



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

4140 ParkLake Avenue  
Suite 100  
Raleigh, NC 27612

## **OPEN SESSION MINUTES**

*December 12, 2024; 10:00 a.m. – 4:35 p.m.; 5:20 p.m.*

**GlenLake One  
4140 ParkLake Avenue, 4<sup>th</sup> Floor Conference Room, Raleigh, NC 27612  
and  
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 in-person and virtually via Webex in Open Session on December 12, 2024, at 10:00 a.m.

### **MEMBERS PRESENT**

Mr. Robert Reeves, Ms. Kay Warren, Ms. Tawanda Auston, Ms. Laura Ford, Dr. Christopher Grubb, Ms. Ella Price, Ms. Amy Swink and Ms. Nancy Harrell

### **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

### **NANCY HARRELL**

Mr. Reeves welcomed Ms. Harrell 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. Harrell.

### **CONFLICT OF INTEREST**

Mr. Reeves asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Swink recused herself from discussion on Brenton Roberson and Ms. Harrell recused herself from discussion on the October meeting minutes. There being no additional conflict, the agenda was approved. The Board agreed to amend the agenda to include discussion on the contract with Broughton, Wilkins, Sugg & Thompson, PLLC prior to the report from the Policy Committee.

### **APPROVAL OF MINUTES**

After amending the minutes to add the discussion on RFPs in the Treasurer's report and the cancellation notice for the CE waiver due to the storms, the Board approved its minutes of October 17 and 25, 2024, respectively.

### **TREASURER'S REPORT**

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

### **2023-2024 FINANCIAL AUDIT**

The 2023-2024 Financial Audit was reviewed and approved as presented.

### **ADMINISTRATIVE REPORTS**

#### **Rules**

- a. Final Approval of Rules .0201, .0204, .0620, .0623, .0627, .1012

The Board reviewed the adoption of Rules .0201, .0204, .0620, .0623, .0627 and .1012 following the hearing at the October Board meeting as well as the written and public comments provided to the Board. Upon motion made, seconded and passed, the Board approved Rules .0201, .0204, .0620, .0623, .0627 and .1012 and will submit to the Rules Review Commission for review at their January 2025 meeting for a proposed effective date of February 1, 2025.

#### **Practice Act**

There are no pending amendments to the Practice Act.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Jessica Lavender for practicing with an expired license; Brenton Roberson, Julius Smith and Daniel Talavera for inappropriate sexual contact with a client during a massage and bodywork therapy session.

There are two hearings scheduled today for Christopher O'Malley and Chongmei Wei.

Ms. Kirk reported:

### **Licensee Report**

22,329 have been issued.

10,516 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. 3,317 therapists have renewed. An online license renewal reminder will be sent notifying licensees that their license will expire December 31, 2024.

### **Establishment Report**

1,520 establishments have requested an application.

748 establishments have submitted an application.

642 establishment licenses have been issued.

### **Establishment Renewal Report**

236 establishments are scheduled to renew for the 2025-2026 renewal period. 108 establishments have renewed.

## **COMMITTEE REPORTS**

### **Discussion of Broughton, Wilkins, Sugg & Thompson, PLLC contract**

Some Board members expressed concerns about the contract with Broughton, Wilkins, Sugg & Thompson, PLLC being reviewed by the Policy Committee prior to the Contract Committee meeting on December 13, 2024. The Board agreed to remove the Policy Committee report on the contract from discussion during Closed Session. Ms. Harrell, a Board member who has reviewed all contracts with the Board during her previous appointment, volunteered to serve on the Contract Committee and Mr. Reeves appointed her to the Contract Committee.

### **Policy Committee**

Mr. Reeves reported the Committee met December 3, 2024, and discussed the matters set forth in the minutes of the Committee.

#### **Review response from Martin Zachary regarding Body tone machine**

The Committee reviewed emails to and from Martin Zachary regarding the Rohrer body tone machine 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 Natasha Standley regarding damage to establishment in WNC**

The Committee reviewed emails to and from Natasha Standley regarding damage to her establishment in WNC and agreed to waive the fees and new application process in order to transfer her current establishment license to the new location. The Board agreed with the Committee's recommendation.

#### **Review emails from LMBTs regarding online CE**

The Committee reviewed emails regarding requests for additional online CE and agreed to require the minimum 12 hours of in-classroom CE and inform the LMBTs of the other CE opportunities in Rule .0701.

#### **Review Board subsistence policy**

The Committee reviewed the Board's subsistence policy and Board staff's research on several hotels in close proximity to the Board office and agreed to increase lodging reimbursements. Board staff presented an amendment to the Board's Travel, Subsistence & Lodging policy. Upon motion made, seconded and passed, the Board agreed with the amendment to the policy.

### **License Standards Committee**

Ms. Auston reported the Committee met December 2, 2024, and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

Ms. Swink reported the Committee met December 3, 2024, and discussed the matter set forth in the minutes of the Committee. Ms. Price notified the Committee and staff that she would be late to the meeting and Ms. Swink sent Ms. Price an email regarding the single agenda item.

