



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

August 15, 2019; 10:00 a.m. – 9:00 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 August 15, 2019 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Dianne Layden

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. There being no conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of June 20, 2019.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The proposed continuing education and establishments 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.

The Board reviewed the amendment to Rule .0204 and the adoption of Rule .1014. Upon motion made, seconded and passed, the Board agreed to send the rules to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process once the budget is approved and the NC Legislature adjourns.

Status of Amendments to Practice Act

There is an amendment to the Practice Act adding an establishment owner as a Board member and a pending amendment to the Practice Act regarding fees.

Mr. Wilkins informed the Board that HB770 was signed into law which clarifies licensee's qualifications for licensure and requires that some licensing boards recognize certain apprenticeships and training experiences. Upon motion made, seconded and passed, the Board agreed they do not meet the requirement set forth in 93B-8.6, due to requiring advanced knowledge acquired by a prolonged course of specialized intellectual study.

Mr. Wilkins also informed the Board the Guidelines were reviewed and amended to comply with changes to the Practice Act and Rules and Regulations of the Board. The Board also considered the exemption for movement education and energy-based techniques. Upon motion made, seconded and passed, the Board agreed to the amendments to the Guidelines and agreed that reflexology is within the scope of massage and bodywork therapy, requires a massage and bodywork therapy license and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Letters of Reprimand and Consent Orders regarding: Elizabeth Gray for failing to deliver treatment that ensured the client's comfort and privacy; Thomas Barrow for engaging in illicit massage activity at his place of business; Jonathan Dodrill for failing to provide draping in a manner that ensured the comfort and privacy

of the client and engaging in inappropriate conversation with the client; Sean Kim for aiding and abetting illegal massage and bodywork therapy practice; Stephen Oxendine for engaging in inappropriate sexual contact with a client; Jessica Ryan for failing to report to the Board any and all criminal charges. There are three disciplinary hearings scheduled for today for John Angles, Ezra Davis and Richard Taylor. The hearing scheduled for Daniel Bonhom was postponed to the October 2019 Board meeting.

Ms. Kirk reported:

Licensee Report

18, 373 have been issued
9,470 active licenses

Renewal Report

There are 4,292 licensees scheduled to renew for the 2020-2021 renewal period. 660 licenses expired on December 31, 2017 and can be renewed by December 31, 2019. License renewal information was sent by email in July. Ms. Kirk also informed the Board that Board staff and IT services are currently working on changes to the online renewal system to comply with changes to Section .0700 of the Rules and Regulations of the Board. Changes will be implemented once the rules go into effect.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met August 14, 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. 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 Reflexology is within the scope of practice of massage and bodywork therapy and agreed to recommend to the Board that reflexology be added to the 'List of Modalities Requiring Licensure' on the Board's website. The Board agreed with the Committee's recommendation.

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 provided an update on the changes to the Practice Act for the 2019 Legislative Session.

Email from Nathan Karpinsky and Paul Kukes regarding chiropractic education

The Committee reviewed an email from Nathan Karpinsky and Paul Kukes dated June 20, 2019 and June 21, 2019, respectively, regarding their chiropractic education and request that they obtain a massage and bodywork therapy license. The Committee agreed that they must attend and graduate from a Board approved massage and bodywork therapy school and obtain a massage and bodywork therapy license in order to provide massage and bodywork therapy services. The Board agreed with the Committee's recommendation.

Email from Liliana Riera regarding scope of practice questions

The Committee reviewed a letter from Liliana Riera dated July 1, 2019 regarding Aromatherapy, Reiki, Bio Magnetism, Bio Energetics, Bach Flowers, Therapeutic Touch and Ion Foot Detox. The Committee agreed that based on the definitions for the modalities listed and a review of their webpages, it does not appear the modalities are within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

Email from Gloria Morken regarding CE requirements and approval

The Committee reviewed an email from Gloria Morken dated July 3, 2019 regarding continuing education requirements and approval. The Committee agreed that it is acceptable for her to complete her continuing education at the Dr. Vodder School in England for manual lymph drainage while living abroad in the military. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Harrell reported the Committee met August 14, 2019 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report.

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 Annual meeting

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

b. 2021 International Congress

The 2021 International Congress will be held in Dublin, Ireland, June 23-25, 2021.

FSMTB

a. 2019 Annual meeting

The 2019 FSMTB annual meeting will be held in Atlanta, Georgia, October 3-5, 2019. Ms. Warren agreed to attend the meeting. Upon motion made, seconded and passed, the Board agreed that Ms. Kirk will serve as the Board delegate at the annual meeting.

b. July and August In Touch Newsletters

The Board reviewed emails dated June 27, 2019 and July 25, 2019, respectively, regarding the July and August "In Touch" newsletters.

Response to Hope DeVall regarding request from WNCSSOM

The Board reviewed and approved a response from Mr. Wilkins to Ms. DeVall regarding adding a research literacy course to the WNCSSOM program.

Response to Elizabeth Wimbish regarding selling products

The Board reviewed and approved a response from Ms. Kirk to Ms. Wimbish regarding selling products.

Response to Kristie Hogan regarding Wood Therapy

The Board reviewed and approved a response from Ms. Kirk to Ms. Hogan regarding Wood Therapy.

Response to John Barker regarding LMBTS treating mTBI

The Board reviewed and approved a response from Ms. Kirk to Mr. Barker regarding LMBTs treating mTBI.

Response to Tiffany Hemrick regarding MBLEx fee increase

The Board reviewed and approved a response from Ms. Kirk to Ms. Hemrick regarding the MBLEx fee increase.

Review signed Letter of Agreement and Contract with NCBTMB

The Board reviewed and approved the Letter of Agreement and Contract with NCBTMB for continuing education.

2019 Board elections

Upon appropriate nomination and vote, the Board elected Ms. Nancy Harrell to serve as Chair, Ms. Kim Turk to serve as Vice Chair and Ms. Rachael Goolsby to serve as Treasurer.

NEW BUSINESS

No new business.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:45 a.m.

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 August 15, 2019, 2019 at 12:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 15, 2019 at 1:00 p.m.

Candy May

Ms. Harrell reported Ms. May’s license renewal will be denied due to failure to report criminal charges and convictions.

Hong Xia Zhao

Ms. Harrell reported Ms. Zhao’s application will be denied due to lack of proficiency in the English language and does not meet the standards of good moral character.

Nicole Glowa

Ms. Harrell reported Ms. Glowa will be granted a conditional license requiring she submit a criminal history report with her first and second renewals.

Xiaoyan He

Ms. Harrell reported Ms. He’s application will be denied due to not meeting the standards of good moral character to be licensed as an LMBT.

DISCIPLINARY HEARINGS

Richard Taylor

The Board conducted a disciplinary hearing regarding allegations Mr. Taylor failed to provide draping in a manner that ensured the safety, comfort and privacy of the client. Mr. Taylor 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 August 15, 2019 at 3:55 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 15, 2019 at 4:25 p.m.

Richard Taylor

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Taylor’s hearing and was of the opinion Mr. Taylor failed to provide proper draping, failed to obtain informed consent, failed to adequately communicate with the client, and failed to deliver treatment that ensured the client’s safety, comfort and privacy during a massage and bodywork therapy session. The Board Ordered that Mr. Taylor’s license be placed on probation for two years, he complete twelve additional continuing education hours in roles and boundaries, draping, communication and ethics and he pay a civil penalty of \$750 and disciplinary costs of \$750.

DISCIPLINARY HEARINGS

Ezra Davis

The Board conducted a disciplinary hearing regarding allegations Mr. Davis engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Davis 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 August 15, 2019 at 5:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 15, 2019 at 5:45 p.m.

Ezra Davis

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Davis' hearing and was of the opinion Mr. Davis failed to obtain informed consent, failed to adequately communicate with the client, and failed to deliver treatment that ensured the client's safety, comfort and privacy during a massage and bodywork therapy session. The Board Ordered that Mr. Davis' license be placed on probation for two years, he complete fifteen continuing education hours in roles and boundaries, particularly with female clients, draping, communication and ethics and he pay a civil penalty of \$1000 and disciplinary costs of \$750.

Elizabeth Gray

Ms. Harrell reported Ms. Gray's Letter of Reprimand was approved.

Thomas Barrow

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

Jonathan Dodrill

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

Sean Kim

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

Stephen Oxendine

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

Jessica Ryan

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

DISCIPLINARY HEARINGS

John Angles

The Board conducted a disciplinary hearing regarding allegations Mr. Angles engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Angles 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 August 15, 2019 at 8:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 15, 2019 at 9:00 p.m.

John Angles

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Angles' hearing and was of the opinion Mr. Angles failed to provide proper draping, failed to obtain informed consent, failed to adequately communicate with the clients, failed to deliver treatment that ensured the clients' safety, comfort and privacy and engaged in inappropriate physical contact with the clients during massage and bodywork therapy sessions. The Board Ordered that Mr. Angles license be suspended for three months followed by two years of probation, he complete fifteen continuing education hours in boundaries, draping, communication, ethics and documentation, he complete the Board's jurisprudence learning exercise and he pay a civil penalty of \$2000 and disciplinary costs of \$1500.

2018-19 4th Quarter Legal Services provided by 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 4th quarter fiscal year 2018-2019.

ADJOURNMENT

Upon motion duly made, seconded and passed, the June 20, 2019 meeting was adjourned at 9:00 p.m.

Ms. Nancy Harrell, Chair

Ms. Rachael Goolsby, Treasurer