

NORTH CAROLINA BOARD of MASSAGE & BODYWORK THERAPY



Regulating the practice of massage and bodywork therapy and its educational institutions, for the protection of the public.

2021 NEWSLETTER

Message from the Board Chair, Kim Turk, LMBT

2021 was the year of transitioning into our new normal. Folks kept masks on, got boosters and learned how to continue doing business in the safest way possible. Clients felt more comfortable with safety precautions and ventured into our treatment rooms with increased issues brought on by working from home with sometimes less than ideal ergonomic furniture.

Because of continued concerns about groups in close contact without masks, less continuing education (CE) was offered in-person. For this reason, the Board agreed online CE would be approved through the end of 2023. We anticipate in-person CE requirements will go back into effect in 2024.

The Board delayed licensing establishments due to Covid hardships on LMBTs. As of this newsletter, establishment licensing is in full swing. The Policy Committee met a number of times to review questions from LMBTs unsure of their status. When questions were similar, we compiled those into frequently asked questions (FAQs) and sent them to the Communications Committee to compile FAQs for the website. Thank you to those who wrote in asking for clarification, as this was the basis for building the FAQ page. The Board anticipated its FAQ page being posted sooner than it was, however, we needed questions from LMBTs to compile that. As always, Board staff remains available to answer questions which are preferred in writing rather than by voicemail or conversation.

We welcome Dr. Christopher Grubb to the long vacant physician spot on the board. He is enthusiastic about massage to help his patients and has already contributed to great discussions about ethics in medicine.

A reminder that the CDC lists massage and bodywork therapists as “patient facing”, which allowed LMBTs to get the vaccine earlier than the general public. It is also a CDC recommendation that N95 or KN95 masks be worn when in close contact, as the latest variant is easier to acquire. We know so much more about the efficacy of masking, comfort has come a long way, and folks wanting to stay well and keep their clients well have adjusted to masking. Thank YOU for all you are doing to keep the public safe.

Thanks to Board staff for handling the increased workload over this past year. You remain kind, knowledgeable and helpful.

Be safe! Be well!

Top Reminders

1. Keep the Board informed of any changes to your mailing address and email address so you will receive all Board correspondence.
2. For up-to-date Board information and/or answers to questions, please refer to the NCBMBT website at www.bmbt.org.
3. Board meetings are every other month via Webex. The current meeting schedule is on the website under ‘Board Information’. All Board meetings are open to the public.
4. Complaints can be filed online at the File A Complaint tab on the Board’s website.
5. Online renewals began August 1, 2019. The online renewal is on the Board’s website under the Renew Your License tab.
6. Online renewals end on December 31 at midnight. Renewals after December 31 must be mailed with a letter stating whether or not you have been practicing massage and bodywork therapy in NC since your license expired.
7. LMBTs must complete 24 hours of continuing education, including a minimum of 3 hours of ethics. All CEs may be completed online for the 2022 and 2023 renewal periods ONLY. A maximum of 8 hours of business management may be completed, should you choose to do so.
8. LMBTs who complete all required CE’s during the year of their renewal may apply additional, non-submitted CE’s taken after August 1 of that year to their next renewal period.
9. LMBTs can verify a license is valid in NC on the Board’s website under the Verify A License tab and searching by their last name or license number.
10. LMBTs are required to notify the Board within 15 days if they know a person is: (1) practicing without a license, (2) violating the Practice Act/Rules and Regulations, (3) charged with certain criminal offenses, or (4) a defendant in a civil lawsuit related to the practice of massage and bodywork therapy.
11. LMBTs are required to display their Board-issued original license at their primary place of practice. Licensees providing massage and bodywork therapy outside of their primary place of practice must have a Board-issued original license or wallet card available for inspection.
12. LMBTs shall maintain documentation for each session, including the date of service, needs assessment, plan of care, observations made, and actions by the licensee.
13. All persons who provide massage and bodywork therapy services at an establishment shall be currently licensed by the Board.
14. Each LMBT shall work at a location that has an establishment license or at a location that is exempt from the establishment licensing requirement.
15. Information regarding establishment licensure is provided on the Board’s website under the Establishments tab.

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NEW BOARD MEMBER

Governor Roy Cooper appointed Dr. Christopher Grubb of Pitt County to the physician member position on the Board. His term began on October 11, 2021 and will end June 30, 2022.

Christopher Grubb, MD:

Dr. Grubb is an anesthesiologist and pain management specialist affiliated with Vidant Health, and is an Affiliate Associate Professor of Anesthesiology at Brody School of Medicine. He served in the U.S. Army at Fort Bragg, North Carolina, where he started a multi-disciplinary pain management program for active-duty soldiers. He's also very active in combating the opioid epidemic in North Carolina. He has educated health-care providers as part of Project Lazarus, and conducts safe-opioid prescribing programs on behalf of the NC Medical Board and numerous medical societies. He is excited to join the NCBMBT as he considers massage therapy an important component of wellness and holistic healthcare.

NEW BOARD OFFICERS

The Board, at its October 2021 meeting, elected the following officers:

Chair – Kim Turk

Vice Chair – Robert Reeves

Treasurer – Kay Warren

KEEP INFORMATION UP TO DATE

To optimize communications between the Board and licensees, please update your current email address at the Update Your Record tab on the Board's website www.bmbt.org.

2022 BOARD MEETING DATES

February 17, 2022

April 21, 2022

June 16, 2022

August 18, 2022

October 20, 2022

December 8, 2022

Board meetings are typically held in the large conference room on the 4th floor of the GlenLake One building at 4140 ParkLake Avenue, Raleigh, NC 27612 however, due to COVID-19, meetings currently are being conducted via Webex. Meetings begin at 10:00 a.m. and are open to the public. There is a 15 minute period of Public Comment at the end of each meeting. Those interested in addressing the Board during Public Comment must sign up before or during the meeting.

ADMINISTRATIVE DIRECTOR'S REPORT

Licenses currently active..... 9,219

Licenses issued through

12/31/202120,018

Licensure of Establishments

The Board is implementing the Legislature's mandate to license establishments that provide massage and bodywork therapy services to the public. The license is for the location (site or premises) where the massage and bodywork therapy services are provided. For example, a franchisee is required to have a separate license for each location the franchisee owns or operates. An Establishment license is available online, costs \$150 and is effective for a two-year period.

The Board began the process of licensing establishments in August 2021. More than 900 persons have requested applications, more than 400 applications have been submitted and more than 100 licenses have been issued as of December 31, 2021. The licensing process has been slowed due to the processing of criminal record searches by the SBI.

During the Fall of 2021, the Board reviewed and responded to questions regarding the establishment licensing process, particularly questions about exemptions from the licensing requirement for sole practitioners. Based on the questions, the Board developed FAQs that are on the Board's webpage under the Establishments tab.

An Establishment license requires all persons, employees or independent contractors who provide massage and bodywork therapy services at the location of the establishment to be currently licensed by the Board and in good standing.

Every LMBT is required to either work at a location that has an establishment license, or at a location that is exempt from the licensing requirement, OR the LMBT is exempt as a "sole practitioner", defined in NCGS 90-622(6) as: "Sole practitioner. A single licensed massage and bodywork therapist offering massage or bodywork therapy services from a space the licensed massage and bodywork therapist controls and from which only the licensed massage and bodywork therapist offers and provides the services."

CBD Oil

Many therapists and massage and bodywork therapy establishments have been calling and writing to find out if they can use or sell CBD oil in their massage and bodywork therapy practices and businesses. The Board has been advising LMBTs and business owners that the application of CBD oil in North Carolina is not legal for LMBTs and is not legal for sale by establishments.

The Board is concerned about the efficacy of CBD oils. What would be the proper, optimal dosing of CBD for each client? What studies show the percentage of CBD to carrier base to be effective? If a LMBT is seeing six clients a day, and each client asks for CBD infused products to be used, what is the effect on the therapist using this product six hours a day? There are many unanswered questions.

This is not a question about whether the Board believes CBD would be beneficial to clients of massage and bodywork therapy. This is the Board advising therapists and businesses about the legality of using or selling this product at this time.

The NC Attorney General's Office, due to pending and evolving legislation, is unable to provide an opinion or an advisory letter. It does seem clear that any cannabidiol and other hemp product used or sold by a LMBT or an establishment will have to comply with the Federal Food, Drug, and Cosmetic Act (FFD&CA) and also the North Carolina Food, Drug, and Cosmetic Act.

An LMBT is required to abide by local, State and Federal laws. An LMBT is not permitted to use or sell substances that are illegal. Until North Carolina passes a law that says CBD oil is legal to use in a lotion in a massage and bodywork therapy session in North Carolina or is legal for an LMBT to sell in North Carolina I cannot legally advise the Board that CBD oil is legal to use as a lotion in a massage and bodywork therapy session in North Carolina or is legal for an LMBT to sell in North Carolina.

For more information, see the Board's 2020 Newsletter.

The Board hopes to provide more information when either a North Carolina court or the North Carolina legislature provides guidance.

DISCIPLINARY ACTIONS TAKEN BY THE BOARD FROM JANUARY 1, 2021 THROUGH DECEMBER 31, 2021

The Board is authorized to investigate complaints and institute disciplinary actions, as set forth in Section .0900 of the Rules.

HEARINGS BEFORE THE BOARD:

Jonathan Goodwin - Following a hearing on February 18, 2021, regarding inappropriate sexual contact with a client during a massage and bodywork therapy session, the Board Ordered that Mr. Goodwin's license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

Rolland Leach - Following a hearing on February 18, 2021, regarding inadequate communication with a client during a massage and bodywork therapy session, the Board Ordered that Mr. Leach complete six hours of CE in roles, boundaries and communication.

Steven Navarro - Following a hearing on April 15, 2021, regarding inappropriate conversation and sexual contact with a client during a massage and bodywork therapy session, the Board Ordered that Mr. Navarro's license not be renewed and he pay a civil penalty of \$1000 and costs of \$1000.

Daniel Ptah - Following a hearing on June 17, 2021, regarding practicing massage and bodywork therapy with an expired license, the Board Ordered that Mr. Ptah be issued a conditional license, complete additional CE and he pay a civil penalty of \$500 and costs of \$500.

Eugene Gatling - Following a hearing on August 19, 2021, regarding inappropriate sexual contact with a client during a massage and bodywork therapy session, the Board Ordered that Mr. Gatling's license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

Nichelle Kyle - Following a hearing on August 19, 2021, regarding failing to deliver treatment that ensured the client's safety, comfort and privacy, the Board Ordered that Ms. Kyle complete eight hours of CE in ethics, roles and boundaries and she pay a civil penalty of \$250 and costs of \$250.

Jordan Caldwell - Following a hearing on December 9, 2021, regarding inappropriate sexual contact with a client during a massage and bodywork therapy session, the Board Ordered that Mr. Caldwell's license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

Michael Cuthbertson - Following a hearing on December 9, 2021, regarding inappropriate sexual contact with two clients during massage and bodywork therapy sessions, the Board Ordered that Mr. Cuthbertson's license be revoked and he pay a civil penalty of \$1000 and costs of \$1000.

CONSENT ORDERS:

Sherard Amerson - Prior to a hearing scheduled for February 18, 2021, Mr. Amerson entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein his license

was placed on probation for one year and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Kelli Buell - Prior to a hearing scheduled for February 18, 2021, Ms. Buell entered into a Consent Order for aiding and abetting illegal massage and bodywork therapy wherein her license remains inactive and she agreed to pay a civil penalty of \$100 and costs of \$400.

James Cotton II - Prior to a hearing scheduled for February 18, 2021, Mr. Cotton entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein his license was revoked and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Andras Kalasz - Prior to a hearing scheduled for February 18, 2021, Mr. Kalasz entered into a Consent Order for engaging in inappropriate contact and bruising to a client during a massage and bodywork therapy session wherein his license was placed on probation for six months and he agreed to pay a civil penalty of \$500 and costs of \$250.

Chanley Layton - Prior to a hearing scheduled for February 18, 2021, Ms. Layton entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Joel Tull - Prior to a hearing scheduled for February 18, 2021, Mr. Tull entered into a Consent Order for engaging in inappropriate contact with employees at his business wherein his license was revoked and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Donald Cockrell - Prior to a hearing scheduled for April 15, 2021, Mr. Cockrell entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Judge Fulenwider - Prior to a hearing scheduled for April 15, 2021, Mr. Fulenwider entered into a Consent Order for engaging in inappropriate draping and physical contact with a client during a massage and bodywork therapy session wherein his license was placed on probation for one year and he agreed to pay a civil penalty of \$500 and costs of \$250.

Amber John - Prior to a hearing scheduled for April 15, 2021, Ms. John entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Jessica Norman - Prior to a hearing scheduled for April 15, 2021, Ms. Norman entered into a Consent Order for practicing massage and bodywork therapy without a license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Shannon Profita - Prior to a hearing scheduled for April 15, 2021, Ms. Profita entered into a Consent Order for practicing massage and bodywork therapy without a license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Nathaniel Rogers - Prior to a hearing scheduled for April 15, 2021, Mr. Rogers entered into a Consent Order for failing to ensure a client's safety, comfort and privacy wherein his license was placed on probation for two years and he agreed to pay a civil penalty of \$500 and costs of \$500.

Micah Stier - Prior to a hearing scheduled for April 15, 2021, Mr. Stier entered into a Consent Order for failing to obtain written consent and maintain documentation and failing to report all criminal charges to the Board wherein his license was placed on probation for two years and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Christopher Stogner - Prior to a hearing scheduled for April 15, 2021, Mr. Stogner entered into a Consent Order for engaging in inappropriate sexual conduct with a client during massage and bodywork session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Alan Zapanta - Prior to a hearing scheduled for April 15, 2021, Mr. Zapanta entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Rebecca Batts - Prior to a hearing scheduled for June 17, 2021, Ms. Batts entered into a Consent Order for posting protected health information online wherein her license was placed on probation for one year and she agreed to pay costs of \$250.

Beckwith Carlos - Prior to a hearing scheduled for June 17, 2021, Mr. Carlos entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Etienne Harris - Prior to a hearing scheduled for June 17, 2021, Mr. Harris entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein his license was placed on probation for one year and he agreed to pay a civil penalty of \$500 and costs of \$200.

Renrick John - Prior to a hearing scheduled for June 17, 2021, Mr. Renrick entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

William Ward - Prior to a hearing scheduled for June 17, 2021, Mr. Ward entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$500 and costs of \$500.

Xian Ying Bian - Prior to a hearing scheduled for June 17, 2021, Ms. Bian entered into a Consent Order for failing to ensure a client's safety, comfort and privacy wherein she complete eight hours of CE in roles, boundaries and ethics and she agreed to pay a civil penalty of \$250 and costs of \$250.

Kristina Giampa - Prior to a hearing scheduled for August 19, 2021, Ms. Giampa entered into a Consent Order for practicing massage and bodywork therapy without a license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$200.

Michael Mitchell - Prior to a hearing scheduled for August 19, 2021, Mr. Mitchell entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein his license was placed on probation for one year and he agreed to pay a civil penalty of \$750 and costs of \$300.

Kristie Page - Prior to a hearing scheduled for August 19, 2021, Ms. Page entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Michael Seal - Prior to a hearing scheduled for August 19, 2021, Mr. Seal entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay costs of \$500.

Westley Ames - Prior to a hearing scheduled for October 21, 2021, Mr. Ames entered into a Consent Order for engaging in inappropriate sexual contact with a client during a massage and bodywork therapy session wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

April Corley - Prior to a hearing scheduled for October 21, 2021, Ms. Corley entered into a Consent Order for practicing massage and bodywork therapy without a current license wherein her license was placed on probation for one year and she agreed to pay a civil penalty of \$1000 and costs of \$500.

Lindsay Gaby - Prior to a hearing scheduled for October 21, 2021, Ms. Gaby entered into a Consent Order for providing massage and bodywork therapy services while under the influence wherein she surrendered her license and she agreed to pay a civil penalty of \$250 and costs of \$500.

Xiu Li - Prior to a hearing scheduled for October 21, 2021, Ms. Li entered into a Consent Order for aiding and abetting illegal massage and bodywork therapy wherein her license was placed on probation for three years and she agreed to pay a civil penalty of \$1000 and costs of \$750.

Ralph Timmermann - Prior to a hearing scheduled for October 21, 2021, Mr. Timmerman entered into a Consent Order for engaging in inappropriate conduct with two clients during massage and bodywork therapy sessions wherein he surrendered his license and he agreed to pay a civil penalty of \$1000 and costs of \$500.

Brian Irby - Prior to a hearing scheduled for December 9, 2021, Mr. Irby entered into a Consent Order for providing massage and bodywork therapy services while under the influence wherein his license was placed on probation for two years and he agreed to pay a civil penalty of \$500 and costs of \$500.

Andre Vazquez - Prior to a hearing scheduled for December 9, 2021, Mr. Vazquez entered into a Consent Order for engaging in inappropriate draping and contact with a client during a massage and bodywork therapy session wherein his license was placed on probation for one year, obtain six hours of CE in law, rules, ethics, roles, boundaries, draping and client communication and he agreed to pay a civil penalty of \$300 and costs of \$500.

LETTERS OF REPRIMAND:

There were six (6) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks) and three (3) Letters of Reprimand issued to therapists for inappropriate activity during a massage and bodywork therapy session.

NOTICE OF POTENTIAL VIOLATION:

There were nineteen (19) Notices served on persons for allegedly practicing without a license and seven (7) Notices served on businesses upon information they were allowing a person to practice massage and bodywork therapy without a North Carolina license.

INDIVIDUALS:

Rita Huang.....	Charlotte
Kristina Finney.....	Jacksonville
Jessie Weinzatl.....	Jacksonville
Bob Haddad.....	Chapel Hill
Jamel Faison.....	Raleigh
Sandra Simons.....	Clayton
Tabitha Hayworth.....	Morganton
RJ Jackson.....	Fayetteville
Melodee Padilla.....	Rockingham
Diante Ryans.....	Charlotte
Yuya Bauza.....	Rockingham
Miss Mona.....	Oriental
Jade McDaniels.....	Oriental
Sarah McAllister.....	Apex
Jasmine Segarra.....	Apex
Kate Garwood.....	Sneads Ferry
Brian Thompson.....	Monroe
April Corley.....	Kernersville
Cindy Dunn.....	Kernersville
Megan Arndt.....	Hickory
Donny Frazier.....	Greensboro
Amber Berube.....	Greensboro
Nester Soto.....	Charlotte

BUSINESSES:

Coastal Massage & Wellness.....	Jacksonville
Spa Bliss.....	Archdale
Reflexology Body Wellness.....	Goldsboro
Asian Facial Massage.....	Jacksonville
Serendipity Spa.....	Oriental
Syeni Spa & Lounge.....	Apex
Studio615 Salon & Spa.....	Kernersville

DENIAL OF LICENSE:

The Board denied licenses to eight (8) applicants. Five (5) applicants were denied licenses because the curriculum of the massage school they attended did not meet the Board’s minimum requirements: Ryan Ben-Saull, Yhua Liang, Caitlin Lock, Mia Tai and Shannon Whar-ton. One (1) applicant was denied a license due to lack of moral character: Zhenyu Chi. Two (2) applicants were denied for failing to appear before the License Standards Committee: Haiyan Hong and Chun Yu Yu.

CONDITIONAL LICENSES:

The License Standards Committee of the Board issued twenty-one (21) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, education deficiency or other minor improper conduct.

CHECK OUT OUR WEBSITE!

www.bmbt.org

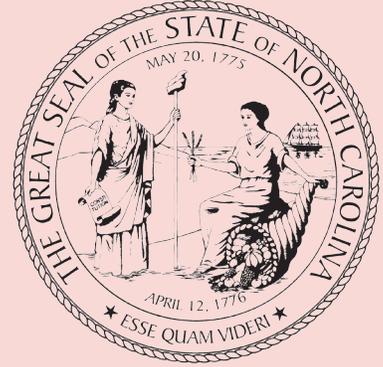
The Board Website is your Online Source for Information

The website provides an easily accessible source for information on the licensing program and activities of the Board. There are individual pages which give you information about:

- Applying for LMBT Licensure
- Applying for Establishment Licensure
- License Renewals
- Online License Verification
- Update your Personal Profile
- How to Contact the Board
- Board Members and Professional Staff
- Board Meeting Schedule
- Board Approved Schools
- How to File a Complaint
- Frequently Asked Questions
- Links to Other Agencies and Organizations
- News and Announcements

A feature, called the DOCUMENT CENTER, is a popular page on the site. From this location, you can view and/or download many of the important documents which are part of the licensing program. These include:

Practice Act and Rules
Modalities Requiring Licensure in North Carolina
License Information and Application
License Renewal
Massage Therapy Schools
Name Change Form
Fee Schedule
Formal Complaint Form



Official Newsletter
NORTH CAROLINA BOARD of
MASSAGE & BODYWORK
THERAPY

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