



## **NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY**

4140 ParkLake Avenue  
Suite 100  
Raleigh, NC 27612

### **OPEN SESSION MINUTES**

*June 17, 2021; 10:00 a.m. – 1:25 p.m.; 3:00 p.m. – 5:10 p.m.; 7:00 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 June 17, 2021 at 10:00 a.m.

#### **MEMBERS PRESENT**

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

#### **MEMBERS ABSENT**

Ms. Valory Hicks

#### **OTHERS PRESENT**

Mr. Charles Wilkins, 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 Renrick John and Daniel Ptah, Mr. Reeves recused himself from discussion on Jarrus Clyburn and Beckwith Carlos and Ms. Price recused herself from discussion on Living Arts College. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of April 15, 2021.

### **TREASURER'S REPORT**

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

### **2021-2022 BUDGET**

The 2021-2022 Budget 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 and House Bill 434 regarding Reflexology.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Letters of Reprimands and Consent Orders regarding: Jarrus Clyburn for failing to ensure the client's safety, comfort and privacy; Jessie Weinzatl for employing a person at her business who was not licensed to provide massage and bodywork therapy services; Rebecca Batts for posting protected information about a client on a Yelp review; Beckwith Carlos and Renrick John for engaging in inappropriate sexual contact with a client; Etienne Harris for practicing with an expired license; and William Ward for engaging in inappropriate conduct with a client.

There were hearings scheduled for today for Lee Cockerham, Eugene Gatling and Daniel Ptah. The hearing for Eugene Gatling was postponed to the August meeting.

Ms. Kirk reported:

#### **Licensee Report**

19,621 have been issued  
9,387 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 will be sent by email in July. The routine Continuing Education Audit has started for 200 therapists who renewed online. Nine licensees were contacted via email to provide additional information. Six licensees responded and corrected their CE submissions. Board staff has followed-up with the three licensees that have failed to respond.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Turk reported the Committee met June 16, 2021 and discussed the matters set forth in the minutes of the Committee.

### **FSMTB**

**a. Massage Therapy Licensing Database (MTLD) program**

The Committee reviewed updated information regarding the MTLTD 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. CE Contract**

The Committee reviewed the final draft Contract and Agreement to recognize providers of CE and CE courses approved by FSMTB and agreed to recommend to the Board that the Contract and Agreement be approved and sent to FSMTB for a signature. The Board agreed to review the FSMTB Contract and Agreement in Closed Session.

**c. 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 June 14, 2021 from Beth Burgin and Jason Sager following review of the proposed continuing education contract. The Committee was informed the IASI Education Team met in April to review the Board's feedback and is waiting for additional information from IASI.

### **Email to and from Shelley Johnson regarding cameras in treatment rooms**

The Committee reviewed emails dated April 17, 2021 to and from Ms. Johnson regarding allowing LMBTs to use cameras in treatment rooms.

### **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.

#### **Email from Rebecca Khalil regarding kinesio taping**

The Committee reviewed an email dated May 19, 2021 regarding kinesio taping and agreed a kinesio taping CE course will be accepted as long as it is approved by the NCBTMB and also agreed it is within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

#### **Review NCBTMB Letter and CE Contract**

The Committee reviewed an updated draft Letter and CE Contract to continue to recognize providers of CE and CE courses approved by NCBTMB and agreed to recommend to the Board that the Letter and Contract be approved and send the updated Letter and Contract to NCBTMB for review and approval. The Board agreed to review the NCBTMB Letter and CE Contract in Closed Session.

#### **Emails to and from Keith Bouchard regarding Stretch Lab**

The Committee reviewed emails to and from Keith Bouchard regarding services being provided at Stretch Lab and agreed to continue discussion on this topic at a future committee meeting.

#### **Review complaints regarding Muscle Rx**

The Committee reviewed complaints regarding services being provided at Muscle Rx and agreed to continue discussion on this topic at a future committee meeting.

#### **License Standards Committee**

Ms. Goolsby reported the Committee met June 17, 2021 and discussed the matters set forth in the minutes of the Committee.

#### **School Approval Committee**

Mr. Reeves reported the Committee met June 8, 2021 and discussed the matters set forth in the minutes of the Committee. The Committee recommended the following school renewals and the Board agreed with the recommendations of the Committee as follows:

##### **Review M&M Virtual Site Visit Summaries**

The Committee reviewed the Virtual Site Visit Summaries for Kneaded Energy School of Massage, North Carolina Massage School and Western North Carolina School of Massage.

##### **2021 Renewals**

The Committee reviewed the 2021 renewals received from eight schools required to renew this year along with the summaries and survey reports produced by M&M Consulting. The following schools were approved for one or two years as designated:

1. Center for Massage & Natural Health – approved for two years
2. College of Wilmington – approved for two years
3. Gwinnett College – approved for one year; address MBLEEx pass rates
4. Kneaded Energy School of Massage – approved for two years
5. Living Arts College – approved for one year; require physical site visit prior to next renewal; address concerns with MBLEEx pass rates, stability of personnel and student compensation. The Board agreed to discuss the school renewal application in Closed Session.
6. North Carolina Massage School – approved for two years
7. The Healing Arts & Massage School – approved for two years
8. Western North Carolina School of Massage – approved for two years; address student compensation

The following four schools did not have to renew in 2021 but are scheduled to renew in 2022 along with the above two schools that received a one-year renewal:

1. Maiden School of Massage and Bodywork
2. NC School of Advanced Bodywork, Inc.
3. Southeastern College
4. Southeastern College – 740 hour additional program

### **Communications Committee**

No written report.

### **OLD BUSINESS**

#### **NC General Assembly Proposed Laws Affecting Licensing Boards**

Mr. Wilkins reported there are several bills proposed or pending in the North Carolina General Assembly that may affect the Board and other professional licensing boards. Three bills were discussed: SB-545 provides that licensure, registration and certification boards shall issue a license, registration or certification to an applicant from another jurisdiction upon meeting 9 specific requirements; HB-434 regarding Reflexology certification; and HB-29 that provides licensing boards shall determine the immigration status of applicants to determine eligibility for public entitlements, to use the Homeland Security web-based service SAVE (Systematic Alien Verification for Entitlements). The lobbyist for AMTA/NC Chapter is also aware of these bills and is following them as necessary.

#### **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 Virtual Symposium**

The 2021 Virtual Symposium was held virtually on January, 15, 2021. Ms. Warren attended and reported on the symposium.

### **b. 2021 Annual meeting**

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

### **c. 2022 International Congress**

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

## **FSMTB**

### **a. May and June In Touch Newsletters**

The Board reviewed emails dated April 29, 2021 and May 27, 2021, respectively, regarding the March and April “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. Upon motion made, seconded and passed, the Board agreed that Ms. Kirk will serve as the Board delegate at the annual meeting.

### **c. Report from Kay on Compact Kick-Off meeting**

Ms. Warren reported on the Compact Kick-Off meeting.

## **Fifth Annual Occupational Licensing Agencies Best Practices Virtual Seminar**

The 2021 Fifth Annual Occupational Licensing Agencies Best Practices Seminar was held virtually on May 18, 2021.

## **Response and email from Jennifer Burgess regarding Hyflex program**

The Board reviewed and approved a response from Mr. Wilkins to Ms. Burgess regarding the Hyflex program.

## **Response to Shelley Johnson regarding cameras in treatment rooms**

The Board reviewed and approved a response from Mr. Wilkins to Ms. Johnson regarding cameras in treatment rooms.

### **NEW BUSINESS**

#### **Email from Nikki Barth regarding online education**

The Board reviewed an email dated April 15, 2021 regarding how much notice the Board will provide when in-classroom education will be expected to resume. The Board agreed that all massage and bodywork therapy schools and programs should resume in-classroom education in 2022 unless another state of emergency or statewide shutdown is issued by the Governor.

#### **2022 Board Meeting Dates**

The Board discussed the 2022 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2022 Board meeting dates.

#### **2021-2022 Board Elections**

The Board agreed to postpone Board elections to the August meeting.

### **PUBLIC COMMENT**

The Board received comments from the public.

### **LUNCH**

The Board recessed for lunch at 12:15 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on June 17, 2021 at 1:00 p.m.

### **DISCIPLINARY HEARINGS**

#### **Daniel Ptah**

The Board conducted a disciplinary hearing regarding allegations Mr. Ptah practiced with an expired license. Mr. Ptah 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 June 17, 2021 at 1:25 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on June 17, 2021 at 3:00 p.m.

**Jarrus Clyburn**

Ms. Turk reported Mr. Clyburn will be sent an amended Letter of Reprimand requiring he complete the FSMTB REACH course in roles, boundaries and ethics within 60 days of issuance of the Letter of Reprimand.

**Jessie Weinzatl**

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

**Rebecca Batts**

Ms. Turk reported Ms. Batts' Consent Order was approved.

**Beckwith Carlos**

Ms. Turk reported Mr. Carlos' Consent Order was approved.

**Etienne Harris**

Ms. Turk reported Mr. Harris' Consent Order was approved.

**Renrick John**

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

**William Ward**

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

**Eugene Gatling**

The hearing for Mr. Gatling has been postponed to the August meeting.

**Daniel Ptah**

Ms. Turk reported the Board reviewed the evidence presented during Mr. Ptah's hearing and was of the opinion Mr. Ptah practiced with an expired license. The Board Ordered that Mr. Ptah be issued a conditional license and he pay a civil penalty of \$500 and disciplinary costs of \$500.

**DISCIPLINARY HEARINGS**

**Lee Cockerham**

The Board conducted a disciplinary hearing regarding allegations Mr. Cockerham engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Cockerham 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 June 17, 2021 at 5:10 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session on June 17, 2021 at 7:00 p.m.

### **Lee Cockerham**

Ms. Turk reported the Board reviewed the evidence presented during Mr. Cockerham's hearing and was of the opinion there was not sufficient evidence presented to prove Mr. Cockerham engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session and an Order will be issued to that effect.

### **Living Arts College**

Ms. Turk reported the Board reviewed the school renewal summary and agreed the School Approval Committee shall develop a three-item action plan to improve the school's program. The action plan shall be completed in six months, shall be signed off by the owner of the school, and shall require an in-person site visit before the school's next renewal application due by March 1, 2022.

### **FSMTB CE Contract and Agreement**

Ms. Turk reported the Board reviewed and approved the CE Contract and Agreement with the FSMTB.

### **NCBTMB Letter and CE Contract**

Ms. Turk reported the Board reviewed and approved the Letter and CE Contract with the NCBTMB.

### **Reflexology**

The Board discussed the Reflexology exemption issue, the 2019 agreement with ARCB and NCRA, and House Bill 434 in depth and agreed to continue working toward an acceptable resolution.

## **ADJOURNMENT**

Upon motion duly made, seconded and passed, the June 17, 2021 meeting was adjourned at 7:00 p.m.

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Ms. Kim Turk, Chair

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Ms. Rachael Goolsby, Treasurer