



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

June 16, 2022; 10:00 a.m. – 12:15 p.m.; 1:00 p.m - 3:45 p.m.; 6:00 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 June 16, 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. Ms. Price recused herself from discussion on Living Arts College 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 April 21, 2022.

TREASURER'S REPORT

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

2022-2023 BUDGET

The 2022-2023 Budget 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: Johnny Sinclair for failing to deliver treatment that ensured the client's safety, comfort and privacy during a massage session.

There is one hearing scheduled for today for PinHui Wang.

Ms. Kirk reported:

Licensee Report

20,366 have been issued.

9,597 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 will be sent by email in July. The routine Continuing Education Audit has started for 200 therapists who renewed online.

Establishment Report

984 establishments have requested an application.
455 establishments have submitted an application.
230 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met June 15, 2022 and discussed the matters set forth in the minutes of the Committee.

Discussion on establishment licensure

The Committee discussed progress of the establishment license process that began in July 2021 and agreed for Board staff to contact all owners/operators that have submitted an application to the Board, but have not been licensed, to remind them to complete their application requirements. The Committee also agreed for the Communications Committee to draft an email to all LMBTs notifying them they should be working at an establishment licensed by the Board and to notify their employer of this requirement, if the establishment is not licensed. The Board agreed with the Committee's recommendation.

FSMTB

a. Massage Therapy Licensing Database (MTLD) program

The Committee reviewed updated information regarding the MTLT program and recommended that Board staff and IT set up a virtual meeting with DEG to review the Board's database process. 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 emails from Steve Froneberger regarding near infrared light therapy and BEMER PEMF therapy

The Committee reviewed emails from Mr. Froneberger regarding near infrared light therapy and BEMER PEMF therapy and agreed to discuss this with the full Board.

Review emails from Kimberly Williams and Laura Issenman regarding masks

The Committee reviewed emails from Kimberly Williams and Laura Issenman regarding mask requirements during COVID and agreed this needs to be determined at a Federal, State and local level and all LMBTs should follow those recommendations, guidelines and laws. The Board agreed with the Committee's recommendation.

Review email from Desiree Sawyer regarding establishment license

The Committee reviewed an email dated May 12, 2022 from Ms. Sawyer regarding an establishment license and agreed an establishment license is not required. The Board agreed with the Committee's recommendation.

Review emails from Ashley Wren regarding scope of practice

The Committee reviewed emails from Ms. Wren regarding questions on scope of practice for several machines and agreed to discuss the emails with the full Board.

Review emails from Tori Shepherd regarding discrimination

The Committee reviewed emails from Ms. Shepherd regarding discrimination of a client and agreed to inform her that the client should file a formal complaint with the Board if she believes the therapist violated Rules .0502 and .0511(7). The Board agreed with the Committee's recommendation.

Review emails from Jeannisa Bowden regarding body contouring

The Committee reviewed emails from Ms. Bowden regarding body contouring and agreed to discuss the emails with the full Board.

License Standards Committee

Ms. Crawford reported the Committee met June 15, 2022 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Warren reported the Committee met May 3, 2022 and June 7, 2022, respectively, 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 recommendation of the Committee as follows:

2022 School Renewal Applications

The Committee reviewed the 2022 renewals received from five schools required to renew this year along with the summaries produced by M&M Consulting. The following schools were recommended for approval for one or two years as designated:

1. Gwinnett College – recommend approval for two years
2. Living Arts College – agreed to discuss disciplinary issue during Closed Session
3. Maiden School of Massage & Bodywork Therapy – recommend approval for two years
4. North Carolina School of Advanced Bodywork – recommend approval for two years; recommend approval letter should address staff turnover and failure to notify the Board of changes
5. Southeastern College – agreed to discuss disciplinary issue during Closed Session

The following eight schools did not have to renew in 2022 but are scheduled to renew in 2023 along with the above two schools that received a one-year renewal:

1. Center for Massage & Natural Health
2. College of Wilmington

3. Cornerstone Holistic Institute
4. Institute for Massage and Bodywork Therapy
5. Kneaded Energy School of Massage
6. NC Massage School
7. The Healing Arts & Massage School
8. Western North Carolina School of Massage

The Committee also reviewed and approved M&M Consulting Site Visit Summaries for The Healing Arts and Massage School and Living Arts College.

