



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

August 19, 2021; 10:00 a.m. – 4:30 p.m.; 7:30 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 August 19, 2021 at 10:00 a.m.

MEMBERS PRESENT

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

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. 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 June 17, 2021.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

There are no pending rules at the Rules Review Commission.

Practice Act

Mr. Wilkins discussed the pending amendment to the Practice Act to clarify Board member terms in Senate Bill 126 and House Bills 434 and 911 regarding Reflexology.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Xiaoying Bian for failing to provide services that are designed to benefit the health and well-being of the client and failing to deliver treatment that ensures the client's safety, comfort and privacy; Kristina Giampa for practicing prior to being issued a license; Michael Mitchell and Kristie Page for practicing with an expired license; Michael Seal for engaging in appropriate sexual contact with a client.

There are two hearings scheduled for today for Eugene Gatling and Nichelle Kyle.

Ms. Kirk reported:

Licensee Report

19,724 have been issued
9,516 active licenses

Renewal Report

There are 4,302 licensees scheduled to renew for the 2022-2023 renewal period. 636 licenses expired December 31, 2019 and can renew by December 31, 2021. License renewal information was sent by email in July.

Establishment License Update

Ms. Kirk informed the Board that the application for establishment licensure is live on the Board's website. Approximately 350 application requests and 50 applications have been submitted to the Board.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met August 11 and 19, 2021 and discussed the matters set forth in the minutes of the Committee.

Review establishment questions

The Committee reviewed several questions regarding the establishment license process and whether or not certain establishments need to go through the application process with the Board. The Committee agreed to review their recommendations with the Board at its August 19, 2021 meeting.

FSMTB

a. Massage Therapy Licensing Database (MTLD) program

The Committee reviewed updated information regarding the MTLT program and recommended that Board staff and IT set up a virtual meeting with DEG to review the database process in the Board office. The Board agreed with the Committee's recommendation.

b. REACH course for establishment owners

The Committee discussed requesting FSMTB to develop a course for establishment owners and agreed to continue discussion on this topic at a future committee meeting. The Board agreed with the Committee's recommendation.

IASI contract

The Committee reviewed an email dated August 2, 2021 from Denise Scott, Chair of the IASI Education Committee, providing additional information on their process for approval and renewal of CE providers and courses. The Committee agreed to provide the information to the full Board for feedback to IASI and draft a CE contract for review at the October meeting. The Board agreed with the Committee's recommendation.

Email from Kay Moseley regarding hypnotherapy/hynomassage

The Committee reviewed an additional email dated April 17, 2021 regarding guided imagery. The Committee reviewed a previous response from Mr. Wilkins to Ms. Moseley regarding hypnotherapy/hynomassage stating it is not within the scope of practice of massage and bodywork therapy. The Committee agreed to request more information on Ms. Moseley's certification(s) and training in guided imagery, hypnotherapy and hynomassage.

Online CE for future renewals

The Committee discussed allowing online CE for future renewals and agreed to recommend to the Board to allow online CE for the 2022 and 2023 renewal periods. The Board agreed with the Committee's recommendation.

Email from Robbey Lindstedt regarding joint mobilizations

The Board discussed an email dated August 17, 2021 from Robbey Lindstedt regarding joint mobilization and agreed it is within the scope of massage and bodywork therapy to perform joint mobilizations. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Goolsby reported the Committee met August 19, 2021 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Mr. Reeves reported the Committee met August 2, 2021 and discussed the matters set forth in the minutes of the Committee.

Review Kneaded Energy School of Massage request for program changes

The Committee reviewed the submission and responses to Kneaded Energy School of Massage requesting changes to their massage and bodywork therapy program. The Committee agreed to recommend to the Board that the program changes be approved. Upon motion made, seconded and passed, the Board agreed with the Committee's recommendation.

Living Arts College

a. Review signed letter with action plan

The Committee reviewed the signed letter by the Program Director and Owner for an action plan.

b. Review request for program changes

The Committee reviewed the submission and responses to Living Arts College requesting changes to their massage and bodywork therapy program. The Committee agreed to contact the school to request more information on the Department of Education's letter to LAC, advertising, student recruitment and psychological concepts.

