



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

April 21, 2022; 10:00 a.m. – 12:00 p.m.; 1:00 p.m. – 3:30 p.m.; 6:10 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 21, 2022 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Crawford, 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

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 17 and 18, 2022.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

There are no pending rules at the Rules Review Commission.

Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Emma Elliott and Michael Nicholson for practicing with an expired license; Jasmine Segarra for practicing prior to being licensed; Betty Foster for injuring a client during a massage and bodywork therapy session; Morgan Peebles for providing massage and bodywork therapy while under the influence of an intoxicating substance and failing a voluntary drug test; and Joseph Goodwin for engaging in inappropriate sexual contact, draping and conversation during several massage sessions.

There is one hearing scheduled for today for Anthony LaValle. The hearing scheduled for PinHui Wang has been postponed to the June meeting.

Ms. Kirk reported:

Licensee Report

20,222 have been issued.

9,421 active licenses.

Renewal Report

There are 4,302 licensees scheduled to renew for the 2022-2023 renewal period. 3,653 therapists have renewed. 3,505 therapists renewed online and 148 therapists renewed by mail. The routine Continuing Education Audit has started for 200 therapists who renewed online.

Establishment Report

968 establishments have requested an application.
444 establishments have submitted an application.
177 establishment licenses have been issued.

Ms. Kirk reported the online profile for establishments is ready to be posted on the Board's website. An email will be sent to all licensed establishments once access to the profile is on the website.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met April 20, 2022 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.

c. Email from Debra Persinger regarding surveys

The Committee reviewed an email dated April 11, 2022 from Debra Persinger regarding notifying NC LMBTs to participate in a survey for the licensing exam. The Committee agreed for the Communications Committee to discuss this information and draft an email to send to NC LMBTs. The Board agreed with the Committee's recommendation.

Review previous establishment questions:

a. Vincent Bounds – Myology Sports Massage, LLC

The Committee reviewed Ms. Kirk's response to Mr. Bounds regarding all locations needing an establishment license.

b. Ragan Wren – Body Heal LLC

The Committee reviewed Ms. Kirk's response to Mr. Wren regarding all locations needing an establishment license.

Review email from Linda Elliott, Executive Director, NC Cosmetic Art Examiners Board

The Committee reviewed Ms. Kirk's response to Linda Elliott, Executive Director for the NC Cosmetic Art Examiners Board, regarding establishment license. The Board agreed with the communication to the NC Cosmetic Art Examiners Board.

Review email from Steve Froneberger regarding near infrared light therapy and BEMER PEMF therapy

The Committee reviewed an email dated March 13, 2022 from Mr. Froneberger regarding near infrared light therapy and BEMER PEMF therapy and agreed to research the machines and provide a response following their June meeting. The Board agreed with the Committee’s recommendation.

Review email from Sandra Talbert regarding scratch therapy

The Committee reviewed an email dated March 22, 2022 from Ms. Talbert regarding scratch therapy. The Board agreed to continue discussion on this topic in Closed Session.

Review emails from Janell Robins regarding medical massage

The Committee reviewed emails from Ms. Robins regarding advertising medical massage. The Committee agreed the terms “medical massage” or “clinical massage” can be used so long as she complies with Rule .0404, the advertising requirements on the Board’s website, is trained and competent in those services and her training and competence can be demonstrated and documented. The Board agreed with the Committee’s recommendation.

Review emails from Deandra Marinova regarding current establishment license

The Committee reviewed emails from Ms. Marinova regarding her establishment license. Ms. Kirk agreed to contact Ms. Marinova to discuss her application.

License Standards Committee

Ms. Crawford reported the Committee met April 20, 2022 and discussed the matters set forth in the minutes of the Committee.

Haiyan Hong

Ms. Hong requested to appear before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

School Approval Committee

Mr. Wilkins reported that 5 schools are scheduled to renew for 2022-2023 and they are in the process. He also reported that the 2 new schools, Cornerstone Holistic Institute and the Institute for Massage and Bodywork Therapy, have begun operations.

Communications Committee

No written report.

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. The General Assembly reconvenes on May 4, 2022 for its 2022 Short Session.

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 2022 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2022 Virtual Symposium

The 2022 Virtual Symposium will be held virtually on June 16 and 23, 2022.

b. 2022 Annual Meeting

The 2022 Annual Educational Conference will be held in Louisville, Kentucky, September 14-17, 2022. Ms. Crawford, Ms. Price and Ms. Warren agreed to attend.

c. 2023 International Congress

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

d. 2022-23 Membership Renewal

The Board reviewed the 2022-23 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew the membership.

FSMTB

a. March 2022 In Touch Newsletters

The Board reviewed an email dated March 3, 2022, respectively, regarding the March “In Touch” newsletters.

b. 2022 Executive Summit

The 2022 Executive Summit will be held in Clearwater Beach, Florida, May 5-6, 2022. Ms. Kirk agreed to attend.

c. 2022 Annual Meeting

The 2022 Annual Meeting will be held in Charlotte, North Carolina, October 18-20, 2022. The Board agreed to change their October 2022 meeting to October 21, 2022 so Board members can attend the annual meeting.

d. 2022-23 Membership Renewal

The Board reviewed the 2022-23 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew the membership.

NEW BUSINESS

No new business.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 12:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 21, 2022 at 1:00 p.m.

DISCIPLINARY HEARINGS

Anthony LaValle

The Board conducted a disciplinary hearing regarding allegations Mr. LaValle failed to deliver treatment that ensured the client's safety, comfort and privacy during a massage and bodywork therapy session. Mr. LaValle 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 April 21, 2022 at 3:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 21, 2022 at 6:10 p.m.

Anthony LaValle

Ms. Turk reported the Board reviewed the evidence presented during Mr. LaValle's hearing and was of the opinion Mr. LaValle failed to deliver treatment that ensured the client's safety, comfort and privacy and failed to get informed consent from the client during a massage and bodywork therapy session. Ms. Turk reported the Board Ordered that Mr. LaValle be required to complete nine (9) continuing education hours in communications, roles, boundaries and ethics and pay a civil penalty of \$250 and disciplinary costs of \$500.

Meeting with AMTA NC-Chapter to discuss establishment license process

Ms. Turk reported the Board will respond in writing regarding the establishment regulation and sole practitioner issues expressed by AMTA NC-Chapter.

Haiyan Hong

Ms. Turk reported the Board requested for Ms. Hong to submit her documents from the massage and bodywork therapy program she attended in Florida. Ms. Hong's application will be reconsidered at a future meeting.

Emma Elliott

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

Betty Foster

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

Michael Nicholson

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

Morgan Peeples

Ms. Turk reported Ms. Peeples' Consent Order was approved.

Jasmine Segarra

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

Joseph Goodwin

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

PinHui Wang

Ms. Turk reported Ms. Wang's hearing was postponed to the June meeting.

2021-22 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 2021-2022.

ADJOURNMENT

Upon motion duly made, seconded and passed, the April 21, 2022 meeting was adjourned at 6:10 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer