



## **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 22, 2020; 10:00 a.m. – 4:30 p.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 October 22, 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. There being no conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of August 20 and 21, 2020.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

##### **a. Rule .0636 – discuss permanent rule submission with Rules Review Commission**

The Board discussed the permanent rule-making process for Rule .0636 and agreed to discuss at the December 2020 Board meeting.

##### **b. Final Approval of Rule .0704**

The Board reviewed the adoption of Rule .0704 following the hearing at the August Board meeting. There were no written or public comments provided to the Board. Upon motion made, seconded and passed, the Board approved Rule .0704 and will submit to the Rules Review Commission for review at their November 2020 meeting.

##### **c. Rule .0804 – review withdrawal notification**

The Board reviewed the withdrawal notification from the rulemaking process with the Rules Review Commission. The emergency rule expired September 13, 2020.

#### **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: Rebecca Batts for failing to deliver treatment that ensured the client's safety, comfort and privacy; Rinald Covington for engaging in inappropriate sexual contact with a client; Chad Estep for engaging in an inappropriate relationship with a client; Yifei Li for failing to properly protect and secure her license and her license being on the wall at a business and allowing others to engage in acts or practices that aided and abetted illegal massage and bodywork therapy. There is one hearing scheduled for today for Ashley Burns. The hearing for Steven Navarro was postponed to the December meeting.

Ms. Kirk reported:

## **Licensee Report**

19,175 have been issued  
9,727 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. A license renewal reminder was sent by email in October.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Turk reported the Committee met October 21, 2020 and discussed the matters set forth in the minutes of the Committee.

#### **FSMTB**

**a. 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.

**b. Email from Gabrielle Bennett regarding CE approval**

The Committee discussed the email to and from Mr. Wilkins and Gabrielle Bennett and Lorena Haynes regarding the CE contract process between NCBMBT and FSMTB. Mr. Wilkins agreed to contact Ms. Haynes regarding a CE contract. The Board agreed with the Committee's recommendation.

#### **IASI contract**

The Committee reviewed a letter dated July 2, 2020 from Ms. Harrell to Beth Burgin and Jason Sager following review of the proposed continuing education contract. The Committee is waiting for a response from IASI on the Committee's requests.

#### **Update on Practice Act changes**

The Committee discussed the proposed 2019/2020 changes in the Practice Act regarding fees. The Committee agreed to continue discussion on this topic for the 2021/2022 legislative session.

#### **Clarification and implementation of who is a "sole practitioner"**

The Committee reviewed and discussed the definition of "sole practitioner" and agreed to hold a meeting solely to discuss this topic and develop guidelines regarding "sole practitioner".

#### **Establishment licensure process**

The Committee reviewed and discussed the online application request, online application, status page, license template and profile for establishments being developed by Board staff. The Committee agreed to continue reviewing this information and inform Board staff of any changes and/or additions to the establishment licensure process.

### **License Standards Committee**

Ms. Goolsby reported the Committee met October 21, 2020 and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

Ms. Turk reported the Committee met October 5, 2020 and discussed the matters set forth in the minutes of the Committee.

#### **Update on Virtual Site Visit with KESM**

The Committee discussed the virtual site visit conducted by M&M Consulting with KESM on September 23, 2020. A letter was mailed to KESM following the virtual site visit to provide feedback on the process and that feedback will be provided to the Committee once it is received. The Board agreed M&M Consulting could proceed with its virtual site visit process for other Board approved massage and bodywork therapy schools that are in good standing.

#### **Review correspondence from Southeastern Institute regarding the Board's efforts during COVID-19**

The Committee reviewed and discussed correspondence between the Board and Southeastern Institute regarding its efforts during COVID-19, specifically SEI's request to establish an externship within its program. The Committee agreed SEI did not meet the requirements to form the externship within its program. Ms. Turk agreed to respond to SEI regarding assistance in developing an externship program, requesting an update on its student clinic and where SEI stands in graduating students within a timely manner.

Ms. Kirk informed the Board that 11 responses have been received regarding an updated email that was sent to all NC Board approved schools seeking information on the progress of each school and allowing online education for non-hands-on courses during COVID-19.

### **Communications Committee**

No written report

### **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. 2020 Annual meeting**

The 2020 Annual Educational Conference was held virtually, September 23-26, 2020. Ms. Warren and Ms. Price attended and reported on the conference.

### **b. 2021 International Congress**

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

## **FSMTB**

### **a. September and October In Touch Newsletters**

The Board reviewed emails dated August 28, 2020 and October 1, 2020, respectively, regarding the September and October “In Touch” newsletters.

### **b. 2020 Election Results**

The Board reviewed an email dated October 13, 2020 regarding the FSMTB 2020 election results.

### **c. 2020 Annual Report**

The Board reviewed an email dated October 15, 2020 regarding the FSMTB 2020 annual report providing insights into the daily operations of FSMTB and their accomplishments.

### **d. Report from Kay Warren on status of NC schools/programs**

Ms. Warren provided a report to the Board on the pass rates for the MBLEx for NC Board approved schools and community college massage and bodywork therapy programs.

## **Review response to Shannon Manzella regarding a request to temporarily revise their programs**

The Board reviewed and approved a response from Mr. Wilkins to Mr. Manzella regarding a request to temporarily revise their program.

## **Review response to Kay Moseley regarding hypnotherapy**

The Board reviewed and approved a response from Mr. Wilkins to Ms. Moseley regarding hypnotherapy.

**Review response to Donald Oliva regarding CE Broker**

The Board reviewed and approved a response from Ms. Kirk to Mr. Oliva regarding CE Broker.

**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 October 22, 2020 at 11:30 a.m.

**Rebecca Batts**

Ms. Turk reported Ms. Batts' Letter of Reprimand was approved.

**Rinald Covington**

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

**Chad Estep**

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

**Yifei Li**

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

**RECESS FOR LUNCH**

The Board recessed for lunch at 12:40 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on October 22, 2020 at 1:00 p.m.

**DISCIPLINARY HEARINGS**

**Ashley Burns**

The Board conducted a disciplinary hearing regarding allegations Mr. Burns engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Burns 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 22, 2020 at 3:20 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on October 22, 2020 at 4:30 p.m.

**Ashley Burns**

Ms. Turk reported the Board reviewed the evidence presented during Mr. Burns’ hearing and was of the opinion Mr. Burns provided improper draping and did not communicate effectively while providing a massage to a client during a massage and bodywork therapy session. The Board entered an Order requiring that Mr. Burns complete the FSMTB REACH courses on draping and communication developed by the Board.

**2020-21 1<sup>st</sup> Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC**

Ms. Turk reported the Board reviewed and approved payment to Broughton Wilkins Sugg & Thompson, PLLC for in court legal services provided in the 1<sup>st</sup> quarter fiscal year 2020-2021.

**Contract with Generate Design for Establishment licensure process**

Ms. Turk reported the Board reviewed and approved a contract with Generate Design to complete the online application system for establishment licensure.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the October 22, 2020 meeting was adjourned at 4:30 p.m.

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Ms. Kim Turk, Chair

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Ms. Rachael Goolsby, Treasurer