



## NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue  
Suite 100  
Raleigh, NC 27612

### OPEN SESSION MINUTES

December 9, 2021; 10:00 a.m. – 11:10 a.m.; 1:00 p.m. – 5:30 p.m.; 6:20 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 December 9, 2021 at 10:00 a.m.

#### MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Goolsby, Mr. Steve Green, Ms. Valory Hicks, Dr. Christopher Grubb 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. Turk, Chair

#### RECORDING SECRETARY

Ms. Kirk

#### CHRISTOPHER GRUBB, MD

Ms. Turk welcomed Dr. Grubb as the new physician member of the Board appointed by Governor Roy Cooper. Ms. Turk administered the Oath of Office to Dr. Grubb.

**CONFLICT OF INTEREST**

Ms. Turk asked if any Board member had any conflict of interest with any item on the meeting’s agenda. Mr. Green recused himself from discussion on Jordan Caldwell. There being no additional conflict, the agenda was approved.

**APPROVAL OF MINUTES**

The Board approved its minutes of October 21, 2021.

**TREASURER’S REPORT**

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

**2020-2021 FINANCIAL AUDIT**

The 2020-2021 Financial Audit was reviewed and approved as presented.

**ADMINISTRATIVE REPORTS**

**Rules**

There are no pending rules at the Rules Review Commission.

**Practice Act**

Mr. Wilkins reported that the legislature is out of town until January 2022 and will be returning next year.

**Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Brian Irby for showing up to work under the influence of drugs or alcohol; and Andre Vazquez for engaging in inappropriate draping and contact with a client.

There are two hearings scheduled for today for Jordan Caldwell and Michael Cuthbertson. The hearing scheduled for Alfonso Smith was postponed to the February meeting.

Ms. Kirk reported:

**Licensee Report**

19,979 have been issued  
9,833 active licenses

## **Renewal Report**

There are 4,302 licensees scheduled to renew for the 2022-2023 renewal period. 636 licenses expired December 31, 2019 and can renew by December 31, 2021. 3,000 therapists have renewed. An online renewal reminder will be sent notifying licensees that their license will expire December 31, 2021.

## **Establishment License Update**

Ms. Kirk informed the Board that 18 establishment licenses have been issued. Approximately 800 application requests and 230 completed applications have been submitted to the Board.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Turk reported the Committee met December 8, 2021 and discussed the matters set forth in the minutes of the Committee.

### **FSMTB**

#### **a. Massage Therapy Licensing Database (MTLD) program**

The Committee reviewed updated information regarding the MTLTD program and recommended that Board staff and IT set up a virtual meeting with DEG to review the database process in the Board office. The Board agreed with the Committee's recommendation.

#### **b. REACH course for establishment owners**

The Committee discussed requesting FSMTB to develop a course for establishment owners and agreed to continue discussion on this topic at a future committee meeting. The Board agreed with the Committee's recommendation.

### **Review updated Modalities list and email from Kay Warren suggesting additional modalities**

The Committee reviewed changes to the current modalities list and an email from Ms. Warren suggesting additional modalities be added to the list. The Committee agreed to post its current list with changes and continue review of the additional modalities for a recommendation to the Board at its February 2022 meeting. The Board agreed with the Committee's recommendation.

### **Review letter to NC Cosmetic Art Examiners Board regarding establishment licensure**

The Committee reviewed the draft letter to the NC Cosmetic Art Examiners Board regarding establishment licensure and agreed to send the letter to the Board. The Board agreed with the Committee's recommendation.

### **Review proposed FAQs for establishment licensure**

The Committee reviewed the proposed FAQs for establishment licensure and agreed to post the FAQs on the Board's website. The Board agreed with the Committee's recommendation.

### **Review proposed advertising requirements for establishments**

The Committee reviewed the proposed advertising requirements for establishments and agreed to post the requirements on the Board's website. The Board agreed with the Committee's recommendation.

**Email from Elise Medenbach regarding refund for establishment licensure**

The Committee reviewed an email dated November 23, 2021 from Ms. Medenbach regarding requesting a refund for the establishment licensure process due to being a sole practitioner. Ms. Kirk informed the Committee she sent three separate emails informing Ms. Medenbach that the Board was reviewing her questions and not to begin the process until told to do so. Ms. Medenbach requested and completed the entire application process and will be granted a license therefore the Committee agreed not to issue her a refund. The Board agreed with the Committee's recommendation.

**Email from Shell Pierce regarding establishment application**

The Committee reviewed an email dated November 28, 2021 from Ms. Pierce regarding her establishment moving locations after January 1, 2022 and agreed to allow Ms. Pierce to begin the process with her new address and complete the application when her updated documents are available.

**Email from Kim Engle regarding establishment application**

The Committee reviewed an email dated November 29, 2021 from Ms. Engle regarding her establishment moving locations after January 1, 2022 and agreed to allow Ms. Engle to begin the process with her new address and complete the application when her updated documents are available.

**Email from Richard Bell regarding displaying LMBT licenses**

The Committee reviewed an email dated December 6, 2021 from Mr. Bell regarding guidelines on displaying licenses of LMBTs and agreed that Rule .0302 requires the display of the Board-issued original license so as to be available for inspection by the public. The Board agreed with the Committee's recommendation.

**License Standards Committee**

Ms. Goolsby reported the Committee met December 8, 2021 and discussed the matters set forth in the minutes of the Committee.

**School Approval Committee**

No written report.

**Communications Committee**

Ms. Warren reported the Committee met November 30, 2021 and discussed the matters set forth in the minutes of the Committee.

**Letter of NC Cosmetic Art Examiners Board**

The Committee reviewed the draft letter to the NC Cosmetic Art Examiners Board regarding establishment licensure and agreed for the Policy Committee to review for approval.

### **Establishment Licensure FAQ discussion**

The Committee reviewed and discussed FAQs for the establishment licensure process and agreed for the Policy Committee to review the proposed FAQs for the Board's website.

### **Advertising Requirements for Establishments**

The Committee reviewed and discussed advertising requirements for establishments and agreed that establishments use the following format, Establishment Name and NC BMBT Establishment #, on all advertising materials. The Committee also discussed group advertising, at the national and state level, for multiple locations of the same establishment name. The Committee agreed to refer these topics to the Policy Committee of the Board and for Board staff to get feedback from the Florida Massage Therapy Board as well as FSMTB.

### **2021 Newsletter**

The Committee discussed developing articles for the 2021 Winter Newsletter. The Committee agreed to include articles on the new Board members, a message from the Chair, establishment licensure, CBD oil regulation, online CE, reminders and updates from the Board and the disciplinary actions taken in 2021.

## **OLD BUSINESS**

### **NC General Assembly Proposed Laws Affecting Licensing Boards**

Mr. Wilkins reported there are laws proposed or pending in the North Carolina General Assembly that may affect professional licensing boards.

### **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 strategic planning conference in March 2022 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

## **CLEAR**

### **a. 2022 Winter Symposium**

The 2022 Winter Symposium will be held virtually, January 5, 2022.

### **b. 2022 Annual Meeting**

The 2022 Annual Educational Conference will be held in Louisville, Kentucky, September 14-17, 2022.

### **c. 2023 International Congress**

The 2023 International Congress will be held in Dublin, Ireland, Summer 2023.

## **FSMTB**

### **a. November and December In Touch Newsletters**

The Board reviewed emails dated October 28, 2021 and December 1, 2021, respectively, regarding the November and December “In Touch” newsletters.

### **b. 2022 Annual Meeting**

The 2021 Annual Meeting will be held in Charlotte, North Carolina, October 18-20, 2022.

### **Response to Kay Moseley regarding hypnotherapy/hypnomassage**

The Board reviewed and approved a response from Mr. Wilkins to Kay Moseley regarding hypnotherapy/hypnomassage.

### **Response to Scott Orlinski regarding CBD**

The Board reviewed and approved a response from Mr. Wilkins to Scott Orlinski regarding CBD.

### **Response to Esther Sabatino regarding core synchronicity**

The Board reviewed and approved a response from Mr. Wilkins to Esther Sabatino regarding core synchronicity.

### **Response to Christina Bonner regarding CFT and MFT**

The Board reviewed and approved a response from Mr. Wilkins to Christina Bonner regarding CFT and MFT.

### **Response to Jennifer Burgess regarding student clinics**

The Board reviewed and approved a response from Mr. Wilkins to Jennifer Burgess regarding student clinics.

### **Review and approve IASI CE approval and renewal process**

The Board reviewed and approved the final IASI CE approval and renewal contract and agreement and agreed to sign and send to IASI.

## **NEW BUSINESS**

No new business.

## **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 December 9, 2021 at 11:10 a.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on December 9, 2021 at 1:00 p.m.

### **Brian Irby**

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

### **Andrew Vazquez**

Ms. Turk reported Mr. Vazquez's Consent Order was approved, pending a few amendments to be addressed with Mr. Vazquez's attorney.

## **DISCIPLINARY HEARINGS**

### **Michael Cuthbertson**

The Board conducted a disciplinary hearing regarding allegations Mr. Cuthbertson engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions. Mr. Cuthbertson and his attorney appeared for the hearing.

### **Jordan Caldwell**

The Board conducted a disciplinary hearing regarding allegations Mr. Caldwell engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Caldwell 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 December 9, 2021 at 5:30 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on December 9, 2021 at 6:20 p.m.

### **Michael Cuthbertson**

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

**Jordan Caldwell**

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

**Alfonso Smith**

The hearing for Mr. Smith has been postponed to the February meeting.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the December 9, 2021 meeting was adjourned at 6:20 p.m.

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Ms. Kim Turk, Chair

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Ms. Kay Warren, Treasurer