



# **NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY**

4140 ParkLake Avenue  
Suite 100  
Raleigh, NC 27612

## **OPEN SESSION MINUTES**

*June 15, 2023; 10:00 a.m. – 6:40 p.m.; 8:15 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 15, 2023 at 10:00 a.m.

### **MEMBERS PRESENT**

Ms. Kim Turk, Mr. Robert Reeves, Ms. Kay Warren, Ms. Valory Hicks, Ms. Rachael Crawford, Ms. Ella Price and Ms. Tawanda Auston

### **MEMBERS ABSENT**

Dr. Christopher Grubb

### **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. Crawford recused herself from discussion on Megan Ward. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of April 20, 2023.

### **TREASURER'S REPORT**

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

### **2023-2024 BUDGET**

The 2023-2024 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. 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. Mr. Wilkins further informed the Board of two bills regarding CBD that provide for a voluntary certification process through the NC Department of Agriculture (S-521) and that ban Delta 8 and 9 products from school grounds (S-366).

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Megan Ward for practicing massage and bodywork therapy with an expired license; David Morris for aiding and abetting unlicensed practice at his business; Ezra Davis and William Thompson for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session.

There are three hearings scheduled today for Casey Bitz, Jonathan Woolard and Siyang Yin.

Ms. Kirk reported:

#### **Licensee Report**

21,128 have been issued.  
9,723 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. 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**

1,194 establishments have requested an application.  
580 establishments have submitted an application.  
473 establishment licenses have been issued.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Turk reported the Committee met June 6, 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 agreed to continue discussion on this topic 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 IMpact and agreed to discuss this topic at a future committee meeting.

#### **Update on AMTA v. NCBMBT**

The Committee discussed the declaratory judgment action filed by the AMTA against the Board regarding establishment licensing. Mr. Wilkins informed the Committee the hearing took place on April 26, 2023 and the judge ruled in favor of the Board regarding its interpretation of sole practitioner and agreed the information requested in the establishment application does not exceed the Board's authority.

#### **Review email from Lori Maury regarding cryoskin**

The Committee reviewed an email dated February 28, 2023 from Lori Maury regarding cryoskin treatments and agreed it is not within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

#### **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 it is not within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

**Review email from Rick Rosen regarding inactive license status**

The Committee reviewed emails from Rick Rosen regarding an inactive license status. The Committee also reviewed an emailed response from the Rules Review Commission following a pre-review request from the Board regarding the proposed rule changes. The Committee agreed to send Mr. Rosen's second version of the proposed rules to the Rules Review Commission for further review and consideration.

**Review email from Calandra Sain regarding 9 in 1 cavitation machine**

The Committee reviewed an email dated June 5, 2023 from Calandra Sain regarding a 9 in 1 cavitation machine and agreed the machine is a form of ultrasound which is specifically barred from the scope of practice of massage and bodywork therapy by NCGS 90-623(d)(2). The Board agreed with the Committee's recommendation.

**Review email from Caci Di Russo regarding waiver for letter of reprimand**

The Committee reviewed an email dated May 2, 2023 from Caci Di Russo regarding waiving the fines/costs for the Letter of Reprimand issued to her establishment and agreed to require that she comply with the Letter of Reprimand. The Board agreed with the Committee's recommendation.

**License Standards Committee**

Ms. Crawford reported the Committee met June 13, 2023 and discussed the matters set forth in the minutes of the Committee.

**School Approval Committee**

Ms. Warren informed the Committee met May 30, 2023 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 recommendations of the Committee as follows:

**2023 School Renewal Applications**

The Committee reviewed the 2023 renewals received from seven 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. Center for Massage and Natural Health – recommend approval for two years
2. Cornerstone Holistic Institute – recommend approval for one year
3. Institute for Massage and Bodywork Therapy – recommend approval for one year
4. Kneaded Energy School of Massage – recommend approval for two years
5. Southeastern College – recommend approval for one year
6. The Healing Arts and Massage School – recommend approval for two years
7. Western North Carolina Board of Massage – recommend approval for two years

The following three schools did not have to renew in 2023 but are scheduled to renew in 2024 along with the above three schools that received a one-year renewal:

1. Gwinnett College
2. Maiden School of Massage and Bodywork
3. NC School of Advanced Bodywork, Inc.

The Committee also recommended the following new school applications, due to change of ownership, and the Board agreed with the recommendations of the Committee as follows:

**New School Applications:**

- a. College of Wilmington

The Committee reviewed the application checklist and site visit summary for College of Wilmington and agreed to recommend to the Board that the school be approved.

- b. NC Massage School

The Committee reviewed the application checklist for NC Massage School and agreed to recommend to the Board that the school be approved and for M&M Consulting to schedule the next site visit in the Spring of 2024.

The Committee reviewed and approved M&M Consulting Site Visit Summaries for Cornerstone Holistic Institute and Institute for Massage and Bodywork Therapy.

Ms. Warren informed the Board the Committee discussed circular versus linear education and its effects on students passing the MBLEx and agreed to contact the FSMTB to request the passing rates for specific groups of students that are taught in a circular and linear learning environment.

**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 or 2024 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

**CLEAR 2023 Annual Meeting**

The 2023 Annual Educational Conference will be held in Salt Lake City, Utah, September 27-30, 2023. Mr. Reeves agreed to attend.

## **FSMTB**

### **a. 2023 Executive Summit**

The 2023 Executive Summit was held in Denver, Colorado, April 27-28, 2023. Ms. Kirk and Mr. Longmire attended and Ms. Kirk reported on the conference.

### **b. 2023 Annual Meeting**

The 2023 Annual Meeting will be held in San Diego, California, September 28-30, 2023. Upon motion made, seconded and passed, the Board agreed that Ms. Kirk will serve as the Board delegate at the annual meeting. Ms. Warren also agreed to attend.

### **c. May and June In Touch**

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

## **Response to Jessica Baker regarding infrared light therapy**

The Board reviewed and approved the response from Mr. Wilkins to Jessica Baker regarding infrared light therapy.

## **Response to Nathan Nordstrom and Vanessa Marquez regarding CBD**

The Board reviewed and approved the responses from Ms. Kirk to Mr. Nordstrom and Ms. Marquez regarding CBD. The Board agreed to review all materials related to this topic and discuss at its August meeting.

## **Response to Matthew Fecteau regarding Lifewave products**

The Board reviewed and approved the response from Ms. Kirk to Mr. Fecteau regarding Lifewave products.

## **NEW BUSINESS**

### **2024 Board Meeting Dates**

The Board discussed the 2024 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2024 Board meeting dates.

### **2023-2024 Board Elections**

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

### **NCDOR Privilege License tax**

Ms. Turk informed the Board that the privilege license tax is still a requirement through the NC Department of Revenue. The process to pay the license tax is not completed through the Board and the Board receives none of the proceeds.

### **DISCIPLINARY HEARINGS**

#### **Casey Bitz**

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

#### **Siyang Yin**

The Board conducted a disciplinary hearing regarding allegations Mr. Yin aided and abetted the unlicensed practice of massage and bodywork therapy at his place of business. Mr. Yin appeared for the hearing with his attorney and testified.

#### **Jonathan Woolard**

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

### **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 June 15, 2023 at 6:40 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on June 15, 2023 at 8:15 p.m.

#### **David Morris**

Ms. Turk reported Mr. Morris' Consent Order was approved.

#### **Megan Ward**

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

**Ezra Davis**

Ms. Turk reported Mr. Davis' Consent Order was approved.

**William Thompson**

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

**Casey Bitz**

Ms. Turk reported the Board reviewed the evidence presented during during Mr. Bitz's hearing and was of the opinion Mr. Bitz failed to obtain a health history, written consent and maintain documentation for a client during a massage and bodywork therapy session. The Board Ordered that Mr. Bitz's license be placed on probation for six months, he complete 12 continuing education hours in roles, boundaries, ethics and documentation and he pay a civil penalty of \$500 and costs of \$500.

**Jonathan Woolard**

Ms. Turk reported the Board reviewed the evidence presented during Mr. Woolard's hearing and was of the opinion Mr. Woolard engaged in inappropriate contact with a client during massage and bodywork therapy sessions. Ms. Turk reported the Board Ordered that Mr. Woolard's license be suspended for one year, that he complete 12 hours of continuing education in ethics, roles and boundaries and he pay a civil penalty of \$1000 and costs of \$1000. The Board also agreed to request a surrender of his license if he is found guilty at his criminal trial.

**Siyang Yin**

Ms. Turk reported the Board reviewed the evidence presented during Mr. Yin's hearing and was of the opinion Mr. Yin aided and abetted unlicensed practice of massage and bodywork therapy at his place of business. Ms. Turk reported the Board Ordered that Mr. Yin's license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

**Olena Gryshaieva**

Ms. Turk reported the Board reviewed Ms. Gryshaieva's application file and agreed to refer the matter back to the License Standards Committee and asked the Committee to schedule an interview with the Committee at its next meeting.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the June 15, 2023 meeting was adjourned at 8:15 p.m.

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Ms. Kim Turk, Chair

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Ms. Kay Warren, Treasurer