



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

August 15, 2024; 10:00 a.m. – 9:10 p.m.; 11:00 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 August 15, 2024, at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

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

LAURA FORD

Mr. Reeves welcomed Ms. Ford as the new therapist member of the Board appointed by Representative Tim Moore, Speaker of the House. Mr. Reeves administered the Oath of Office to Ms. Ford.

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 April 18, 2024.

TREASURER'S REPORT

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

2024-2025 BUDGET

The 2024-2025 Budget 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. Mr. Wilkins and Ms. Kirk informed the Board there were no public comments received on the rules and regulations of the Board. Upon motion made, seconded and passed, the Board approved the final classifications for the report and Board staff agreed to file the information with the Rules Review Commission.
- b. Approval of Rules .0201, .0204, .0620, .0623, .0627, .1012
The Board reviewed amendments to Rules .0201, .0204, .0620, .0623, .0627 and .1012 as well as comments provided by NC Board approved schools, massage and bodywork therapy community college programs and a pre-review by an attorney with the Rules Review Commission. Upon motion made, seconded and passed, the Board agreed to send the rules to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process.

Practice Act

- a. NCGS 90-624(4)
Mr. Wilkins informed the Board Senate Bill 607 passed increasing the massage and bodywork therapy education hours from 500 to 650.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Austin Allen, Jordy Lopez and Jonathan Woolard for inappropriate sexual contact with a client during a massage and

bodywork therapy session; Laure Ayling and Miriah Robinson for practicing with an expired license; Haifeng Lin for aiding and abetting unlicensed massage and bodywork therapy at his place of business; Jason Smith for failing to ensure the client's safety, comfort and privacy during a massage and bodywork therapy session.

There are three hearings scheduled today for Arashdeep Bains, Robert Green and Justin Whisonant.

Ms. Kirk reported:

Licensee Report

22,097 have been issued.

10,221 active licenses.

Renewal Report

There are 5,585 licensees scheduled to renew for the 2025-2026 renewal period. 628 licenses expired December 31, 2022 and can renew by December 31, 2024. The routine Continuing Education Audit was completed for 200 therapists who renewed online.

Establishment Report

1,473 establishments have requested an application.

731 establishments have submitted an application.

611 establishment licenses have been issued.

Establishment Renewal Report

236 establishments are scheduled to renew for the 2025-2026 renewal period.

COMMITTEE REPORTS

Policy Committee

Dr. Grubb 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 and approved an email dated April 23, 2024 to Dillon Ayer regarding alphabiotics.

Review email from Josh Schueller regarding PEMF machine

The Committee reviewed emails to and from Josh Schueller regarding a PEMF machine and agreed a PEMF machine is not within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

Review emails to/from Darlene Holloway regarding request for online CE

The Committee reviewed emails to and from Darlene Holloway regarding a request for online CEs due to health issues and agreed for Board staff to respond to inform Ms. Holloway that a late renewal may be submitted once she can complete the required in-classroom CEs. The Board agreed with the Committee's recommendation.

Review emails to/from Lucille Lamberto regarding request for online CE

The Committee reviewed emails to and from Lucille Lamberto regarding a request for online CEs due to a recent accident and agreed for Board staff to respond to inform Ms. Lamberto that a late renewal may be submitted once she can complete the required in-classroom CEs. The Board agreed with the Committee's recommendation.

Review email from Jan Fiske regarding request for online CE

The Committee reviewed an email dated July 24, 2024 from Jan Fiske regarding a request for online CEs due to taking care of her elderly mother and agreed for Board staff to inform Ms. Fiske that a late renewal may be submitted once she can complete the required in-classroom CEs. The Board agreed with the Committee's recommendation.

Review emails to/from Bonnie Barrow regarding request for online CE

The Committee reviewed emails to and from Bonnie Barrow regarding a request for online CEs due to living abroad and agreed for Board staff to respond to inform Ms. Barrow that a late renewal may be submitted once she can complete the required in-classroom CEs. The Board agreed with the Committee's recommendation.

Review email from Martin Zachary regarding Rohrer body tone machine

The Committee reviewed an email dated August 9, 2024 from Martin Zachary regarding the Rohrer body tone machine and agreed to ask some follow-up questions and review his response at their next meeting. The Board agreed with the Committee's recommendation.

Review email Stacy Brewer regarding Japanese head spa/steam machine

The Committee reviewed emails to and from Stacy Brewer regarding Japanese head spa and steam machines and agreed a LMBT may provide services under a Japanese head spa and use a steam machine within their practice as long as the therapist is trained and competent to provide the services and the therapist's training and competence is demonstrated and documented. In order to provide a full head spa service in North Carolina, the individual would be required to hold both a cosmetology license and as well as a massage and bodywork therapy license. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Auston reported the Committee met June 3, 2024 and August 13, 2024, respectively, and discussed the matters set forth in the minutes of the Committee.

Xiuli Shao

Ms. Shao appeared before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

School Approval Committee

Ms. Swink reported the Committee met August 14, 2024 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:

2024 School Renewal Applications

The Committee reviewed the 2024 renewals received from eight 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. Aveda Institute Wilmington – recommend approval for one year
2. Cornerstone Holistic Institute – recommend approval for one year
3. Gwinnett College – recommended for two years; address MBLEEx pass rates
4. Institute for Massage and Bodywork Therapy – recommend approval for one year
5. Maiden School of Massage and Bodywork Therapy – recommend approval for two years
6. NC Massage School – recommend approval for one year
7. North Carolina School of Advanced Bodywork – recommend approval for two years
8. Southeastern College – recommend approval for one year; require continuance with action plan; address MBLEEx pass rate; schedule attendance audit site visit in November 2024 and in 2025

The following four schools did not have to renew in 2024 but are scheduled to renew in 2025 along with the above five schools that received a one-year renewal:

1. Center for Massage & Natural Health
2. Kneaded Energy School of Massage
3. The Healing Arts & Massage School
4. Western North Carolina School of Massage

The Committee reviewed and approved M&M Consulting Site Visit Summaries for Gwinnett College and Southeastern College.

Communications Committee

No written report.

Practice Act Ad Hoc Committee

Ms. Warren reported the Committee met June 20, 2024, and discussed the matters set forth in the minutes of the Committee.

Review changes to the Rules and Regulations-Rules .0201(b)(5); .0620; .0627(b)

The Committee reviewed and discussed changes to Rules .0201(b)(5), .0620 and .0627(b) to comply with an increase in hours from 500 to 650 and agreed to present the changes to the Board at the next meeting, if approved by the NC Legislature.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins informed the Board there are no bills pending in the North Carolina General Assembly that may affect the Board.

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 2025 to discuss various massage and bodywork therapy school issues, online education and establishment licensure. Ms. Kirk agreed to send out proposed dates for a conference.

CLEAR

a. 2024 Annual Meeting

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

b. CLEAR Update May and June 2024

The Board reviewed an email dated May 28, 2024 and June 25, 2024, respectively, regarding the CLEAR Updates.

FSMTB

a. 2024 Annual Meeting

The 2024 Annual Meeting will be held in Washington, DC, October 3-5, 2024. Upon motion made, seconded and passed, the Board agreed that Ms. Swink will serve as the Board delegate at the annual meeting.

b. May, June, July and August In Touch

The Board reviewed emails dated May 1, 2024, June 3, 2024, July 1, 2024, and August 1, 2024, respectively, regarding the May, June, July and August In Touch newsletters.

Response to Courtney McKeown regarding somato-emotional release work

The Board reviewed and approved the response from Ms. Kirk to Courtney McKeown regarding somato-emotional release work.

Response to Dave Varner regarding recovery boots

The Board reviewed and approved the response from Ms. Kirk to Mr. Varner regarding recovery boots.

Response to Matt Baran regarding request for online CEs

The Board reviewed and approved the response from Ms. Kirk to Mr. Baran regarding a request for online CEs.

NEW BUSINESS

2025 Board Meeting Dates

The Board discussed the 2025 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2025 Board meeting dates.

2024-2025 Board Elections

Upon conducting Board elections, the vote resulted in a 4/4 tie for the Chair position. The results from the election were as follows:

Vote for Chair:

1st vote: Ms. Auston, Dr. Grubb, Ms. Hicks and Mr. Reeves voted for Robert Reeves; Ms. Ford, Ms. Price, Ms. Swink and Ms. Warren voted for Kay Warren

2nd vote: Ms. Auston, Dr. Grubb, Ms. Hicks and Mr. Reeves voted for Robert Reeves; Ms. Ford, Ms. Price, Ms. Swink and Ms. Warren voted for Kay Warren

3rd vote: Ms. Auston, Dr. Grubb, Ms. Hicks and Mr. Reeves voted for Robert Reeves; Ms. Ford, Ms. Price, Ms. Swink and Ms. Warren voted for Kay Warren

Vote for Vice-Chair:

Ms. Ford, Dr. Grubb, Ms. Price, Ms. Swink, Ms. Warren voted for Amy Swink; Ms. Auston, Ms. Hicks, Mr. Reeves voted for Tawanda Auston

Vote for Treasurer:

Ms. Auston, Dr. Grubb, Ms. Hicks, Ms. Reeves, Ms. Warren voted for Kay Warren; Ms. Ford, Ms. Price, Ms. Swink voted for Laura Ford

The Board agreed to void all election results and postpone elections to the October 17, 2024 Board meeting.

PUBLIC COMMENT

There was one written comment from the public.

DISCIPLINARY HEARINGS

Arashdeep Bains

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

Justin Whisonant

The Board conducted a disciplinary hearing regarding allegations Mr. Justin Whisonant engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Whisonant 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 August 15, 2024, at 9:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 15, 2024 at 11:00 p.m.

Jonathan Woolard

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

Xiuli Shao

Mr. Reeves reported Ms. Shao will be interviewed by the License Standards Committee.

Austin Allen

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

Laure Ayling

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

Haifeng Lin

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

Jordy Lopez

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

Miriah Robinson

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

Jason Smith

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

Arashdeep Bains

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Bains' hearing and was of the opinion Mr. Bains failed to deliver treatment that ensured the client's safety, comfort and privacy and failed to maintain documentation during a massage and bodywork therapy session. The Board Ordered that Mr. Bains' license be placed on probation for one year, he complete six hours of continuing education in documentation, roles and boundaries within six months and that he pay disciplinary costs of \$750.

Robert Green

The Board postponed the disciplinary hearing for Mr. Robert Green to the October meeting.

Justin Whisonant

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Whisonant's hearing and was of the opinion Mr. Whisonant 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. Whisonant's license be placed on probation for three months, he complete nine hours of continuing education in boundaries, body mechanics, client positioning and ethics within one year and that he pay disciplinary costs of \$750.

2023-2024 4th 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 4th quarter fiscal year 2023-2024.

ADJOURNMENT

Upon motion duly made, seconded and passed, the August 15, 2024, meeting was adjourned at 11:00 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer