



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

August 18, 2022; 10:00 a.m. – 11:10 a.m.; 1:00 p.m - 5:15 p.m.; 6:30 p.m.

GlenLake One
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 August 18, 2022 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Mr. Steve Green, Ms. Valory Hicks, Dr. Christopher Grubb and Mr. Robert Reeves

MEMBERS ABSENT

Ms. Ella Price and Ms. Rachael Crawford

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Marley Clausing, 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. Ms. Hicks recused herself from discussion on Mario Butler and Mr. Reeves recused himself from discussion on Southeastern College. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of June 16, 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: Charles Alford and Cydni Thibodeaux for practicing with an expired license; Mario Butler and Angel Rivera for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session.

There are two hearings scheduled today for Jason Lucas and Vincent Lucas.

Ms. Kirk reported:

Licensee Report

20,490 have been issued.
9,741 active licenses.

Renewal Report

There are 5,392 licensees scheduled to renew for the 2023-2024 renewal period. 779 licensed expired December 31, 2020 and can renew by December 31, 2022. License renewal information was sent by email in July.

Establishment Report

1,015 establishments have requested an application.
467 establishments have submitted an application.

248 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee is requesting additional information from questions that were sent to the Board regarding scope of practice. Ms. Kirk also reported that Mr. Wilkins, Mr. Lushbaugh and Ms. Kirk met with a few representatives from FSTMB and Merkle to discuss the MTLTD program. Board staff will work on putting together a cost analysis for the automation program and IT services for review by the Policy Committee and full Board.

License Standards Committee

No written report.

School Approval Committee

Ms. Warren reported the Committee met July 27, 2022 and discussed the matters set forth in the minutes of the Committee.

Complaints on Southeastern College

The Committee and Board staff have been reviewing complaints regarding the former Campus President and an instructor at Southeastern College. The Committee is waiting on a response from the college regarding their most recent request for documentation.

Communications Committee

Ms. Warren reported the Committee has sent a draft email to pending establishment applications and LMBTs regarding the establishment license process. The Board agreed for the Policy Committee to review the draft emails and finalize for the Board to review. The Board also agreed for the Policy Committee to recommend an enforcement date for the establishment application process.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported there are no laws proposed or pending in the North Carolina General Assembly that may affect professional licensing boards. The General Assembly reconvened 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 or 2023 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2022 Annual Meeting

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

b. 2023 International Congress

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

FSMTB

a. July and August 2022 In Touch Newsletters

The Board reviewed emails dated July 5 and August 1, 2022, respectively, regarding the July and August “In Touch” newsletters.

b. Interstate Massage Compact

The Board reviewed an email dated June 30, 2022 regarding the Interstate Massage Compact.

c. 2022 Annual Meeting

The 2022 Annual Meeting will be held in Charlotte, North Carolina, October 18-20, 2022. Upon motion made, seconded and passed, the Board agreed that Ms. Kirk will serve as the Board delegate at the annual meeting.

Response to Desiree Sawyer regarding establishment license

The Board reviewed and approved a response from Ms. Kirk to Ms. Sawyer regarding establishment license.

Response to Tori Shepherd regarding discrimination

The Board reviewed and approved a response from Ms. Kirk to Ms. Shepherd regarding discrimination.

Response to Jeannisa Bowden regarding body contouring

The Board reviewed and approved a response from Ms. Kirk to Ms. Bowden regarding body contouring.

Response to Ashley Wren regarding various machines

The Board reviewed and approved a response from Ms. Kirk to Ms. Wren regarding various machines.

Response to Steve Froneberger regarding BEMER PEMF therapy; need to discuss infrared light therapy

The Board reviewed and approved a response from Ms. Kirk to Mr. Froneberger regarding BEMER PEMF therapy.

NEW BUSINESS

NC Human Trafficking Annual Conference

The NC Human Trafficking Annual Conference will be held in Raleigh, North Carolina, September 7-8, 2022. Ms. Kirk agreed to attend.

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 August 18, 2022 at 11:10 a.m.

RECESS FOR LUNCH

The Board recessed for lunch at 12:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 18, 2022 at 1:00 p.m.

Charles Alford

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

Mario Butler

Ms. Turk reported Mr. Butler's Consent Order was approved with an amendment requiring two years of probation following the six month suspension and a copy of the protocols put in place by his employer.

Angel Rivera

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

Cyndi Thibodeaux

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

DISCIPLINARY HEARINGS

Jason Lucas

The Board conducted a disciplinary hearing regarding allegations Mr. Lucas engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Lucas appeared for the hearing and testified.

Vincent Lucas

The Board conducted a disciplinary hearing regarding allegations Mr. Lucas engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Lucas appeared for the hearing and testified.

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 August 18, 2022 at 5:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 18, 2022 at 6:30 p.m.

Jason Lucas

Ms. Turk reported the Board reviewed the evidence presented during Mr. Lucas' hearing and was of the opinion Mr. Lucas failed to deliver treatment that ensured the client's safety and comfort during a massage and bodywork therapy session. Ms. Turk reported the Board Ordered that Mr. Lucas' license be placed on probation for six months, he complete six (6) continuing education hours in roles and boundaries and he pay a civil penalty of \$1000 and costs of \$750.

Vincent Lucas

Ms. Turk reported the Board reviewed the evidence presented during Mr. Lucas' hearing and was of the opinion Mr. Lucas engaged in inappropriate contact with a client during a massage and bodywork session, failed to deliver treatment that ensured the client's safety, comfort and privacy and practiced with an expired license. Ms. Turk reported the Board Ordered that Mr. Lucas' return his original and all copies of his license to practice massage and bodywork therapy in North Carolina, be required to reapply for a license which will be reviewed by the License Standards Committee and the full Board and he pay a civil penalty of \$1000 and costs of \$750.

Email from Shelley Johnson

Ms. Turk reported the Board reviewed an email from Ms. Johnson regarding franchises and spas looking for LMBTs and paying for a student's school balance and a summer camp idea for kids 12-16 years of age to generate interest in massage and bodywork therapy. The Board agreed to respond to Ms. Johnson informing her that the student's school balance would be between the massage therapy establishment and the student. Also, the Board agreed the scenario of a summer camp would not be supported by the Board.

Amendment to the contract with Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Turk reported the Board agreed to an amendment to the contract for professional services provided by Broughton, Wilkins, Sugg & Thompson, PLLC.

ADJOURNMENT

Upon motion duly made, seconded and passed, the August 18, 2022 meeting was adjourned at 6:30 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer