



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

April 15, 2021; 10:00 a.m. – 2:05 p.m.; 4:00 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 virtually via Webex in Open Session on April 15, 2021 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Goolsby, Mr. Steve Green and Ms. Valory Hicks

MEMBERS ABSENT

Mr. Robert Reeves

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. Turk, Chair

RECORDING SECRETARY

Ms. Kirk

VALORY HICKS

Ms. Turk welcomed Ms. Hicks as the new LMBT member of the Board appointed by the President Pro Tempore Phil Berger. Ms. Turk administered the Oath of Office to Ms. Hicks.

CONFLICT OF INTEREST

Ms. Turk 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 February 18, 2021.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

a. Review Rule .0636 approved by the RRC

The Board reviewed Rule .0636 approved by the Rules Review Commission at their March 2021 meeting. The rule became effective on April 1, 2021.

b. Review Rule .0704 approved by the RRC

The Board reviewed Rule .0704 approved by the Rules Review Commission at their March 2021 meeting. The rule became effective on April 1, 2021.

Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Rebecca Batts for posting protected information about a client on a Yelp review; Donald Cockrell for engaging in inappropriate conduct with a client; Judge Fulenwider for engaging in inappropriate draping and contact with a client; Micah Stier for failing to obtain written consent and maintain documentation for a massage and bodywork therapy session and failing to inform the Board about all criminal charges on his past license renewal applications; Christopher Stogner and Alan Zapanta for engaging in appropriate sexual contact with a client; Nathaniel Rogers for failing to deliver services that ensured the client's safety, comfort and privacy and failing to obtain written consent for the services provided; Amber John for practicing with an expired license; Jessica Norman and Shannon Profita for practicing prior to being licensed.

There were hearings scheduled for today for Lee Cockerham and Steven Navarro. The hearing for Lee Cockerham was postponed to the June meeting.

Ms. Kirk reported:

Licensee Report

19,513 have been issued
9,259 active licenses

Renewal Report

There are 5,384 licensees scheduled to renew for the 2021-2022 renewal period. 4,606 therapists have renewed. 4,426 therapists renewed online and 180 therapists renewed by mail. The routine Continuing Education Audit has started for 200 therapists who renewed online.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met April 14, 2021 and discussed the matters set forth in the minutes of the Committee.

FSMTB

a. Massage Therapy Licensing Database (MTLD) program

The Committee discussed the MTLTD program and recommended that Board staff schedule a virtual meeting with DEG to review the database process. The Board agreed with the Committee's recommendation.

b. CE Contract

The Committee reviewed the draft Contract and Agreement to recognize providers of CE and CE courses approved by FSMTB and agreed to recommend to the Board that the Contract and Agreement be approved and sent to FSMTB for review and approval. The Board agreed with the Committee's recommendation.

IASI contract

The Committee reviewed an email dated February 3, 2021 regarding the July 2, 2020 letter from Ms. Harrell to Beth Burgin and Jason Sager following review of the proposed continuing education contract. The Committee was informed the IASI Education Team met February 17th to review the Board's feedback and is waiting for additional information from IASI.

Email from Shelley Johnson regarding cameras in treatment rooms

The Committee reviewed an email dated March 15, 2021 questioning whether LMBTs are allowed to use video cameras in treatment rooms. The Board agreed the Practice Act and Rules and Regulations do not specifically prohibit a LMBT from using a camera in a treatment room however,

at a minimum, the LMBT would be required to obtain written, informed consent from the client, as well as protect the privacy of the client and comply with all State and Federal privacy laws. The Board agreed with the Committee's analysis.

License Standards Committee

Ms. Goolsby reported the Committee met April 15, 2021 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report. Mr. Wilkins informed the Board that all massage and bodywork therapy schools have submitted their school renewal applications and the Committee will meet to provide a recommendation to the Board for the June 2021 Board meeting.

Communications Committee

No written report. Ms. Warren informed the Board that Board staff is working on updating the website with the new location for the Board office and will send a mass email to all LMBTs regarding this information once those updates are complete. Ms. Warren also informed the Board that the Committee will be working on developing FAQs for the establishment licensure process to post on the Board's website.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported there are several bills proposed or pending in the North Carolina General Assembly that may affect the Board and other professional licensing boards. Three bills were discussed: SB-545 provides that licensure, registration and certification boards shall issue a license, registration or certification to an applicant from another jurisdiction upon meeting 9 specific requirements; HB-434 is a Reflexology certification act; and HB-29 provides licensing boards shall determine the immigration status of applicants to determine eligibility for public entitlements, to use the Homeland Security web-based service SAVE (Systematic Alien Verification for Entitlements). The lobbyist for AMTA/NC Chapter is also aware of these bills and is following them as necessary.

2018 Strategic Planning Conference

Ms. Turk 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 consider a virtual strategic planning conference in 2022 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2021 Introduction to Regulatory Governance Webinar Series

The 2021 Introduction to Regulatory Governance Webinar Series will be held virtually between February and June 2021.

b. 2021 Annual meeting

The 2021 Annual Educational Conference will be held virtually, September 2021. Ms. Warren and Ms. Price agreed to attend.

c. 2022 International Congress

The 2022 International Congress will be held in Dublin, Ireland, June 2022.

d. 2021-2022 Membership Renewal

The Board reviewed the 2021-2022 membership renewal invoice. Upon motion made, seconded and passed, the Board agreed to renew their membership with CLEAR for 2021-2022.

FSMTB

a. March and April In Touch Newsletters

The Board reviewed emails dated February 25, 2021 and March 25, 2021, respectively, regarding the March and April “In Touch” newsletters.

b. FSMTB Assistance for Interstate Compact

The Board reviewed an email dated March 17, 2021 regarding receiving assistance to develop an interstate compact for occupational licensing portability.

c. 2021 Annual Meeting

The 2021 Annual Meeting will be held in Charlotte, North Carolina, October 7-9, 2021. Ms. Goolsby, Mr. Reeves, Ms. Turk, Ms. Price and Ms. Warren agreed to attend.

d. Call for Resolutions and Bylaw Amendments

The Board reviewed an email dated April 8, 2021 regarding a call for resolutions and bylaw amendments.

e. REACH report from Kay

Ms. Warren provided a report on the FSMTB’s REACH program.

f. 2021-2022 Membership Renewal

The Board reviewed the 2021-2022 membership renewal invoice. Upon motion made, seconded and passed, the Board agreed to renew their membership with FSMTB for 2021-2022.

NEW BUSINESS

Fifth Annual Occupational Licensing Agencies Best Practices Virtual Seminar

The 2021 Fifth Annual Occupational Licensing Agencies Best Practices Seminar will be held virtually on May 18, 2021. Ms. Warren agreed to attend.

Email from Jennifer Burgess regarding Hyflex program

The Board reviewed an email dated March 29, 2021 regarding the Hyflex program to be considered within the massage and bodywork therapy community college programs. The Board agreed the Practice Act requires a minimum of 500 in-class hours and therefore the Hyflex program could only be considered for hours in excess of 500 in-class hours, unless the Practice Act is changed by the NC Legislature.

PUBLIC COMMENT

The Board received comments from the public.

LUNCH

The Board recessed for lunch at 12:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 15, 2021 at 1:00 p.m.

DISCIPLINARY HEARINGS

Steven Navarro

The Board conducted a disciplinary hearing regarding allegations Mr. Navarro engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Navarro 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 15, 2021 at 2:05 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 15, 2021 at 4:00 p.m.

Donald Cockrell

Ms. Turk reported Mr. Cockrell's Consent Order was approved.

Judge Fulenwider

Ms. Turk reported Mr. Fulenwider's Consent Order was approved.

Amber John

Ms. Turk reported Ms. John's Consent Order was approved.

Jessica Norman

Ms. Turk reported Ms. Norman's Consent Order was approved.

Shannon Profita

Ms. Turk reported Ms. Profita's Consent Order was approved.

Nathaniel Rogers

Ms. Turk reported Mr. Rogers' Consent Order was approved.

Micah Stier

Ms. Turk reported Ms. Stier's Consent Order was approved.

Christopher Stogner

Ms. Turk reported Mr. Stogner's Consent Order was approved.

Rebecca Batts

Ms. Turk reported Ms. Batts' signed Consent Order was not received but will be considered for approval at the June 2021 meeting.

Lee Cockerham

The hearing for Mr. Cockerham has been postponed to the June meeting.

Steven Navarro

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

Alan Zapanta

Ms. Turk reported Mr. Zapanta's Consent Order was approved.

2020-21 3rd Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Turk 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 2020-2021.

ADJOURNMENT

Upon motion duly made, seconded and passed, the April 15, 2021 meeting was adjourned at 4:00 p.m.

Ms. Kim Turk, Chair

Ms. Rachael Goolsby, Treasurer