



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

February 15, 2024; 10:00 a.m. – 1:40 p.m.; 5:00 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 February 15, 2024, at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Ella Price

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

CONFLICT OF INTEREST

Mr. Reeves asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Warren recused herself from discussion on a person in the License Standards Committee report that was disclosed in Closed Session. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 7, 2023.

TREASURER'S REPORT

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

2022-2023 FINANCIAL AUDIT

The 2022-2023 Financial Audit 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 a proposed Letter of Reprimand and Consent Orders regarding: Terry Ayers and William Gross for inappropriate sexual contact with a client during a massage and bodywork therapy session; Lismary Martinez and Sugelis Neria for practicing with an expired license; Ioan Meszaros for engaging in improper draping and inappropriate contact with a client during a massage and bodywork therapy session; David Mitchell for breaching professional boundaries and failing to ensure the client's comfort during a massage and bodywork therapy session; Gregg Policari for failing to ensure the client's safety, comfort and privacy, engaging in improper draping and failing to inform and receive informed consent from the client for the specific service being provided during a massage and bodywork therapy session; Brad Virgil for engaging in improper draping and inappropriate conversation with a client during a massage and bodywork therapy session.

There is one hearing scheduled today for Casey Bitz.

Ms. Kirk reported:

Licensee Report

21,711 have been issued.

9,746 active licenses.

Renewal Report

There are 4,523 licensees scheduled to renew for the 2024-2025 renewal period. 3,921 therapists have renewed. 3,786 therapists renewed online and 135 therapists renewed by mail. An online license renewal reminder was sent on December 15, 2023 and an expired license notice was sent on January 2, 2024.

Establishment Report

1,351 establishments have requested an application.
657 establishments have submitted an application.
557 establishment licenses have been issued.

Establishment Renewal Report

265 establishments are scheduled to renew for the 2024-2025 renewal period.
212 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 February 13, 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 to follow-up with additional questions related to his practice of alphabiotics.

Review email from Kayla Brogdon regarding wet cupping

The Committee reviewed an email dated December 8, 2023 from Kayla Brogdon regarding wet cupping and agreed her response was sufficient in addressing the Committee's concerns.

Review updated Guidelines and Committee Descriptions

The Committee reviewed the updated Guidelines and Committee Descriptions to include the review of establishment applications by the License Standards Committee and agreed to recommend to the Board to approve the updated documents. Upon motion made, seconded and passed, the Board approved the updated Guidelines and Committee Descriptions.

Review emails to/from Teri Cole-Smith regarding late renewal

The Committee reviewed several emails to and from Teri Cole-Smith regarding a late renewal and agreed to recommend to the Board that she be required to pay the late fee due to her not completing her 2023 renewal on-time. The Board agreed with the Committee's recommendation.

Review email from Caitlin McLendon regarding CE requirements

The Committee reviewed an email dated January 16, 2024 from Caitlin McLendon regarding CE requirements and agreed to respond with the rules changes approved in 2019 for Rule .0701 with the various types of continuing education accepted for a license renewal.

Review emails to/from Rachel Mann regarding live webinars

The Committee reviewed emails to and from Rachel Mann requesting that the Board change its interpretation of the continuing education rules, Rules .0701 and .0702, to allow "synchronous live webinars" to be accepted as "live", as opposed to computer-based, continuing education. The Committee agreed live webinars as described did not meet the definitions in the Practice Act or Rules and a change in the Board's rules would be necessary for the Board to change its previous interpretation of Rules .0701 and .0702. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Crawford reported the Committee met February 6, 2024, and discussed the matters set forth in the minutes of the Committee.

Stephen Oxendine

Mr. Oxendine requested to appear before the Board at the April 2024 meeting.

School Approval Committee

No written report.

Communications Committee

No written report.

Practice Act Ad Hoc Committee

Ms. Warren reported the Committee met January 26, 2024, and discussed the matters set forth in the minutes of the Committee.

Discuss notice from US DOE regarding Title IV Funding

The Committee discussed 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, ABMP and COMTA and had talked with counsel for FSMTB to discuss the rule change and find out what their organizations were doing to address the change. The Committee reviewed several documents related to this change and Board staff has requested additional information from AMTA and the NQC. The Committee agreed to recommend to the Board that NCGS 90-629(4) be amended to require a minimum of 650 in-class hours of

supervised instruction at a Board approved school. The Committee also agreed to recommend the Board continue discussion with the organizations that are working to amend or delay the rule change. Upon motion made, seconded and passed, the Board agreed that NCGS 90-629(4) be amended to require a minimum of 650 in-class hours of supervised instruction at a Board approved school. Upon motion made, seconded and passed, the Board agreed to continue discussions with and provide data to the organizations that are working to amend or delay the rule change.

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 in the Spring of 2024 to discuss various massage and bodywork therapy school issues, online education and establishment licensure. Ms. Kirk agreed to resend the poll to the full Board to provide their availability for a conference in 2024.

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 News January 2024

The Board reviewed an email dated January 30, 2024 regarding the CLEAR News.

FSMTB

a. January and February In Touch

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

b. 2024 MBE Summit

The 2024 MBE Summit will be held in Savannah, Georgia, April 3-5, 2024. Ms. Kirk agreed to attend.

Response to Laura Allen regarding breast massage and wet cupping

The Board reviewed and approved the response from Mr. Wilkins to Ms. Allen regarding breast massage and wet cupping.

Response to Mary Smolinski

The Board reviewed and approved the response from Ms. Kirk to Ms. Smolinski regarding blood pressure.

Response to Scott Orlinski regarding CBD

The Board reviewed and approved the response from Mr. Wilkins to Mr. Orlinski regarding CBD.

NEW BUSINESS

2023 Winter Newsletter

The Board reviewed and approved the 2023 Winter Newsletter and agreed to send it to all LMBTs and establishment owners and post it on the Board’s website under the News and Announcements page.

PUBLIC COMMENT

There were two requests for comments from the public.

DISCIPLINARY HEARINGS

Casey Bitz

The Board conducted a disciplinary hearing regarding allegations Mr. Casey Bitz failed to deliver treatment that ensured the client’s safety, comfort and privacy and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Bitz 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 February 15, 2024, at 1:40 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 15, 2024 at 5:00 p.m.

Jonathan Woolard

Mr. Reeves reported the Board agreed to issue an Order revoking his license.

Siyang Yin

Mr. Reeves reported that Mr. Thompson provided an update on Mr. Yin's appeal of the Board's decision to revoke his license at their June 15, 2023 meeting.

Terry Ayers

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

William Gross

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

Lismary Martinez

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

Ioan Meszaros

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

David Mitchell

Mr. Reeves reported Mr. Mitchell's Letter of Reprimand was approved.

Sugelis Neria

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

Gregg Policari

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

Brad Virgil

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

Casey Bitz

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Bitz's hearing and was of the opinion Mr. Bitz failed to deliver treatment that ensured the client's safety, comfort and privacy and failed to maintain the confidentiality of the client's information during and after a massage and bodywork therapy session. The Board Ordered that Mr. Bitz's license be revoked and that he pay a civil penalty of \$1000 and costs of \$1000.

2023-2024 2nd 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 2nd quarter fiscal year 2023-2024.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 15, 2024, meeting was adjourned at 5:00 p.m.

Mr. Robert Reeves, Chair

Ms. Kay Warren, Treasurer