Hoc Committee and a Committee developed by AMTA and the NC Chapter-AMTA worked on updates and changes to the Practice Act for the 2019 Legislative Session.

#### **Email from Latasha Harris regarding continuing education requirements**

The Committee reviewed an email from Latasha Harris dated March 5, 2019 regarding continuing education requirements for licensees in the practice of massage and bodywork therapy for 20 or more years. The Committee agreed to recommend to the Board to continue requiring continuing education for licensees that have been licensed with the Board for 20 or more years pursuant to the requirements set forth in the Practice Act and Rules and Regulations. The Board agreed with the recommendation of the Committee.

### **Email from Nancy Toner Weinberger regarding Consumer Resources page**

The Committee reviewed an email from Nancy Toner Weinberger dated March 16, 2019 regarding adding information to the Board's Consumer Resources page. The Committee agreed to recommend to the Board to not include the information on the Board's Consumer Resources page. The Board agreed with the recommendation of the Committee.

### **Request from Shelley Johnson to add contact information for proprietary schools**

The Committee reviewed a suggestion from Shelley Johnson to add the contact information for the proprietary schools on the Board Approved Schools page on the Board's website. The Committee agreed to recommend to the Board that the contact information for the proprietary schools be added to the website. The Board agreed with the recommendation of the Committee.

### **License Standards Committee**

Ms. Layden reported the Committee met February 13, 2019 and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

Ms. Goolsby reported the Committee will meet May 14, 2019 and will discuss the 2019-2020 School Renewal Applications.

### **Communications Committee**

No written report.

### **Practice Act Ad Hoc 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.

### **2018 Strategic Planning Conference**

Ms. Harrell 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.

## **CLEAR**

### **a. 2019-2020 Membership**

The Board reviewed the membership renewal for July 1, 2019 – June 30, 2020. Upon motion made, seconded and passed, the Board agreed to renew its membership for 2019-2020.

**b. 2019 Annual meeting**

The 2019 Annual Educational Conference will be in held in Minneapolis, Minnesota, September 18-21, 2019.

**c. 2019 International Congress**

The 2019 International Congress will be held in Vancouver, Canada, June 27-28, 2019.

**FSMTB**

**a. 2019-2020 Membership**

The Board reviewed the membership renewal for July 1, 2019 – June 30, 2020. Upon motion made, seconded and passed, the Board agreed to renew its membership for 2019-2020.

**b. 2019 Annual meeting**

The 2019 FSMTB annual meeting will be held in Atlanta, Georgia, October 3-5, 2019.

**c. March and April In Touch Newsletters**

The Board reviewed emails dated February 28, 2019 and March 28, 2019, respectively, regarding the March and April “In Touch” newsletters.

**NEW BUSINESS**

No new business.

**PUBLIC COMMENT**

The Board received comments from the public.

**RECESS FOR LUNCH**

The Board recessed for lunch at 11:20 a.m.

**DISCIPLINARY HEARINGS**

**Xiaodi Fehler**

The Board conducted a disciplinary hearing regarding allegations Ms. Fehler aided and abetted illegal massage and bodywork therapy activity. Ms. Fehler and her attorney appeared 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 April 18, 2019 at 2:10 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on April 18, 2019 at 2:15 p.m.

### **Xiaodi Fehler**

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Fehler's hearing and was of the opinion Ms. Fehler aided and abetted the unlicensed and illegal practice of massage and bodywork therapy. The Board Ordered Ms. Fehler's license be revoked and she pay a civil penalty of \$1000 and disciplinary costs of \$1000.

## **DISCIPLINARY HEARINGS**

### **Benjamin Reckendorf**

The Board conducted a disciplinary hearing regarding allegations Mr. Reckendorf engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Reckendorf 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 April 18, 2019 at 2:45 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on April 18, 2019 at 2:55 p.m.

### **Benjamin Reckendorf**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Reckendorf's hearing and was of the opinion Mr. Reckendorf engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered Mr. Reckendorf's license be revoked and he pay a civil penalty of \$1000 and disciplinary costs of \$500.

## **DISCIPLINARY HEARINGS**

### **Christopher Belsito**

The Board conducted a disciplinary hearing regarding allegations Mr. Belsito engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Belsito and his attorney appeared 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 April 18, 2019 at 7:00 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on April 18, 2019 at 8:25 p.m.

### **Christopher Belsito**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Belsito's hearing and was of the opinion Mr. Belsito engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered Mr. Belsito's license be revoked and that he pay a civil penalty of \$1000 and disciplinary costs of \$500.

### **Raquel Hainsel**

Ms. Harrell reported Ms. Hainsel's Consent Order was approved.

### **Steven Ladd II**

Ms. Harrell reported Mr. Ladd's Consent Order was approved.

### **Eugene Perry**

Ms. Harrell reported Mr. Perry's Consent Order was approved.

### **Andrew Sylvestri**

Ms. Harrell reported Mr. Sylvestri's Consent Order was approved.

### **Gene Murray**

Ms. Harrell reported Mr. Murray's hearing was postponed to the June 2019 Board meeting.

### **Dismissal letter and email from complainant – Therapeutic Massage Training Institute**

Ms. Harrell reported the Board reviewed the dismissal letter and email from the complainant regarding a complaint filed against Therapeutic Massage Training Institute. Ms. Harrell agreed to review the entire complaint file for a recommendation to the Board.

### **2018-19 3<sup>rd</sup> Quarter Legal Services for Broughton, Wilkins, Sugg & Thompson, PLLC**

Ms. Harrell reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 3<sup>rd</sup> quarter in fiscal year 2018-2019.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the April 18, 2019 meeting was adjourned at 8:25 p.m.

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Ms. Nancy Harrell, Chair

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Ms. Dianne Layden, Treasurer