### **2025 School Renewal Applications**

Board staff informed the Committee that Board staff and school consultants met to review the 2025 school renewal applications and discussed amending the renewal application to include the 650-hour requirement along with the specific breakdown of hours in the curriculum pursuant to Rule .0620. The Committee agreed with this process in person and by email. Renewal applications will be sent by email in December 2024 and are required to be submitted by March 1, 2025, for the following schools:

#### **NCBMBT-Approved School to Renew – 2025:**

- Aveda Institute Wilmington (College of Wilmington)
- Cornerstone Holistic Institute
- Institute for Massage and Bodywork Therapy
- Kneaded Energy School of Massage
- NC Massage School
- The Healing Arts & Massage School
- Western North Carolina School of Massage

#### **Other Agency Approved Schools to Renew – 2025:**

- Center for Massage & Natural Health

- Southeastern College

The SAC will schedule a meeting in late May/early June 2025 to review and recommend approval of the school renewals for the full Board to review at their June 2025 meeting. These schools will be required to have their curriculum changes in place no later than July 1, 2025.

Three schools (Gwinnett College, Maiden School of Massage and Bodywork Therapy and NC School of Advanced Bodywork) that are not renewing in 2025 will need to have their information submitted to the Board office for review by M&M Consulting no later than May 1, 2025.

### **Site Visit Reports**

Ms. Swink informed the Board that the committee will be scheduling a meeting in January 2025 to review the site visit reports for North Carolina School of Advanced Bodywork, NC Massage School, and the attendance audit report for Southeastern College.

### **School Summit**

The Board discussed scheduling a school summit for the Spring of 2025 and agreed to add as an agenda item for the Strategic Planning Conference.

## **Communications Committee**

Ms. Ford reported the Committee met November 12 and December 5, 2024, respectively, and discussed the matters set forth in the minutes of the Committee.

### **Review and discuss survey**

The Committee reviewed and recommended to the Board a draft survey to be sent to LMBTs to request feedback on their practices and services provided by the Board. The Committee discussed sending the survey in January 2025. Upon motion made, seconded and passed, the Board agreed with the Committee's recommendation.

### **2024 Winter Newsletter**

The Committee reviewed and discussed topics for the 2024 Winter Newsletter which included a summary of the survey, effective date of license, establishments, late renewal changes, social media, understanding the Board's Practice Act, Rules and Guidelines, Message from the Chair and IMBs. Board staff agreed to work on updates and articles for the newsletter for the Committee review and for the Board to approve at its February 2025 meeting.

### **Newsletter frequency**

The Committee discussed the frequency in which a newsletter should be sent and agreed to table this discussion.

### **Update FAQs**

The Committee discussed adding a FAQ regarding the mentorship agreement and small group study and linking the forms in the FAQ. Board staff agreed to draft a FAQ for their review.

### **650-hour education requirement**

The Committee discussed the 650-hour education requirement and its effects on LMBTs that previously held a NC license but allowed their license to expire for more than 24 months and had to reapply for a license and new applicants from other states. The Committee agreed to include an article on this in its 2025 Winter Newsletter and post on the Board's website. The Board asked Board staff to get a legal opinion on this issue prior to communicating with new graduates, applicants with a previous NC massage and bodywork therapy license, and applicants from other states.

## **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 and that the 2023-2024 Session had adjourned. The 2025-2026 Session will begin in January 2025.

### **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 meet for a Strategic Planning Conference on January 30-31, 2025 and Board staff agreed to work on the agenda and plans for the conference.

### **CLEAR**

#### **a. 2025 Annual Meeting**

The 2025 Annual Meeting will be held in Chicago, Illinois, September 15-18, 2025.

#### **b. CLEAR News October and November 2024**

The Board reviewed emails dated October 30, 2024 and November 26, 2024, respectively, regarding the CLEAR News.

### **FSMTB**

#### **a. 2025 Annual Meeting**

The 2025 Annual Meeting will be held in Kansas City, Missouri, October 5-7, 2025. Ms. Swink agreed to attend the conference.

#### **b. November and December In Touch**

The Board reviewed emails dated November 1 2024 and December 2, 2024, respectively, regarding the November and December In Touch newsletters.

#### **c. 2024 Annual Report**

The Board reviewed the FSMTB 2024 Annual Report.

## **NEW BUSINESS**

### **2024-2025 Board Elections**

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

### **PUBLIC COMMENT**

There was one written comment and four verbal comments from the public.

### **DISCIPLINARY HEARINGS**

#### **Christopher O'Malley**

The Board conducted a disciplinary hearing regarding allegations Mr. Christopher O'Malley engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session.

#### **Chongmei Wei**

The Board conducted a disciplinary hearing regarding allegations Ms. Chongmei Wei failed to disclose in her initial application to the Board that she owned and/or operated massage businesses in North Carolina, failed to inform the Board of pending felony charges for continuing criminal enterprise and profiting from promoting prostitution, and whether she violated the conditions of her Conditional License requiring that she not violate any criminal law of the State of North Carolina or any other State.

### **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 12, 2024, at 5:20 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on December 12, 2024 at 5:20 p.m.

#### **Jessica Lavender**

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

#### **Brenton Roberson**

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

#### **Julius Smith, Jr.**

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

**Daniel Talavera**

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

**Christopher O’Malley**

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

**Chongmei Wei**

Mr. Reeves reported the Board reviewed the evidence presented during Ms. Wei’s hearing and was of the opinion Ms. Wei failed to disclose in her initial application with the Board that she owned and/or operated massage businesses in North Carolina, failed to inform the Board of pending felony charges for continuing criminal enterprise and profiting from promoting prostitution, and that she violated the conditions of her Conditional License requiring that she not violate any criminal law of the State of North Carolina or any other State. The Board Ordered that Ms. Wei’s license be revoked and that she pay a civil penalty of \$1000 and disciplinary costs of \$1000.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the December 12 2024, meeting was adjourned at 5:20 p.m.

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Mr. Robert Reeves, Chair

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Ms. Kay Warren, Treasurer