



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

December 7, 2023; 10:00 a.m. – 11:35 a.m.; 1:00 p.m. – 4:30 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 December 7, 2023, at 10:00 a.m.

MEMBERS PRESENT

Mr. Robert Reeves, Ms. Rachael Crawford, Ms. Kay Warren, Ms. Valory Hicks, Dr. Christopher Grubb, Ms. Tawanda Auston and Ms. Amy Swink

MEMBERS ABSENT

Ms. Ella Price

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

Mr. Reeves, Chair

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Mr. Reeves 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 October 19, 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.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Audrey Fogarty for practicing with an expired license; Scott Fors for engaging in improper draping, inappropriate conversation and inappropriate contact with a client during a massage and bodywork therapy session; Stephen Howe for practicing with an expired license and engaging in inappropriate conversation and inappropriate sexual contact with a client during a massage and bodywork therapy session; Jamez Burke and Katara Mintz for engaging in inappropriate contact with a client during a massage and bodywork therapy session; Brad Virgil for engaging in improper draping and inappropriate conversation with a client during a massage and bodywork therapy session.

There is one hearing scheduled today for Osemwegie Eghidemwivbie.

Ms. Kirk reported:

Licensee Report

21,575 have been issued.
10,263 active licenses.

Renewal Report

There are 4,523 licensees scheduled to renew for the 2024-2025 renewal period. 628 licenses expired December 31, 2021, and can renew by December 31, 2023. 3,172 therapists have renewed. An online license renewal reminder will be sent notifying licensees that their license will expire December 31, 2023.

Establishment Report

1,310 establishments have requested an application.
637 establishments have submitted an application.
534 establishment licenses have been issued.

Establishment Renewal Report

265 establishments are scheduled to renew for the 2024-2025 renewal period.
155 establishments have renewed.

Ms. Kirk also informed the Board that pursuant to Rule .1012, late renewals are not accepted by the Board. All establishments must be renewed by December 31, 2023, in order to continue operating on or after January 1, 2024. If an establishment is not renewed by December 31, 2023, an initial application must be submitted to the Board.

COMMITTEE REPORTS

Policy Committee

Dr. Grubb reported the Committee met December 4, 2023, and discussed the matters set forth in the minutes of the Committee.

Review email from Laura Allen regarding breast massage question

The Committee reviewed an email dated November 2, 2023 from Laura Allen regarding a continuing education course involving breast massage and agreed the description of the course meets the requirements set forth in the Board's Practice Act and Rules and Regulations, specifically Rule .0506. The Committee also agreed to recommend that Ms. Allen contact the NCBTMB regarding any concerns about the content of the continuing education course. The Board agreed with the Committee's recommendation.

Review email from Laura Allen regarding wet cupping

The Committee reviewed an email dated November 2, 2023 regarding wet cupping and agreed wet cupping as described in the email and attachments is not within the scope of practice of massage and bodywork therapy. Board staff agreed to contact the LMBT advertising this service to provide more details about this modality. The Board agreed with the Committee's recommendation.

Review emails to/from Scott Orlinski regarding CBD

The Committee reviewed several emails to and from Scott Orlinski regarding CBD and agreed no health history must be taken or informed consent obtained if someone is solely buying CBD products in a massage establishment. The Board agreed with the Committee's recommendation.

Review email from Mary Smolinski

The Committee reviewed an email dated November 29, 2023 from Mary Smolinski regarding taking a client's blood pressure and agreed the taking of blood pressure it is not within the scope

of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Crawford reported the Committee met December 5, 2023, and discussed the matters set forth in the minutes of the Committee.

Steven Navarro

Mr. Navarro requested to appear before the Board to appeal the decision by the License Standards Committee to deny his application for a license.

Stephen Oxendine

Mr. Oxendine requested to appear before the Board at the February 2024 meeting.

School Approval Committee

Ms. Hicks reported the Committee met November 28, 2023, and discussed the matters set forth in the minutes of the Committee.

M&M Consulting Site Visit Summaries:

The Committee reviewed and approved M&M Consulting Site Visit Summaries for Center for Massage and Natural Health, Kneaded Energy School of Massage and Maiden School of Massage and Bodywork Therapy.

