



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

June 18, 2020; 10:00 a.m. – 1:00 p.m.
Wells Fargo Capitol Center Building
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 Open Session in the offices of the Board on June 18, 2020 at 10:00 a.m.

MEMBERS PRESENT

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

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

STEVE GREEN

Ms. Harrell and Mr. Wilkins welcomed Mr. Green as the new potential establishment member of the Board appointed by Governor Roy Cooper. Mr. Wilkins informed Mr. Green the Board has not received the official letter from the Governor's office therefore he will not be able to be sworn in or participate as a Board member until the official letter is received.

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 April 23, 2020.

TREASURER'S REPORT

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

2020-2021 BUDGET

The 2020-2021 Budget was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

a. Rule .1014 – Updated from Rules Review Commission

Mr. Wilkins informed the Board that Rule .1014 was approved by the Rules Review Commission at their June 2020 meeting and will be effective July 1, 2020. Board staff will be working on developing forms for the establishment licensure process for review by the Board.

b. Final Approval of Rule .0636

The Board reviewed the adoption of Rule .0636 following the hearing at the April Board meeting. There were no written or public comments provided to the Board. Upon motion made, seconded and passed, the Board approved Rule .0636 and will submit to the Rules Review Commission for review at their July 2020 meeting for a proposed effective date of August 1, 2020.

c. Initial Approval of Rule .0704

The Board reviewed the Emergency Rule-Making Findings of Need Form and Emergency Rule .0704 allowing massage and bodywork therapists to complete all continuing education by distance learning during a state of emergency. Upon motion made, seconded and passed, the Board agreed to send the rule to the Office of Administrative Hearings for publication in the NC Register.

The Board reviewed the Proposed Temporary Rule Form and Temporary Rule .0704 allowing massage and bodywork therapists to complete all continuing education by distance learning during a state of emergency. Upon motion made, seconded and passed, the Board agreed to send the rule to the Office of Administrative Hearings for publication in the NC Register to begin the temporary rules review process.

d. Initial Approval of Rule .0804

The Board reviewed the Emergency Rule-Making Findings of Need Form and Emergency Rule .0804 allowing the Board to waive or extend any rule if a licensee submits a written request. Upon motion made, seconded and passed, the Board agreed to send the rule to the Office of Administrative Hearings for publication in the NC Register.

The Board reviewed the Proposed Temporary Rule Form and Temporary Rule .0804 allowing the Board to waive or extend any rule if a licensee submits a written request. Upon motion made, seconded and passed, the Board agreed to send the rule to the Office of Administrative Hearings for publication in the NC Register to begin the temporary rules review process.

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 Letters of Reprimand regarding: Bruce Beery and Calvin Johnson for failing to deliver treatment that ensured the client’s comfort and privacy during a massage and bodywork therapy session; Cori Brown for practicing massage and bodywork therapy with an expired license; Delisa Johnson for being charged and convicted of driving while impaired while under a conditional license with the Board. All hearings scheduled for the June Board meeting have been postponed for the August Board meeting.

Ms. Kirk reported:

Licensee Report

18,919 have been issued
9,400 active licenses

Renewal Report

There are 5,384 licensees scheduled to renew for the 2021-2022 renewal period. 726 licenses expired on December 31, 2018 and can renew by December 31, 2020. License renewal information will be sent by email in July. The routine Continuing Education Audit has started for 200 therapists that renewed online. Seventeen licensees were contacted via email to provide additional information. Fifteen licensees responded and corrected their CE submissions. Board

staff will follow-up with the two licensees that have failed to respond by sending a Notice of Hearing for the August 2020 Board meeting.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met June 17, 2020 and discussed the matters set forth in the minutes of the Committee.

Continuing Education

a. Mass email regarding new CE rules

The Committee discussed the 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 a mass email will be sent to all LMBTs regarding notification of the additional opportunities for the 2020-21 and future renewal periods.

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.

IASI contract

The Committee reviewed an email from Beth Burgin and Jason Sager dated March 31, 2020 requesting feedback from the Committee on the draft document providing the IASI CE requirements for classes and instructors. Ms. Harrell agreed to assist Board staff with drafting a letter to Beth Burgin and Jason Sager to request additional information to assist the Committee in reviewing their proposed continuing education contract with the Board.

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.

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.

Email from Cindy Osbourne regarding reducing CE hour requirement for the 2020 renewal period

The Committee reviewed an email from Cindy Osbourne dated April 23, 2020 requesting a reduction in CE hours for the 2020 renewal period. The Committee agreed not to reduce the CE hours for the 2020 renewal period but agreed to send her the new CE opportunities as well as

allowing all online courses for this renewal period. The Board agreed with the Committee's recommendation.

Email from Sequoya Moore regarding reducing the renewal fee for the 2020 renewal period

The Committee reviewed an email from Sequoya Moore dated May 28, 2020 requesting a reduction renewal fees for the 2020 renewal period. The Committee agreed not to reduce the renewal fees for the 2020 renewal period but agreed to send her the new CE opportunities as well as allowing all online courses for this renewal period. The Board agreed with the Committee's recommendation.

Email from Suzanne Eller regarding allowing all online CEs for the 2021 renewal period

The Committee reviewed an email from Suzanne Eller dated June 4, 2020 requesting all online CEs for the 2021 renewal period. The Committee agreed to allow all online continuing education for the 2021 renewal period. Upon motion made, seconded and passed, the Board agreed to allow all online CEs for the 2021 renewal period.

Email from Matt Utterback regarding request for rule change to require clients to wear face masks

The Committee reviewed an email from Matt Utterback and a response from Ms. Kirk dated June 10, 2020 requesting and responding to a request for a rule change to require clients to wear face masks at massage and bodywork therapy establishments. The Committee agreed with the response from Ms. Kirk to Mr. Utterback stating the Board does not have the authority over clients/patrons and only has authority over requirements for licensed massage and bodywork therapists. The Board agreed with the Committee's recommendation.

Email from Jenny Templeman regarding background check

The Committee reviewed an email from Jenny Templeman dated June 12, 2020 requesting a rule change to waive the background check requirement. The Committee agreed not to waive the requirement and to provide Ms. Templeman with alternative locations to get her background check completed. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Goolsby reported the Committee met June 17, 2020 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Turk reported the Committee met May 29, 2020 and discussed the matters set forth in the minutes of the Committee. The Committee recommended the following school renewals and the Board agreed with the recommendations of the Committee as follows:

2020 Renewals

The Committee reviewed the 2020 renewals received from the nine schools required to renew

this year along with the summaries and survey reports produced by M&M Consulting. The following schools were approved for one or two years as designated:

1. Carolina Massage Institute – approved for 1 year
2. Gwinnett College – approved for 1 year; offer meeting with Program Director; address MBLEx pass rates, staff turnover and documentation
3. Living Arts Institute – approved for 1 year; offer meeting with Program Director
4. Maiden School of Massage and Bodywork – approved for 2 years
5. Miller Motte College – Fayetteville – approved for 1 year
6. Miller Motte College – Wilmington – approved for 2 years
7. NC School of Advanced Bodywork, Inc. – approved for 2 years
8. Southeastern Institute – approved for 2 years
9. Therapeutic Massage Training Institute – approved for 2 years so long as the information requested is received by the June Board meeting

The following nine schools did not have to renew in 2020 but are scheduled to renew in 2021 along with the above four schools that received a one-year renewal:

1. American and European Massage Clinic, Inc.
2. Asheville School of Massage & Yoga
3. Asheville School of Massage & Yoga – 500 hour additional program
4. Center for Massage & Natural Health
5. College of Wilmington
6. Kneaded Energy School of Massage
7. NC Massage School
8. The Healing Arts & Massage School
9. Western North Carolina School of Massage

Email Notice to Schools and Programs regarding COVID-19

The Committee reviewed and discussed the email notice to Board approved schools and community college massage and bodywork therapy programs regarding COVID-19.

Email from Durham Technical Community College regarding Phase 2

The Committee reviewed an email dated May 23, 2020 from Nikki Barth, Massage Therapy Program Coordinator/Instructor at Durham Technical Community College, regarding the impact of Governor Cooper's Executive Order No. 141 has on massage and bodywork therapy schools and programs. The Committee agreed it will be acceptable for the program to continue with online courses.

Surveys

The Committee discussed the surveys sent to currently enrolled students, program graduates and employers provided by the massage and bodywork therapy schools for their school renewal applications. The Committee agreed to mail the surveys in 2021 due to the poor response to survey requests via email.

MBLEx pass rates

The Committee discussed MBLEx pass rates and agreed Ms. Warren will contact the FSMTB to request the average MBLEx pass rates for all member boards.

Virtual Site Visit Proposal

The Committee discussed a proposal from M&M Consulting regarding virtual site visits. Ms. Kirk agreed to send the proposal to the Committee for review.

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. The Board will consider a future strategic planning conference in 2021.

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 that was supposed to be held in Chicago, Illinois, October 15-17, 2020 was cancelled.

b. Guidelines for Practice with COVID-19

The Board reviewed an email dated May 19, 2020 regarding Guidelines for Practice with COVID-19 Considerations for massage and bodywork therapists returning to practice.

c. June In Touch Newsletters

The Board reviewed an email dated May 28, 2020 regarding the June “In Touch” newsletters.

d. Cultural Competence Course

The Board reviewed an email dated June 5, 2020 regarding free cultural competence courses on prejudice, racism and discrimination provided by FSMTB.

e. MBLEx Fee Increase Suspended Until October 1

The Board reviewed an email dated June 12, 2020 regarding the MBLEx fee increase to be suspended until October 1 or later.

NEW BUSINESS

2021 Board Meeting dates

The Board discussed the 2021 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2021 Board meeting dates.

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 June 18, 2020 at 11:45 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 18, 2020 at 1:00 p.m.

Bruce Beery

Ms. Harrell reported Mr. Beery’s Consent Order was approved.

Cori Brown

Ms. Harrell reported Mr. Brown’s Consent Order was approved.

Calvin Johnson

Ms. Harrell reported Mr. Johnson’s Consent Order was approved.

Delisa Johnson

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

2019-20 3rd 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 3rd quarter fiscal year 2019-2020.

ADJOURNMENT

Upon motion duly made, seconded and passed, the June 18, 2020 meeting was adjourned at 1:00 p.m.

Ms. Nancy Harrell, Chair

Ms. Rachael Goolsby, Treasurer