



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

April 18, 2024; 10:00 a.m. – 3:20 p.m.; 5:00 p.m.

GlenLake One

4140 ParkLake Avenue, 4th Floor Conference Room, Raleigh, NC 27612

"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 in Open Session in the offices of the Board on April 18, 2024, at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Dr. Christopher Grubb and Ms. Valory Hicks

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Anna Pace, 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 February 15, 2024.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

- a. Periodic Review of Rules
The Board reviewed the timeline and rules chart provided by Board staff for the periodic review of rules required by House Bill 74. Upon motion made, seconded and passed, the Board agreed all rules of the Board of Massage and Bodywork Therapy are necessary. Ms. Kirk informed the Board that the chart will be filed with the Rules Review Commission to begin the rules process.

Practice Act

- a. Email from General Statutes Commission – Moral Turpitude
The Board reviewed an email dated February 15, 2024 from the General Statutes Commission regarding amending the statute to remove "moral turpitude" as a means for denying a license. Mr. Wilkins informed the Board that the Board has never used this as a reason to deny a license and will have to amend its rules, if the change in the statute takes place.

Disciplinary Hearings

Mr. Wilkins informed the Board there are no Consent Orders to consider in Closed Session.

There is one hearing scheduled today for Chad McCarter.

Ms. Kirk reported:

Licensee Report

21,814 have been issued.
9,891 active licenses.

Renewal Report

There are 4,523 licensees scheduled to renew for the 2024-2025 renewal period. 3,952 therapists have renewed. 3,786 therapists renewed online and 166 therapists renewed by mail. The routine Continuing Education Audit has started for 200 therapists who renewed online.

Establishment Report

1,407 establishments have requested an application.
690 establishments have submitted an application.
573 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Mr. Reeves reported the Committee met April 15, 2024, and discussed the matters set forth in the minutes of the Committee.

Review email from Dillon Ayer regarding alphabiotomy

The Committee reviewed an email dated January 29, 2024 from Dillon Ayer regarding alphabiotics and agreed his responses did not provide adequate information on the practice of alphabiotomy. Board staff agreed to respond to Mr. Ayer and the complainant regarding his practice in North Carolina.

Review emails from Davede Varner regarding recovery boots

The Committee reviewed an email dated January 29, 2024 from Davede Varner regarding recovery boots and agreed a LMBT may provide recovery boots as long as the therapist is trained and competent to operate the recovery boots and the therapist's training and competence is demonstrated and documented. The Board agreed with the Committee's recommendation.

Review emails to/from Courtney McKeown regarding somato-emotional release work

The Committee reviewed an email dated February 13, 2024 from Courtney McKeown regarding somato-emotional release work and agreed it falls within craniosacral therapy and is within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

Review emails to/from Matt Baran regarding request for online CEs

The Committee reviewed an email dated March 24, 2024 from Matt Baran regarding a request for online CEs due to his wife's diagnosis and agreed for Board staff to respond letting Mr. Baran know the Board wants to help him with renewing his license and provide options for in-person CEs pursuant to the Rules and Regulations of the Board. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Crawford reported the Committee met April 8, 2024, and discussed the matters set forth in the minutes of the Committee.

Robert Jeff Wooten

Mr. Wooten requested to appear before the Board at the June 2024 meeting.

School Approval Committee

No written report.

Communications Committee

No written report.

Practice Act Ad Hoc Committee

Ms. Warren reported the Committee met April 8, 2024, and discussed the matters set forth in the minutes of the Committee.

Discuss updates on notice from US DOE regarding Title IV Funding

The Committee discussed updates on the notice from the US DOE regarding the Title IV Funding rule change. Mr. Wilkins and Ms. Kirk informed the Committee they met via teleconference with representatives from AMTA-NC Chapter to discuss the rule change and what may be done to address the change in the NC Legislature. The Committee reviewed and approved a draft of the talking points memo to provide to various organizations and/or stakeholders. Mr. Wilkins and Ms. Kirk informed the Committee that a survey was sent to all Board approved schools regarding questions about Title IV funding and whether or not they supported an increase in hours and provided an update on the responses from the schools. Mr. Wilkins and Ms. Kirk also informed the Committee that an email was sent to the NQC requesting a letter from the NC community college system showing their support to the increase in hours for massage and bodywork therapy programs and a response is pending. The Committee agreed to express its support of all massage and bodywork therapy schools in meeting compliance if an increase in hours takes place and the increase should not affect the approval of any school nor affect students who graduate with fewer approved hours.

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 on June 21-22, 2024 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2024 Annual Meeting

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

b. CLEAR Update March 2024

The Board reviewed an email dated March 26, 2024 regarding the CLEAR Update.

c. 2024-2025 CLEAR Renewal Notice

The Board reviewed the 2024-2025 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew its membership.

FSMTB

a. 2024 MBE Summit

The 2024 MBE Summit was held in Savannah, Georgia, April 3-5, 2024. Ms. Kirk and Mr. Wilkins attended and Ms. Kirk reported on the conference.

b. 2024 Annual Meeting

The 2024 Annual Meeting will be held in Washington, DC, October 3-5, 2024.

c. March and April In Touch

The Board reviewed emails dated February 29, 2024 and April 1, 2024, respectively regarding the March and April In Touch newsletters.

d. 2024-2025 Membership Renewal Notice

The Board reviewed the 2024-2025 membership renewal. Upon motion made, seconded and passed, the Board agreed to renew its membership.

NEW BUSINESS

Report from Kay Warren – 2023 MBLEx State of the Schools Report

Ms. Warren reported on the 2023 MBLEx State of the Schools Report.

PUBLIC COMMENT

There were two requests for comments from the public.

DISCIPLINARY HEARINGS

Chad McCarter

The Board conducted a disciplinary hearing regarding allegations Mr. Chad McCarter failed to deliver treatment that ensured the client's safety, comfort and privacy with a client during a massage and bodywork therapy session. Mr. McCarter appeared 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 April 18, 2024 at 3:20 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 18, 2024 at 5:00 p.m.

Chad McCarter

Mr. Reeves reported the Board reviewed the evidence presented during Mr. McCarter’s hearing and was of the opinion Mr. McCarter failed to deliver treatment that ensured the client’s safety, comfort and privacy and engaged in improper draping during a massage and bodywork therapy session. The Board Ordered that Mr. McCarter’s license be placed on probation for one year, he complete nine hours of continuing education in communication, boundaries, mindfulness and draping and that he pay a civil penalty of \$250 and costs of \$500.

2023-2024 3rd 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 3rd quarter fiscal year 2023-2024.

ADJOURNMENT

Upon motion duly made, seconded and passed, the April 18, 2024, meeting was adjourned at 5:00 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer