



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

Mailing Address: PO Box 2539, Raleigh, NC 27602 Phone: 919.546.0050
Location Address: 150 Fayetteville Street Mall, Suite 1910, Raleigh, NC 27601

OPEN SESSION MINUTES

October 18, 2018; 10:00 a.m. – 4:30 p.m.

October 19, 2018; 9:00 a.m. – 11:50 a.m.

**Wells Fargo Capitol Center Building
150 Fayetteville Street, 13th Floor Large Conference Room, Raleigh, NC 27601**

"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 October 18, 2018 at 10:00 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Dianne Layden, Ms. Kim Turk, Ms. Rachael Goolsby and Dr. Tim Taft

MEMBERS ABSENT

None

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Julia Arnette, Administrative Assistant

CHAIR

Ms. Harrell, Chair

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Ms. Harrell 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 August 23 and 24, 2018.

TREASURER'S REPORT

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

2017-18 FINANCIAL AUDIT

The 2017-18 Financial Audit was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

The Establishment Licensure rules were reviewed by the Rules Review Commission at its September 2018 meeting. Rule .1009 and .1010 were objected to by the Rules Review Commission and will be reviewed by the Rules Review Commission at its October 2018 meeting.

Status of Amendments to Practice Act

There are no pending amendments to the Practice Act. The Board discussed possible amendments to the Practice Act in 2019 regarding fees, Reflexology, Board members and establishment regulation.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Letters of Reprimand and Consent Orders regarding: Bianca Scott for practicing massage and bodywork therapy without a license; Stephen Pollock, Frank Recco, Vito Siconolfi, Shakir Simmons and Anne Sturgis for engaging in inappropriate sexual contact during massage and bodywork therapy sessions; Heena Patel for providing massage techniques that caused bruising; and Tai-Kim Spencer-Colon for aiding and abetting illegal massage and bodywork therapy practice. There are five disciplinary hearings scheduled for today and tomorrow for Takara Davis, John Howard, Charlotte Koh, ShiQi Lu and Xiao Feng Qin.

Ms. Kirk reported:

Licensee Report

17,647 have been issued
9,433 active licenses

Renewal Report

There are 5,163 licensees scheduled to renew for the 2019-2020 renewal period. 745 licenses expired on December 31, 2016 and can renew by December 31, 2018. An online license renewal reminder notice was sent by email in October. Online license renewals will be required beginning August 1, 2019.

Online Application Report

Ms. Kirk informed the Board the online license application will go live on the Board's website www.bmbt.org by the end of October 2018. There will be a transition period to accept and mail paper applications but the Board office will eventually only allow for applicants to complete the online application.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met October 17, 2018 and discussed the matters set forth in the minutes of the Committee.

Continuing Education

a. Update on CE rules

The Committee discussed the rules review process and changes set forth in Section .0700 of the Rules and Regulations of the Board.

FSMTB

a. Regulatory Education and Competence Hub (REACH) program

Ms. Harrell informed the Committee that the FSMTB is still developing the curriculum for the treatment planning/intake course set to be available in the Fall of 2018.

b. Massage Therapy Licensing Database (MTLD) program

The Committee discussed the MTLT program and recommended that Board staff invite DEG to review the database process in the Board office.

Discussion of Reflexology

The Committee discussed that Ms. Harrell, Mr. Wilkins and Ms. Kirk met with persons from the NC Reflexology Association and the American Reflexology Certification Board to begin discussion of the Board's current exemption of Reflexology in the Guidelines of the Board.

Presentation by representatives from Massage Envy regarding stretch services

The Committee discussed the presentation by representatives from Massage Envy and agreed to discuss this topic with the full Board at the October 2018 Board meeting.

Email from Debra Cantwell regarding singing bowl massage

The Committee discussed emails from Debra Cantwell dated September 4, 2018 regarding Tibetan singing bowls massage and agreed that Tibetan singing bowl massage is not within the scope of massage and bodywork therapy and that “massage” in the title is misleading.

Email from Tom Murray regarding sexological bodywork

The Committee reviewed an email from Tom Murray dated September 24, 2018 regarding sexological bodywork and agreed that sexological bodywork is not within the scope of practice of massage and bodywork therapy and there are North Carolina prohibitions regarding this specialty within bodywork.

Email from Jason Sager regarding IASI contract

The Committee reviewed an email from Jason Sager dated October 16, 2018 regarding acceptance of IASI CE for renewal and agreed to continue reviewing the information for a decision at the December 2018 Board meeting.

License Standards Committee

Ms. Layden reported the Committee met August 24, 2018 and discussed the matters set forth in the minutes of the Committee.

Ashley Scott

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

School Approval Committee

No written report. Mr. Wilkins informed the Board that School Renewal Applications will be sent in December to the schools scheduled to renew in 2019.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported on proposed laws pending in the North Carolina General Assembly that may affect professional licensing boards.

2018 Strategic Planning Conference

Ms. Harrell 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.

CLEAR

a. 2018 Annual meeting

The 2018 Annual Educational Conference was held in Philadelphia, Pennsylvania, September 26-29, 2018. Ms. Layden and Ms. Harrell reported on the conference.

b. 2019 Annual meeting

The 2019 Annual Educational Conference will be in held in Minneapolis, Minnesota, September 18-21, 2019.

c. 2019 International Congress

The 2019 International Congress will be held in Vancouver, Canada, June 27-28, 2019.

FSMTB

a. 2018 Annual meeting

The 2018 FSMTB annual meeting was held in Salt Lake City, Utah, October 4-6, 2018.

b. September and October In Touch Newsletters

The Board reviewed emails dated August 31, 2018 and September 28, 2018, respectively, regarding the September and October "In Touch" newsletters.

CAC 2018 Annual Meeting

The 2018 CAC annual meeting was held in Washington, DC, October 16-17, 2018.

NEW BUSINESS

Massage Envy/Stretch Zone stretch services

The Board reviewed complaints regarding Massage Envy and Stretch Zone stretch services and agreed the stretch services provided by Massage Envy and the Stretch Zone are within the scope of practice of massage and bodywork therapy and persons providing those services should be licensed as a LMBT.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:45 a.m.

DISCIPLINARY HEARINGS

ShiQi Lu

The Board conducted a disciplinary hearing regarding allegations Ms. Lu aided and abetted illegal massage and bodywork therapy at a place of business where her LMBT license was displayed. Ms. Lu appeared for the hearing with his attorney.

Xiao Feng Qin

The Board conducted a disciplinary hearing regarding allegations Ms. Qin aided and abetted illegal massage and bodywork therapy at her place of business where her LMBT license was displayed. Ms. Qin appeared for the hearing with his attorney.

John Howard

The Board conducted a disciplinary hearing regarding allegations Mr. Howard engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Howard 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 October 18, 2018 at 3:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 18, 2018 at 5:30 p.m.

ShiQi Lu

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Lu's hearing and was of the opinion Ms. Lu aided and abetted the illegal practice of massage and bodywork therapy at a place of business where her LMBT license was displayed. The Board Ordered Ms. Lu's license be placed on probation for two years and she pay disciplinary costs of \$500.

Xiao Feng Qin

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Qin's hearing and was of the opinion Ms. Qin aided and abetted the illegal practice of massage and bodywork therapy at her place of business where her LMBT license was displayed. The Board Ordered Ms. Qin's license be revoked and she pay a civil penalty of \$1000 and disciplinary costs of \$1000.

John Howard

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Howard's hearing and was of the opinion Mr. Howard engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Howard's license be revoked and he pay a civil penalty of \$1000 and disciplinary costs of \$500.

Ashley Scott

Ms. Harrell reported Ms. Scott's application for a license is denied.

Heena Patel

Ms. Harrell reported Ms. Patel's Letter of Reprimand was approved.

Charlotte Koh

Ms. Harrell reported Ms. Koh's Consent Order was approved.

Stephen Pollock

Ms. Harrell reported Mr. Pollock's Consent Order was approved.

Frank Recco

Ms. Harrell reported Mr. Recco's Consent Order was approved.

Bianca Scott

Ms. Harrell reported Ms. Scott's Consent Order was approved.

Vito Siconolfi

Ms. Harrell reported Mr. Siconolfi's Consent Order was approved.

Shakir Simmons

Ms. Harrell reported Mr. Simmons' Consent Order was approved.

Tai-Kim Spencer Colon

Ms. Harrell reported Ms. Tai-Kim Spencer Colon's Consent Order was approved.

Anne Sturgis

Ms. Harrell reported Ms. Sturgis' Consent Order was approved.

Ronald Ross

Mr. Thompson reported Mr. Ross, through his attorney, filed an Appeal of the decision of Board in Mecklenburg County Superior Court. The attorney expressed an interest in a Consent Order. The Board authorized Mr. Thompson to discuss a Consent Order with Mr. Ross’ attorney.

2018-19 1st Quarter Legal Services for Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Harrell reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 1st quarter in fiscal year 2018-2019.

RECESS OPEN SESSION

The Board recessed its October 18, 2018 Open Session to reconvene October 19, 2018 at 9 a.m.

OPEN SESSION

The Board reconvened in Open Session on October 19, 2018 at 9 a.m.

DISCIPLINARY HEARINGS

Takara Davis

The Board conducted a disciplinary hearing regarding allegations Ms. Davis aided and abetted illegal massage and bodywork therapy at her place of business, advised the Board that the persons working at her place of business were students working through an agreement with a school, that persons working at her place of business were not licensed and failed to advise the Board that those persons were in violation of the statute or rules. Ms. Davis 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 October 19, 2018 at 10:25 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 19, 2018 at 11:50 a.m.

Takara Davis

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Davis’ hearing and was of the opinion Ms. Davis aided and abetted illegal massage and bodywork therapy at her place of business and made misrepresentations to the Board during her interview with Board investigators. Ms Davis advised the Board that the persons working at her place of business were students working through an agreement with a school but her statements were not proven to be correct. The Board Ordered Ms. Davis’ license be revoked and she pay a civil penalty of \$1000 and disciplinary costs of \$500.

ADJOURNMENT

Upon motion duly made, seconded and passed, the October 19, 2018 meeting was adjourned at 11:50 a.m.

Ms. Nancy Harrell, Chair

Ms. Dianne Layden, Treasurer