



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

April 20, 2023; 10:00 a.m. – 7:15 p.m.; 9:00 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 April 20, 2023 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Mr. Robert Reeves, Ms. Kay Warren, Dr. Christopher Grubb, Ms. Rachael Crawford, Ms. Ella Price and Ms. Tawanda Auston

MEMBERS ABSENT

Ms. Valory Hicks

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. There being no conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of February 16, 2023.

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. Mr. Wilkins informed the Board that HB 392 and HB 577 are being considered by the North Carolina Legislature regarding an exemption for reflexology and creating a commission to oversee the reflexology profession.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Tamara Dixon, Naomi Martin, Danielle Overbey, Kasey Sigman and Daisy Thrailkill for practicing massage and bodywork therapy with an expired license; Christian Hughes and Michael Johnson for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session; Roger Klietz/Living Arts College for failing to comply with Rule .0634.

There are two hearings scheduled today for Trae Copeland and Rolando Zevallos. Mr. Yin's hearing was postponed to the June 2023 Board meeting.

Ms. Kirk reported:

Licensee Report

21,000 have been issued.
9,570 active licenses.

Renewal Report

There are 5,392 licensees scheduled to renew for the 2023-2024 renewal period. 4,698 therapists have renewed. 4,508 therapists renewed online and 192 therapists renewed by mail. The routine Continuing Education Audit has started for 200 therapists who renewed online

Establishment Report

1,164 establishments have requested an application.
566 establishments have submitted an application.
436 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met March 7 and April 4, 2023, respectively, and discussed the matters set forth in the minutes of the Committee.

FSMTB

a. Massage Therapy Licensing Database (MTLD) program

The Committee discussed the MTLT program and the meeting with Merkle to review the database process in the Board office. Ms. Kirk informed the Committee that IT services is researching automation programs and will have additional information at a future committee meeting.

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.

c. IMpact discussion

The Committee discussed communication to and from the Board and FSMTB regarding IMpact.

Review email from Jessica Baker regarding infrared light therapy

The Committee reviewed emails from Jessica Baker regarding infrared light therapy and agreed infrared light therapy is not within the scope of practice of massage and bodywork therapy, is not a device that mimics or enhances actions that may be done by the hands and a LMBT using the devices on clients should not inform the client it is massage and bodywork therapy and should not be designated as massage and bodywork therapy. The Committee also agreed to review the draft response with the full Board at their April meeting. The Board reviewed the response and Ms. Warren agreed to provide additional input to finalize the response to Ms. Baker.

Review email from Lori Maury regarding cryoskin

The Committee reviewed an email dated February 28, 2023 from Lori Maury regarding cryoskin treatments and agreed to respond following the Board's April meeting.

Review email from Kathleen Utz regarding cryo therapy and body contouring

The Committee reviewed emails from Kathleen Utz regarding cryo therapy and body contouring and agreed to respond following the Board's April meeting.

Review email from Nathan Nordstrom regarding CBD

The Committee reviewed emails from Nathan Nordstrom regarding CBD and agreed to discuss this topic with the full Board at their April meeting. The Board agreed to review current bills

being considered in the NC Legislature regarding CBD and a FDA public hearing safety guideline document and discuss the issue further at the June Board meeting.

Review email from Rick Rosen regarding inactive license status

The Committee reviewed an email dated March 2, 2023 from Rick Rosen regarding an inactive license status and agreed for Board staff to contact the Rules Review Commission for guidance on the Board’s authority pursuant to the Practice Act. The Board agreed with the Committee’s recommendation.

Review email from Matthew Fecteau regarding Lifewave

The Committee reviewed an email dated March 27, 2023 from Matthew Fecteau regarding Lifewave and agreed it is not within the scope of practice of massage and bodywork therapy to use products from Lifewave. The Board agreed with the Committee’s recommendation.

License Standards Committee

Ms. Crawford reported the Committee met April 18, 2023 and discussed the matters set forth in the minutes of the Committee.

Chongmei Wei

Ms. Wei requested to appear before the Board to appeal the decision by the License Standards Committee to deny her application for a license. After hearing from Ms. Wei, the Board agreed to refer the matter back to the Committee which will request additional information from Ms. Wei and schedule another interview with her at the next Committee meeting.

School Approval Committee

Ms. Warren informed the Board that M&M Consultants and Board staff are working on compiling information for the school renewals and new school applications. Ms. Warren also reported on the MBLEx pass rates for proprietary schools and community college programs.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reviewed several 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 2023 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2023 International Congress

The 2023 International Congress will be held in Dublin, Ireland, May 3-5, 2023.

b. 2023 Annual Meeting

The 2023 Annual Educational Conference will be held in Salt Lake City, Utah, September 27-30, 2023.

c. 2023-2024 Membership Renewal

The Board reviewed the 2023-2024 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew its membership.

FSMTB

a. 2023 Executive Summit

The 2023 Executive Summit will be held in Denver, Colorado, April 27-28, 2023. Ms. Kirk and Mr. Longmire agreed to attend.

b. 2023 Annual Meeting

The 2023 Annual Meeting will be held in San Diego, California, September 28-30, 2023.

c. February, March and April In Touch

The Board reviewed emails dated February 1, 2023, March 1, 2023 and April 3, 2023, respectively, regarding the February, March and April In Touch newsletters.

d. Call for Resolutions and Bylaw Amendments

The Board discussed proposing a resolution or bylaw amendment regarding FSMTB's communication with member boards. Ms. Warren agreed to draft proposed language for review by the Policy Committee and Board.

e. 2023-2024 Membership Renewal

The Board reviewed the 2023-2024 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew its membership.

Response to Shelley Johnson regarding distance learning

The Board reviewed and approved the response from Ms. Kirk to Ms. Johnson regarding distance learning.

Response to Nelson Chan regarding exercises

The Board reviewed and approved the response from Ms. Kirk to Mr. Chan regarding exercises.

Response to Naasha McGann regarding auricular ear seeds

The Board reviewed and approved the response from Ms. Kirk to Ms. McGann regarding auricular ear seeds.

Response to Carolyn Doe regarding display of license

The Board reviewed and approved the response from Ms. Kirk to Ms. Doe regarding display of license.

NEW BUSINESS

Review draft emails to College of Wilmington and NC Massage School regarding extending their temporary approval

The Board discussed extending the temporary approval for College of Wilmington and NC Massage School until June 30, 2023 in order for the School Approval Committee to meet and review the applications for school approval and site visit report for College of Wilmington. Upon motion made, seconded and passed, the Board agreed to extend the temporary approval of College of Wilmington and NC Massage School until June 30, 2023. The Board also agreed for the School Approval Committee to discuss a site visit for NC Massage School in the fall/winter of 2023 or in 2024 and provide a recommendation to the Board at the June meeting.

Review email from Nathan Nordstrom regarding CBD oil

The Board reviewed emails from Nathan Nordstrom regarding CBD oil and agreed to review current bills being considered in the NC Legislature regarding CBD oil as well as a FDA public hearing safety guidelines document and discuss at the June meeting.

Board meeting discussion – in-person v. virtual

The Board discussed future Board meetings and whether to go back in-person or remain virtual. Ms. Turk agreed to discuss the issue with Dr. Grubb and Ms. Hicks and provide their preference to the full Board for further discussion.

DISCIPLINARY HEARINGS

Trae Copeland

The Board conducted a disciplinary hearing regarding allegations Mr. Copeland engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Copeland did not appear for the hearing.

Rolando Zevallos

The Board conducted a disciplinary hearing regarding allegations Mr. Zevallos violated various requirements of the Practice Act and Rules and engaged in inappropriate sexual contact with a client during massage and bodywork therapy sessions. Mr. Zevallos appeared for the hearing, testified and called witnesses.

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 April 20, 2023 at 7:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 20, 2023 at 9:00 p.m.

Update on FSMTB's Impact – review responses from other state licensing boards

The Board reviewed responses from other state licensing boards regarding correspondence sent from the Board.

Tamara Dixon

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

Christian Hughes

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

Michael Johnson

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

Naomi Martin

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

Danielle Overbey

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

Kasey Sigman

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

Daisy Thrailkill

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

Roger Klietz/Living Arts College

Ms. Turk reported Mr. Klietz/Living Arts College Consent Order was approved.

Trae Copeland

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

Rolando Zevallos

Ms. Turk reported the Board reviewed the evidence presented during Mr. Zevallos' hearing and was of the opinion Mr. Zevallos violated several requirements of the Practice Act and Rules and engaged in inappropriate sexual contact with a client during massage and bodywork therapy sessions. Ms. Turk reported the Board Ordered that Mr. Zevallos' license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

2022-23 2nd 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 2022-2023.

ADJOURNMENT

Upon motion duly made, seconded and passed, the April 20, 2023 meeting was adjourned at 9:00 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer