



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 20, 2020; 10:00 a.m. – 3:45 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 20, 2020 at 10:00 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Kim Turk, Ms. Kay Warren, Ms. Rachael Goolsby and Mr. Robert Reeves

MEMBERS ABSENT

Ms. Ella Price

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 December 12, 2019.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

There Board held a public hearing at 1 p.m. to receive public comments on the adoption of Rule .1014.

Status of Amendments to Practice Act

There is a pending amendment to the Practice Act regarding fees.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Latonya Bowman, Esther Jacobs and Jay Sellers for practicing massage and bodywork therapy with an expired license; Gene Murray, Li Gong Sun and Xia Wang for aiding and abetting illegal massage and bodywork activity; Rachel Sauls for engaging in appropriate sexual activity with a client. There are two disciplinary hearings scheduled for today for Terry Harris and Kishon-Ahsem Holts. The hearings scheduled for Michael Becker and Yifei Li have been postponed to the April Board meeting.

Ms. Kirk reported:

Licensee Report

18,755 have been issued
9,167 active licenses

Renewal Report

There are 4,292 licensees scheduled to renew for the 2020-2021 renewal period. 3,599 therapists have renewed. 3,472 therapists renewed online and 127 therapists renewed by mail. An online license renewal reminder email was sent on December 20, 2019 and an expired license notice was sent on January 6, 2020. The routine Continuing Education Audit will start for the 200 therapists that renewed online.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met February 19, 2020 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 which became effective on November 15, 2019. Board staff informed the Committee that changes to continuing education are currently being implemented into the online renewal system so LMBTs will have more continuing education opportunities for the 2020-21 and future renewal periods.

FSMTB

a. Regulatory Education and Competence Hub (REACH) program

The Committee discussed that the FSMTB developed the treatment planning/intake course and the courses are available on the FSMTB's website.

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 the signed agreement between the Board and the NC Reflexology Association. Mr. Wilkins informed the Committee a letter was sent to the NC Reflexology Association with a list of persons practicing reflexology in North Carolina and a request for the association to review for accuracy.

IASI contract

The Committee reviewed an email from Beth Burgin and Jason Sager dated February 11, 2020 providing the Committee with a draft document of IASI CE requirements for classes and instructors.

Update on Practice Act changes

The Committee discussed the proposed changes in the Practice Act regarding fees and agreed to continue discussion on this topic.

Complaint on Tanya Rodriguez regarding hands on continuing education

The Committee reviewed Mr. Wilkins' letter to Ms. Rodriguez and her response regarding hands on continuing education.

Clarification and implementation of who is a “sole practitioner”

The Committee reviewed and discussed the definition of “sole practitioner” and agreed to continue discussion on this topic.

License Standards Committee

Ms. Harrell reported the Committee met February 19, 2020 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.

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. 2020 Annual meeting

The 2020 Annual Educational Conference will be held in Seattle, Washington, September 23-26, 2020. Ms. Warren agreed to attend.

b. 2021 International Congress

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

FSMTB

a. 2020 Annual meeting

The 2020 FSMTB annual meeting will be held in Chicago, Illinois, October 15-17, 2020. Ms. Warren agreed to attend.

b. January and February In Touch Newsletters

The Board reviewed emails dated December 30, 2019 and January 30, 2020, respectively, regarding the January and February “In Touch” newsletters.

c. REACH announcement

The Board reviewed an email dated January 22, 2020 and January 24, 2020 from Debra Persinger, Executive Director of the FSMTB, announcing the launch of the REACH program and the specific courses the NCBMBT developed with FSMTB.

d. 2020 Member Board Executive Summit

The 2020 Member Board Executive Summit will be held in Bellevue, Washington, April 15-16, 2020.

Review response to R. Lee Robertson regarding CBD

The Board reviewed a response from Mr. Wilkins to R. Lee Robertson regarding the use of CBD in massage and bodywork therapy sessions.

NEW BUSINESS

2019 Winter Newsletter

The Board reviewed the 2019 Winter Newsletter. Ms Kirk informed the Board the newsletter will be posted on the Board’s website and a mass email will be sent to current licensees notifying them of that information.

Agreement between the NCBMBT and the NC Reflexology Association

The Board reviewed the signed agreement between the NCBMBT and the NC Reflexology Association as well as list of persons practicing reflexology in North Carolina.

Review updated response from NCBMBT regarding use of CBD

The Board reviewed its updated response regarding the use of CBD based upon an email from the NC Attorney General’s office. Board staff agreed to send the updated response to all individuals who have inquired about the use of CBD.

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 20, 2020 at 11:00 a.m.

RECESS FOR LUNCH

The Board recessed for lunch at 11:30 a.m. to honor Dr. Tim Taft for his service on the Board.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 20, 2020 at 1:00 p.m.

Complaint against Ashley Dwyer regarding unlicensed practice

Ms. Harrell reported the Board reviewed a concern from an instructor at a Board approved school regarding Ms. Dwyer asking her employee, a receptionist at her place of business and a student at Southeastern Institute, to provide massage and bodywork therapy services at a chair event. The Board agreed Ms. Dwyer shall be issued a Letter of Reprimand as she is in violation of NCGS 90-624(4) and Rules .0620(3) and (4) for directing her employee, a receptionist at her place of business and a student at Southeastern Institute, to provide massage and bodywork therapy services at a chair event.

DISCIPLINARY HEARINGS

Terry Harris

The Board conducted a disciplinary hearing regarding allegations Mr. Harris engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Harris 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 20, 2020 at 1:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 20, 2020 at 2:00 p.m.

Terry Harris

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

Latonya Bowman

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

Esther Jacobs

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

Gene Murray

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

Rachel Sauls

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

Jay Sellers

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

Li Gong Sun

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

Xia Wang

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

Jessica Johnson

Ms. Harrell reported the Board agreed to deny her a license due to lack of moral character.

DISCIPLINARY HEARINGS

Kishon-Ahsem Holts

The Board conducted a disciplinary hearing regarding allegations Mr. Holts engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Holts 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 February 20, 2020 at 3:05 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 20, 2020 at 3:45 p.m.

Kishon-Ahsem Holts

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Holts' hearing and was of the opinion Mr. Holts engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that, upon renewal of his license, Mr. Holts' license shall be suspended for one year and that he be placed on probation for one year following suspension, complete six hours of continuing education in roles and boundaries and pay a civil penalty of \$1000 and disciplinary costs of \$1000 and that he must appear before the License Standards Committee of the Board before his license is renewed.

2019-20 2nd 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 2nd quarter fiscal year 2019-2020.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 20, 2020 meeting was adjourned at 3:45 p.m.

Ms. Nancy Harrell, Chair

Ms. Rachael Goolsby, Treasurer