



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

December 10, 2020; 10:00 a.m. – 11:15 a.m.; 3:00 p.m. – 5:10 p.m.; 5:40 p.m.

December 11, 2020; 9:00 a.m. – 10:30 a.m.; 11:10 a.m.

**Wells Fargo Capitol Center Building
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 December 10, 2020 at 10:00 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Goolsby, Mr. Steve Green and Mr. Robert Reeves

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, Assistant Administrative Director

CHAIR

Ms. Turk, Chair

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Ms. Turk asked if any Board member had any conflict of interest with any item on the meeting's agenda. Mr. Green recused himself from discussion on Raheim Speight and Daniel Curran and Mr. Reeves recused himself from discussion on Raheim Speight. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of October 22, 2020.

TREASURER'S REPORT

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

AUDIT REPORT

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

ADMINISTRATIVE REPORTS

Rules

a. Status of Rule .0636

The Board adopted Rule .0636 at their October 2020 Board meeting to begin the permanent rule-making process. Board staff sent the rule to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process for an effective date of April 1, 2021.

b. Status of Rule .0704

Rule .0704 was previously adopted as an emergency rule effective June 30, 2020 which expired September 13, 2020. Board staff submitted this rule as another emergency rule effective November 25, 2020 and the emergency rule will expire March 31, 2021. The Board adopted Rule .0704 at their October 2020 Board meeting to begin the permanent rule-making process. Board staff sent the rule to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process for an effective date of April 1, 2021.

Status of Amendments to Practice Act

There is a pending amendment to the Practice Act regarding fees.

Disciplinary Hearings

Mr. Wilkins informed the Board of a proposed Letter of Reprimand and Consent Orders regarding: Catherine Tancrelle for violating Rule .0502 and Governor Cooper's Executive Order 147; Phillip Irwin for concerns from a client during a massage and bodywork therapy session; Heather Watson for practicing with an expired license. There is one hearing scheduled for today

for Raheim Speight and one hearing scheduled for tomorrow for Daniel Curran. The hearing for Christopher Stogner and Steven Navarro was postponed to the February meeting.

Ms. Kirk reported:

Licensee Report

19,247 have been issued
9,830 active licenses

Renewal Report

There are 5,384 licensees scheduled to renew for the 2021-2022 renewal period. 726 licenses expired on December 31, 2018 and can renew by December 31, 2020. 3,825 therapists have renewed. The final license renewal reminder will be sent mid-December.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met December 2, 2020 and discussed the matters set forth in the minutes of the Committee.

Clarification and implementation of who is a “sole practitioner”

The Committee reviewed and discussed the definition of “sole practitioner” and agreed upon the FAQs and guidelines regarding “sole practitioner”. The Committee also agreed to accept and answer questions regarding specific scenarios on a case-by-case basis. Due to COVID-19, the Committee agreed to extend the release date of the application to July 2021. The Board agreed with the Committee’s recommendation.

Establishment licensure process

Board staff informed the Board that the establishment license application is currently being developed and tested. Once Board staff completes the testing process, the Board will have an opportunity to review the application process. Board staff also informed the Board an email will go out to all LMBTs regarding updates to the process, the website will be updated and establishments will be contacted to start the application process once it is available.

License Standards Committee

Ms. Goolsby reported the Committee met December 9, 2020 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report. Ms. Turk informed the Board that all Board approved schools, except Therapeutic Massage Training Institute, have responded to an email from the Board providing an update to their

program due to COVID-19. The Board was informed that school renewal applications will be sent to the schools renewing for the July 1, 2021-June 30, 2022 period and are due March 1, 2021. The Board was also informed that M&M Consulting have complete three virtual site visits for Kneaded Energy School of Massage, Maiden School of Massage and Bodywork Therapy and the Center for Massage and Natural Health. The Committee plans to schedule a meeting prior to the February 2021 Board meeting.

Communications Committee

No written report. Mr. Wilkins informed the Board that Board staff will begin working on the 2020 Newsletter and designating specific articles to the Committee members.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported there are no laws proposed or 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. The Board will consider a virtual strategic planning conference in March 2021.

CLEAR

a. 2021 Winter Symposium

The 2021 Winter Symposium will be held virtually, January 5, 2021. Ms. Warren and Ms. Kirk agreed to attend.

b. 2021 Annual meeting

The 2021 Annual Educational Conference will be held virtually or in a hybrid model of in-person and virtually, September, 2021. Ms. Warren agreed to attend.

c. 2021 International Congress

The 2021 International Congress will be held in Dublin, Ireland, June 23-25, 2021.

FSMTB

a. November and December In Touch Newsletters

The Board reviewed emails dated October 29, 2020 and November 24, 2020, respectively, regarding the November and December “In Touch” newsletters.

b. The Benefits of CE Registry Event

The Board reviewed an email dated October 30, 2020 regarding a membership event to introduce to the continuing education registry. Ms. Kirk attended the event.

c. 2021 Annual Meeting

The 2021 Annual Meeting will be held in Charlotte, North Carolina, October 7-9, 2021.

NEW BUSINESS

No new business.

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 December 10, 2020 at 11:15 a.m.

Catherine Tancrelle

Ms. Turk reported Ms. Tancrelle's Letter of Reprimand was approved.

Vladimir Bogatov

Ms. Turk reported the Consent Order for Mr. Bogatov and American & European Massage Clinic was approved.

Phillip Irwin

Ms. Turk reported Mr. Irwin's Consent Order was approved.

Heather Watson

Ms. Turk reported Ms. Watson's Consent Order was approved.

Jasmine Rosario

The Board considered Ms. Rosario's question whether a LMBT may offer wine to guests, presumably massage clients, at no cost and in disposable cups and whether she needs a license since she is not selling the wine. While offering wine to guests is not specifically addressed in the Practice Act or Rules of the Board, the Board was of the opinion that Rules .0511(7) and .0512 apply. A LMBT who wishes to offer wine to clients must be in compliance with all municipal, state and federal laws, specifically the Alcoholic Beverage Control (ABC) laws of North Carolina, and should proactively determine from the ABC Board what is required for them to be in compliance. A LMBT who wishes to offer wine to clients should also consider their personal liability should a client leave their place of business and harm

another person and should also consider how their insurance coverage might be affected should they offer wine to clients.

RECESS FOR LUNCH

The Board recessed for lunch at 12:50 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 10, 2020 at 3:00 p.m.

DISCIPLINARY HEARINGS

Raheim Speight

The Board conducted a disciplinary hearing regarding allegations Mr. Speight engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Speight and complainant 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 December 10, 2020 at 5:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 10, 2020 at 5:40 p.m.

Raheim Speight

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

RECESS

The Board recessed until December 11, 2020 at 9:00 a.m.

DISCIPLINARY HEARINGS

Daniel Curran

The Board conducted a disciplinary hearing regarding allegations Mr. Curran engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Curran and his attorney as well as complainant 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 December 11, 2020 at 10:30 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 11, 2020 at 11:10 a.m.

Daniel Curran

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

ADJOURNMENT

Upon motion duly made, seconded and passed, the December 11, 2020 meeting was adjourned at 11:10 a.m.

Ms. Kim Turk, Chair

Ms. Rachael Goolsby, Treasurer