Review question and response from Blue Ridge Community College

The Committee reviewed a question from Blue Ridge Community College regarding hands-on instruction at satellite locations. The Committee reviewed and agreed with Board staff's response to the question.

Upcoming site visits:

a. Cornerstone Holistic Institute – scheduled for August 24, 2021

Board staff informed the Committee that a site visit is scheduled for August 24, 2021 at Cornerstone Holistic Institute.

b. Institute for Massage and Bodywork Therapy, Inc. – scheduled for September 15, 2021

Board staff informed the Committee that a site visit is scheduled for September 15, 2021 at the Institute for Massage and Bodywork Therapy, Inc.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

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

2018 Strategic Planning Conference

Ms. Turk 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 agreed to consider a strategic planning conference in January 2022 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2021 Annual meeting

The 2021 Annual Educational Conference will be held virtually, September 2021. Ms. Warren, Ms. Price and Mr. Reeves agreed to attend.

b. 2022 International Congress

The 2022 International Congress will be held in Dublin, Ireland, June 2022.

FSMTB

a. July and August In Touch Newsletters

The Board reviewed emails dated July 1, 2021 and July 29, 2021, respectively, regarding the July and August “In Touch” newsletters.

b. 2021 Annual Meeting

The 2021 Annual Meeting will be held in Charlotte, North Carolina, October 7-9, 2021. Ms. Goolsby, Mr. Reeves, Mr. Green, Ms. Price and Ms. Warren agreed to attend.

c. USA Today article regarding fraud in education

The Board reviewed an email dated July 7, 2021 regarding the USA Today article on fraud in education.

d. Review proposed resolution from OR Board

The Board reviewed an email dated August 6, 2021 regarding a proposed resolution from the OR Board.

Response to Nikki Barth regarding online education

The Board reviewed and approved a response from Mr. Wilkins to Nikki Barth regarding online education.

Response to Rebecca Khalil regarding kinesio taping

The Board reviewed and approved a response from Mr. Wilkins to Ms. Khalil regarding kinesio taping.

NEW BUSINESS

Review signed CE contracts with NCBTMB and FSMTB

The Board reviewed the final signed CE contracts with NCBTMB and FSMTB.

2021-2022 Board Elections

The Board discussed Board appointments affecting Board elections every year. Upon motion made, seconded and passed, the Board agreed to keep elections in June and postpone this year's Board elections to the October meeting.

PUBLIC COMMENT

The Board received comments from the public.

LUNCH

The Board recessed for lunch at 12:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 19, 2021 at 1:00 p.m.

DISCIPLINARY HEARINGS

Eugene Gatling

The Board conducted a disciplinary hearing regarding allegations Mr. Gatling engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Gatling appeared for the hearing.

Nichelle Kyle

The Board conducted a disciplinary hearing regarding allegations Ms. Kyle engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Ms. Kyle 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 August 19, 2021 at 4:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 19, 2021 at 7:30 p.m.

Raheim Speight

Ms. Turk reported Mr. Speight's amended Order was approved.

Xiaoying Bian

Ms. Turk reported Ms. Bian's Consent Order was approved pursuant to changing the civil penalty to \$250 and disciplinary costs to \$250.

Kristina Giampa

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

Michael Mitchell

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

Kristie Page

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

Michael Seal

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

Eugene Gatling

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

Nichelle Kyle

Ms. Turk reported the Board reviewed the evidence presented during Ms. Kyle’s hearing and was of the opinion Ms. Kyle failed to protect the safety of a client during a massage and bodywork therapy session. The Board Ordered that Ms. Kyle complete eight hours in ethics, roles, boundaries and contraindications and she pay a civil penalty of \$250 and disciplinary costs of \$250.

Review establishment license questions

The Board discussed scenarios regarding establishment licensing and agreed with the Policy Committee recommendations.

2020-21 4th 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 4th quarter fiscal year 2020-2021.

ADJOURNMENT

Upon motion duly made, seconded and passed, the August 19, 2021 meeting was adjourned at 7:30 p.m.

Ms. Kim Turk, Chair

Ms. Rachael Goolsby, Treasurer