Name change request for College of Wilmington

The Committee reviewed and discussed a request for the school's name to be changed from College of Wilmington to Aveda Institute of Wilmington and agreed the name change request be approved. The Board agreed with the Committee's recommendation.

Notice from US DOE regarding Title IV Funding

The Committee reviewed and discussed a rule passed by the US Department of Education that will affect current Title IV funding for massage and bodywork therapy schools and community college programs that exceed 500 hours. Ms. Swink informed the Committee that the NQC is putting together the list of community college programs that will be impacted by this rule change to send to the Board. Board staff agreed to contact the proprietary schools to provide feedback on whether or not they use Title IV funding or will be impacted by the new rule. Upon motion made, seconded and passed, the Board agreed to reinstate the Practice Act Ad Hoc Committee to review and discuss the issue. Mr. Reeves appointed Ms. Swink, Ms. Warren and himself to serve on the Committee and agreed to accept input from AMTA and the NQC regarding the issue.

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.

Strategic Planning Conference

Mr. Reeves 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 the Spring of 2024 to discuss various massage and bodywork therapy school issues, online education and establishment licensure. Ms. Kirk agreed to resend the poll to the full Board to provide their availability for a conference in 2024.

CLEAR

a. 2024 Winter Symposium

The 2024 Winter Symposium will be held in Tucson, Arizona, January 10, 2024.

b. 2024 Annual Meeting

The 2024 Annual Meeting will be held in Baltimore, Maryland, September 16-19, 2024. Ms. Swink agreed to attend.

FSMTB

a. November and December In Touch

The Board reviewed emails dated November 1, 2023, and December 1, 2023, respectively, regarding the November and December In Touch newsletters.

b. 2024 MBE Summit

The 2024 MBE Summit will be held in Savannah, Georgia, April 3-5, 2024. Ms. Kirk agreed to attend.

c. Email regarding Title IV funding

The Board reviewed an email dated November 28, 2023 regarding the DOE's rule change for Title IV funding.

Response to Yvonne Long regarding bellanina facelift massage

The Board reviewed and approved the response from Ms. Kirk to Ms. Long regarding bellanina facelift massage.

Response to Jessie Weinzatl regarding body tempering

The Board reviewed and approved the response from Ms. Kirk to Ms. Weinzatl regarding body tempering.

Response to Kathleen Utz regarding cold application

The Board reviewed and approved the response from Ms. Kirk to Ms. Utz regarding cold application.

Response to Nicole LaMotte regarding CE requirements

The Board reviewed and approved the response from Ms. Kirk to Ms. LaMotte regarding CE requirements. The Board requested for Board staff to research the law associated with ADA accommodations.

NEW BUSINESS

No new business.

PUBLIC COMMENT

There were two requests for 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 7, 2023, at 11:35 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 7, 2023, at 1:00 p.m.

DISCIPLINARY HEARINGS

Osemwegie Eghidemwivbie

The Board conducted a disciplinary hearing regarding allegations Mr. Eghidemwivbie engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Eghidemwivbie and his attorney appeared for the hearing and Mr. Eghidemwivbie 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 December 7, 2023, at 4:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 7, 2023, at 6:30 p.m.

Steven Navarro

Mr. Reeves reported Mr. Navarro’s application for a license will be denied.

Audrey Fogarty

Mr. Reeves reported Ms. Fogarty’s Consent Order was approved.

Katara Mintz

Mr. Reeves reported Ms. Mintz’s Consent Order was approved.

Brad Virgil

Mr. Reeves reported Mr. Virgil’s Consent Order was approved with amendments requiring three (3) months of suspension and allowing him to pay the fines and costs by July 1, 2024.

Jamez Burke

Mr. Reeves reported Mr. Burke’s Consent Order was approved.

Scott Fors

Mr. Reeves reported Mr. Fors’ Consent Order was approved with amendments requiring in-person continuing education courses.

Stephen Howe

Mr. Reeves reported Mr. Howe’s Consent Order was approved.

Osemwegie Eghidemwivbie

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Eghidemwivbie’s hearing and was of the opinion Mr. Eghidemwivbie engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Eghidemwivbie’s license be revoked and that he pay a civil penalty of \$1000 and costs of \$750.

ADJOURNMENT

Upon motion duly made, seconded and passed, the December 7, 2023, meeting was adjourned at 6:30 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer