



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

October 19, 2023; 10:00 a.m. – 5:30 p.m.; 9:30 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 October 19, 2023, at 10:00 a.m.

MEMBERS PRESENT

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

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

Mr. Reeves, Chair

RECORDING SECRETARY

Ms. Kirk

AMY SWINK

Mr. Reeves welcomed Ms. Swink as the new therapist member of the Board appointed by Senator Philip E. Berger, President Pro Tempore. Mr. Reeves administered the Oath of Office to Ms. Swink.

CONFLICT OF INTEREST

Mr. Reeves asked if any Board member had any conflict of interest with any item on the meeting's agenda. Mr. Reeves recused himself from discussion on Kayden Wu. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of August 17, 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: Ontonette Awosika and Craig Williams for practicing with an expired license; Kathryn Bass and Amanda Whiteman for practicing without a license; James Frith for engaging in inappropriate sexual contact with clients during massage and bodywork therapy sessions; Tahj Rumely for engaging in inappropriate physical contact with a client during a massage and bodywork therapy session; Robert Wooten for engaged in an inappropriate relationship and inappropriate sexual contact with clients during massage and bodywork therapy sessions.

There are two hearings scheduled today for Tara Hammer and Kayden Wu.

Ms. Kirk reported:

Licensee Report

21,438 have been issued.
10,097 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 was sent by email in July and a reminder email was sent on October 10th.

Establishment Report

1,278 establishments have requested an application.
617 establishments have submitted an application.
515 establishment licenses have been issued.

Establishment Renewal Report

265 establishments are scheduled to renew for the 2024-2025 renewal period.
88 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 October 12, 2023, and discussed the matters set forth in the minutes of the Committee.

Review email from Kathleen Utz regarding cryo therapy and body contouring

The Committee reviewed emails from Kathleen Utz regarding cold application and agreed to respond with the definition of massage and bodywork therapy and encourage her to research continuing education courses that would educate her on this method. The Board agreed with the Committee's recommendation.

Review draft response regarding CBD use and products

The Committee reviewed a draft response on CBD use and products and agreed to recommend to the Board that this updated response be provided for future questions regarding CBD. The Board discussed this topic during old business.

Review email from Jessie Weinzatl regarding body tempering

The Committee reviewed an email dated May 31, 2023, from Jessie Weinzatl regarding body tempering and agreed it is within the scope of practice massage and bodywork therapy. The Board agreed with the Committee's recommendation.

Review email from Yvonne Long regarding the bellanina facial massage

The Committee reviewed an email dated July 13, 2023, from Yvonne Long regarding the bellanina facial massage and agreed 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 October 17, 2023, and discussed the matters set forth in the minutes of the Committee.

James Yarbough

Mr. Yarbough requested to appear before the Board to appeal the decision by the License Standards Committee to deny his application for a license. Mr. Yarbough informed the Board he did not receive two out of three complaints filed with the Board or the Notice of Hearing. The Board agreed to send the complaints to Mr. Yarbough and schedule an interview at the next License Standards Committee meeting.

School Approval Committee

No written report. Ms. Kirk informed the Board that site visits have been conducted for Maiden School of Massage and Bodywork Therapy, Kneaded Energy School of Massage and Center for Massage and Natural Health and a committee meeting will be scheduled to review the site visit summaries and reports.

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

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.

CLEAR

a. 2023 Annual Meeting

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

b. 2024 Winter Symposium

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

FSMTB

a. 2023 Annual Meeting

The 2023 Annual Meeting was held in San Diego, California, September 28-30, 2023. Ms. Warren, Ms. Kirk and Mr. Wilkins attended and reported on the conference. The Board also agreed to send additional correspondence to the member boards regarding their opinion on IMpact.

b. July and August In Touch

The Board reviewed emails dated August 31, 2023, and October 4, 2023, respectively, regarding the September and October In Touch newsletters.

Review draft response on CBD

The Board reviewed a draft response regarding an opinion on CBD use by LMBTs during massage and bodywork therapy sessions and agreed to changes to the draft response.

NEW BUSINESS

No new business.

PUBLIC COMMENT

There were two requests for comments from the public.

DISCIPLINARY HEARINGS

Kayden Wu

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

Tara Hammer

The Board conducted a disciplinary hearing regarding allegations Ms. Hammer practiced with an expired license. Ms. Hammer did not appear for the hearing.

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 October 19, 2023, at 5:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 19, 2023, at 9:30 p.m.

Ontonette Awosika

Mr. Reeves reported Ms. Awosika's Consent Order was approved.

Kathryn Bass

Mr. Reeves reported Ms. Bass' Consent Order was approved.

James Frith

Mr. Reeves reported Mr. Frith's Consent Order was approved.

Tahj Rumely

Mr. Reeves reported Mr. Rumely's Consent Order was approved.

Amanda Whiteman

Mr. Reeves reported Ms. Whiteman's Consent Order was approved.

Craig Williams

Mr. Reeves reported Mr. Williams' Consent Order was approved.

Robert Wooten

Mr. Reeves reported Mr. Wooten's Consent Order was approved.

Tara Hammer

Mr. Reeves reported the Board reviewed the evidence presented during Ms. Hammer's hearing and was of the opinion Ms. Hammer failed to renew and practiced with an expired license. The Board Ordered that Ms. Hammer's license not be renewed until she responds to the pending complaints against her alleging she has been practicing with an expired license; that she complete three continuing education hours in NC law, rules and ethics; and she pay a civil penalty of \$1000 and costs of \$500.

Kayden Wu

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Wu's hearing and was of the opinion Mr. Wu failed to deliver treatment that ensured the client's safety, comfort and privacy during a massage and bodywork therapy session. The Board Ordered that Mr. Wu's license be placed on probation for two years; that he complete 16 continuing education hours in advanced anatomy and physiology and six continuing education hours in ethics, roles and boundaries; and that he pay a civil penalty of \$1000 and costs of \$750.

2023-24 1st Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Mr. Reeves reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 1st quarter fiscal year 2023-2024.

ADJOURNMENT

Upon motion duly made, seconded and passed, the October 19, 2023, meeting was adjourned at 9:30 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer