



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

February 14, 2019; 10:00 a.m. – 1:35 p.m.

February 15, 2019; 10:00 a.m. – 12:50 p.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 February 14, 2019 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHERS PRESENT

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

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. Ms. Harrell recused herself from discussion on Mario Butler. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 13, 2018.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The proposed rules and regulations were reviewed by the Rules Review Commission at its September and October 2018 meeting. Due to the Rules Review Commission receiving 10 or more letters of objection, the rules and regulations are subject to legislative review in 2019.

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 Consent Orders regarding: Vincent Ashanti for practicing massage and bodywork therapy prior to being licensed by the Board; Alberto Barrera for practicing massage and bodywork therapy with an expired license; Freddy Barrios for failing to complete documentation for some of his clients; Mario Butler, Corbett Estep and John Testa for engaging in inappropriate sexual contact during massage and bodywork therapy sessions; Jonathan Fleming for engaging in inappropriate conversation during a massage and bodywork therapy session; and Na An for aiding and abetting illegal massage and bodywork therapy practice. There are two disciplinary hearings scheduled for today and tomorrow for Elvin Fields and ShiQi Lu. There are two disciplinary hearings postponed to the April 2019 Board meeting.

Ms. Kirk reported:

Licensee Report

17,946 have been issued
8,925 active licenses

Renewal Report

There are 5,163 licensees scheduled to renew for the 2019-2020 renewal period. 4,389 therapists have renewed. 3,338 therapists renewed online and 1,051 therapists renewed by mail. An online license renewal reminder email was sent on December 21, 2018 and an expired license notice was sent on January 3, 2019. The routine Continuing Education Audit will start for 200 therapists who renewed online. Online license renewals will be required beginning August 1, 2019.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met February 13, 2019 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 treatment planning/intake course.

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 reflexology and agreed to continue discussion on this topic.

Email from Jason Sager regarding IASI contract

The Committee reviewed an email from Jason Sager dated February 4, 2019 notifying the Committee that IASI is working on providing more information on their continuing education processes at a future date.

Emails from Anne Sturgis

The Committee reviewed several emails from Anne Sturgis regarding the disciplinary action taken by the Board and agreed Mr. Wilkins will reply notifying her that her attorney may contact the Board office.

NCBTMB unacceptable course content

The Committee reviewed a list provided by NCBTMB of unacceptable course content for continuing education.

NC Human Trafficking Commission 2019 Annual Report

The Committee reviewed the NC Human Trafficking Commission 2019 Annual Report.

Question and response to Shelley Johnson

The Committee reviewed several emails and letters to and from Shelley Johnson regarding a request from Kneaded Energy School of Massage to increase their core curriculum hours and develop an externship program. The Committee agreed to continue to review the information submitted by KESM.

Update on Practice Act changes

Mr. Wilkins informed the Committee that the Practice Act Ad Hoc Committee and a Committee developed by AMTA and the NC Chapter-AMTA are working on updates and changes to the Practice Act for the 2019 Legislative Session.

License Standards Committee

Ms. Layden reported the Committee met December 12, 2018 and discussed the matters set forth in the minutes of the Committee.

Andrea Davidson

The Board reviewed Ms. Davidson's appeal to the Board to appeal the decision by the License Standards Committee to require she be issued a conditional license.

School Approval Committee

Mr. Wilkins reported 12 schools are scheduled to renew their Board approval in 2019.

Communications Committee

Ms. Kirk reported the Committee met December 18, 2018 and discussed the matters set forth in the minutes of the Committee.

JP exam review

The Committee discussed reviewing the jurisprudence exam questions to provide updates, changes and additions to the exam once the rules and regulations are approved.

2018 Newsletter

The Committee discussed developing articles for the 2018 Winter Newsletter. The Committee agreed to include articles on the new Board member, a message from the Chair, establishment

regulation, CBD oil regulation, Art of Healing license requirement, reminders and updates from the Board and the disciplinary actions taken in 2018.

Practice Act Ad Hoc Committee

Ms. Harrell reported the Committee met January 25, 2018 with representatives from AMTA and AMTA-NC Chapter and discussed possible amendments to the Practice Act.

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. 2019 Annual meeting

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

b. 2019 International Congress

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

FSMTB

a. 2019 Member Board Executive Summit

The 2019 Member Board Executive Summit will be held in Cleveland, Ohio, April 18-19, 2019.

b. 2019 Annual meeting

The 2019 FSMTB annual meeting will be held in Atlanta, Georgia, October 3-5, 2019.

c. January and February In Touch Newsletters

The Board reviewed emails dated December 27, 2018 and January 31, 2019, respectively, regarding the January and February “In Touch” newsletters.

NEW BUSINESS

2018 Winter Newsletter

The Board reviewed the 2018 Winter Newsletter. Ms Kirk informed the Board the newsletter will be posted on the Board's website and a mass email will be sent to current licensees notifying them of that information.

Emails to Attorney General regarding CBD oils

The Board reviewed the emails dated February 6, 2019 to the Attorney General regarding CBD oils.

Email from Jason Mistah regarding the "Hypervolt" tool

The Board reviewed an email dated January 8, 2019 from John Mistah regarding the "Hypervolt" tool and agreed that Mr. Wilkins will respond advising the tool is a mechanical device and does not provide electrical stimulation even though it is powered by battery.

PUBLIC COMMENT

The Board received comments from the public.

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 14, 2019 at 11:40 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 14, 2019 at 1:15 p.m.

Andrea Davidson

Ms. Harrell reported Ms. Davidson will be issued a regular license.

Vincent Ashanti

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

Alberto Barrera

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

Mario Butler

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

Corbett Estep

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

Jonathan Fleming

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

John Testa

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

Na An

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

Freddy Barrios

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

Christopher Belsito

Ms. Harrell reported Mr. Belsito's hearing was postponed to the April 2019 Board meeting.

Xiaodi Fehler

Ms. Harrell reported Ms. Fehler's hearing was postponed to the April 2019 Board meeting.

2018-19 2nd 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 2nd quarter in fiscal year 2018-2019.

DISCIPLINARY HEARINGS

ShiQi Lu

The Board conducted a disciplinary hearing regarding allegations Ms. Lu aided and abetted illegal massage and bodywork therapy activity. Ms. Lu 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 14, 2019 at 1:25 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 14, 2019 at 1:35 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 unlicensed and illegal practice of massage and bodywork therapy. The Board Ordered Ms. Lu's license be revoked and she pay a civil penalty of \$1000 and disciplinary costs of \$750.

RECESS OPEN SESSION

The Board recessed its February 14, 2019 Open Session to reconvene February 15, 2019 at 10 a.m.

DISCIPLINARY ACTIONS

Elvin Fields

The Board conducted a disciplinary hearing regarding allegations Mr. Fields engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Fields 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 February 15, 2019 at 12:15 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 15, 2019 at 12:50 p.m.

Elvin Fields

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Fields' hearing and was of the opinion Mr. Fields engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered Mr. Fields' license, had it not expired on December 31, 12018, would have been revoked; that should he apply for a LMBT license this Order and his entire licensure file would be reviewed to determine if he met the requirements for licensure; and he pay a civil penalty of \$1000 and disciplinary costs of \$1000.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 15, 2019 meeting was adjourned at 12:50 p.m.

Ms. Nancy Harrell, Chair

Ms. Dianne Layden, Treasurer