Ms. Warren provided a detailed report on the MBLEx pass rates for Board approved schools and community college massage and bodywork therapy programs.

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 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 Virtual Symposium

The 2022 Virtual Symposium will be held virtually today and on June 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.

FSMTB

a. May and June 2022 In Touch Newsletters

The Board reviewed emails dated May 2 and June 1, 2022, respectively, regarding the May and June “In Touch” newsletters.

b. Call for Resolutions and Bylaw Amendments

The Board reviewed an email dated May 18, 2022 regarding the call for resolutions and bylaw amendments.

c. 2022 Executive Summit

The 2022 Executive Summit was held in Clearwater Beach, Florida, May 5-6, 2022. Ms. Kirk attended and reported on the conference.

d. 2022 Annual Meeting

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

Response to Janell Robins regarding medical massage

The Board reviewed and approved a response from Mr. Wilkins to Ms. Robins regarding medical massage.

Response to Sandra Talbert regarding scratch therapy

The Board reviewed and approved a response from Mr. Wilkins to Ms. Talbert regarding scratch therapy.

NEW BUSINESS

2023 Board Meeting Dates

The Board discussed the 2023 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2023 Board meeting dates.

2022-2023 Board Elections

Upon appropriate nomination and vote, the Board elected Kim Turk to serve as Chair, Robert Reeves to serve as Vice Chair and Kay Warren to serve as Treasurer.

Email from Jeannisa Bowden regarding body contouring

The Board reviewed emails from Jeannisa Bowden regarding a hyaluronic pen and agreed it is not within the scope of practice of massage and bodywork therapy and Ms. Bowden should contact the NC Board of Cosmetic Art Examiners regarding this service.

Email from Ashley Wren regarding scope of practice

The Board reviewed emails from Ashley Wren regarding the use of a beauty massager, a UST 3 M H ZZ portable relaxation compact morden machine and a body massager shockwave therapy machine. The Board agreed the UST 3 M H ZZ portable relaxation compact morden machine and the body massager shockwave therapy machine are not within the scope of practice of massage and bodywork therapy. The Board also requested for Board staff to follow-up with additional questions to Ms. Wren regarding the beauty massager machine.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 12:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 16, 2022 at 1:00 p.m.

DISCIPLINARY HEARINGS

PinHui Wang

The Board conducted a disciplinary hearing regarding allegations Ms. Wang aided and abetted illegal massage and bodywork therapy at her place of business. Ms. Wang appeared for the hearing and testified.

Email from Steve Froneberger regarding near infrared light therapy and BEMER PEMF therapy

The Board reviewed emails from Steve Froneberger regarding near infrared light therapy and BEMER PEMF therapy and agreed to respond to Steve Froneberger to inform him that his question regarding light therapy is still being reviewed by the Board but that BEMER PEMF therapy is not within the scope of practice of massage and bodywork therapy.

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 16, 2022 at 3:45 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 16, 2022 at 6:00 p.m.

PinHui Wang

Ms. Turk reported the Board reviewed the evidence presented during Ms. Wang's hearing and was of the opinion Ms. Wang aided and abetted illegal massage and bodywork therapy at her place of business. Ms. Turk reported the Board Ordered that Ms. Wang's license be revoked and she pay a civil penalty of \$1000 and costs of \$500.

Johnny Sinclair

Ms. Turk reported Mr. Sinclair's Consent Order was approved with an amendment requiring continuing education regarding inappropriate sexual touch.

Tina Stewart

Ms. Turk reported the Board discussed Ms. Stewart's application and interview with the License Standards Committee and agreed to issue Ms. Stewart a license.

Living Arts College

Ms. Turk reported the Board reviewed and approved a Letter of Reprimand for failure to seek Board approval of program changes prior to implementing the changes to the program and agreed Living Arts College will be approved for one year with a modified Action Plan.

Southeastern College

Ms. Turk reported the Board was informed of an ongoing investigation of complaints of Southeastern College. The Board agreed Southeastern College will be approved for one year subject to the continuing investigation and resolution of the complaints received by the Board.

ADJOURNMENT

Upon motion duly made, seconded and passed, the June 16, 2022 meeting was adjourned at 6:00 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer