



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

February 17, 2022; 10:00 a.m. – 11:00 a.m.; 1:00 p.m. – 5:45 p.m.; 7:10 p.m.

February 18, 2022; 9:00 a.m. – 2:10 p.m.; 5:40 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 February 17, 2022 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Crawford, Mr. Steve Green, Ms. Valory Hicks, Dr. Christopher Grubb 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 December 9, 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

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Letters of Reprimand and Consent Orders regarding: April Shumard for undressing in public; Megan Arndt for practicing with an expired license and failing to comply with Federal, State and local ordinances; Oleg Bosenko for engaging in inappropriate sexual contact with a client; Eugene Crofcheck for engaging in inappropriate intake, draping and contact with a client; Estrella Hopkins for practicing with an expired license; and Sarah McAllister for allowing an unlicensed person to practice massage and bodywork therapy at her business.

There are four hearings scheduled for today and tomorrow for Justin Hromada, Alfonso Smith, Brian Thompson and Paul Thunstrom.

Ms. Kirk reported:

Licensee Report

20,076 have been issued.
9,219 active licenses.

Renewal Report

There are 4,302 licensees scheduled to renew for the 2022-2023 renewal period. 3,606 therapists have renewed. 3,502 therapists renewed online and 104 therapists renewed by mail. An online renewal reminder was sent on December 20, 2021 and an expired license notice was sent on January 3, 2022. The routine Continuing Education Audit will start for 200 therapists who renewed online.

Establishment Report

918 establishments have requested an application.
408 establishments have submitted an application.
111 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met February 16, 2022 and discussed the matters set forth in the minutes of the Committee.

FSMTB

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.

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.

Stretch Lab/Stretch Zone

The Committee reviewed emails regarding services being provided at Stretch Lab and Stretch Zone and agreed to continue discussion on this topic at a future committee meeting. The Committee also agreed to contact the NC Board of Physical Therapy regarding this issue. The Board agreed with the Committee's recommendation.

Muscle Rx

The Committee reviewed emails regarding services being provided at Muscle Rx and agreed to continue discussion on this topic at a future committee meeting. The Committee reviewed the Board's email to the NC Attorney General's office regarding this issue.

Review updated Modalities list and email from Kay Warren suggesting additional modalities

The Committee reviewed changes to the current modalities list and an email from Ms. Warren suggesting additional modalities be added to the list. The Committee agreed to add Ampuku, Taut Band Therapy, Neural Reset Therapy, Active Release Therapy®, Active Isolated Stretching® and The Berry Method to the list of modalities requiring a license and post the updated list on the Board's website. The Board agreed with the Committee's recommendation.

Review previous establishment questions:

a. Vincent Bounds – Myology Sports Massage, LLC

The Committee reviewed emails regarding Myology Sports Massage, LLC and agreed to require that all locations where Myology Sports Massage, LLC places LMBTs will need an establishment license. Ms. Kirk agreed to contact Mr. Bounds regarding this information.

b. Ragan Wren – Body Heal LLC

The Committee reviewed emails regarding Body Heal LLC and agreed to require that all locations where Body Heal LLC places LMBTs will need an establishment license. Ms. Kirk agreed to contact Mr. Wren regarding this information.

Review email from Linda Elliott, Executive Director, NC Cosmetic Art Examiners Board

The Committee reviewed an email dated December 13, 2021 from Linda Elliott, Executive Director for the NC Cosmetic Art Examiners Board, regarding establishment licensure. Mr. Wilkins agreed to draft a response including the Board’s establishment license process as well as the laws/rules governing this process. The Board agreed with continuing communication with the NC Cosmetic Art Examiners Board.

Meeting with AMTA-NC Chapter regarding establishment licensure

The Committee discussed a meeting that took place virtually on January 5, 2022 with Kim Turk, Robert Reeves, Ella Price, Board staff and AMTA-NC Chapter to discuss the establishment license application and the Board’s interpretation of “sole practitioner”. The Committee agreed to discuss the details of this meeting with the full Board during its February Closed Session meeting. The Board agreed with the Committee’s recommendation.

Email from Kay Warren regarding advertising requirements

The Committee reviewed an email dated January 29, 2022 from Ms. Warren regarding advertising requirements for establishments and agreed there is clear guidance on the Board’s website under the Document Center tab and in the Practice Act and Rules and Regulations of the Board for advertising requirements for establishments. The Board agreed with the Committee’s recommendation.

License Standards Committee

Ms. Goolsby reported the Committee met February 16, 2022 and discussed the matters set forth in the minutes of the Committee.

Chun Yu Yu

Ms. Yu appeared before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

Caitlin Lock

Ms. Lock appeared before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

Haiyan Hong

Ms. Hong requested to appear before the Board to appeal the decision by the License Standards Committee to deny her application for a license. Ms. Hong did not appear.

School Approval Committee

No written report.

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 2022 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

CLEAR

a. 2022 Introduction to Regulatory Governance Webinar Series

The 2022 Introduction to Regulatory Governance Webinar Services will be held virtually February through June 2022.

b. 2022 Annual Meeting

The 2022 Annual Educational Conference will be held in Louisville, Kentucky, September 14-17, 2022.

c. 2023 International Congress

The 2023 International Congress will be held in Dublin, Ireland, Summer 2023.

FSMTB

a. January and February 2022 In Touch Newsletters

The Board reviewed emails dated January 5, 2022 and February 1, 2022, respectively, regarding the January and February “In Touch” newsletters.

b. 2022 Annual Meeting

The 2022 Annual Meeting will be held in Charlotte, North Carolina, October 18-20, 2022.

Response to Elise Medenbach regarding a refund request

The Board reviewed and approved a response from Ms. Kirk to Elise Medenbach regarding a refund request.

Response to Richard Bell regarding display of license

The Board reviewed and approved a response from Ms. Kirk to Richard Bell regarding display of license.

Review Final Contract and Agreement with IASI

The Board reviewed the final Contract and Agreement with IASI.

NEW BUSINESS

2021 Winter Newsletter

The Board reviewed and approved the 2021 Winter Newsletter and agreed to send it to all LMBTs and post on the Board’s website under the News and Announcements page.

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 17 at 11:00 a.m.

RECESS FOR LUNCH

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

RETURN TO OPEN SESSION

The Board returned to Open Session on February 17, 2022 at 1:00 p.m.

April Shumard

Ms. Turk reported Ms. Shumard’s Letter of Reprimand was approved.

Megan Arndt

Ms. Turk reported Ms. Arndt’s Consent Order was approved, pending a few amendments to be addressed with Ms. Arndt.

DISCIPLINARY HEARINGS

Alfonso Smith

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

Paul Thunstrom

The Board conducted a disciplinary hearing regarding allegations Mr. Thunstrom engaged in inappropriate sexual contact with clients during a massage and bodywork therapy sessions. Mr. Thunstrom 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 17, 2022 at 5:45 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 17, 2022 at 7:10 p.m.

Alfonso Smith

Ms. Turk reported the Board reviewed the evidence presented during Mr. Smith's hearing and was of the opinion there was not sufficient evidence that Mr. Smith engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Smith's complaint be dismissed.

Paul Thunstrom

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

OVERNIGHT RECESS

The Board recessed until February 18, 2022 at 9:00 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 18, 2022 at 9:00 a.m.

DISCIPLINARY HEARINGS

Brian Thompson

The Board conducted a disciplinary hearing regarding allegations Mr. Thompson practiced massage and bodywork therapy with an expired license. Mr. Thompson appeared for the hearing.

Justin Hromada

The Board conducted a disciplinary hearing regarding allegations Mr. Hromada engaged in inappropriate sexual contact with a client during massage and bodywork therapy sessions. Mr. Hromada 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 18, 2022 at 2:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 18, 2022 at 5:40 p.m.

Brian Thompson

Mr. Reeves reported the Board reviewed the evidence presented during Mr. Thompson's hearing and was of the opinion Mr. Thompson practiced massage and bodywork therapy with an expired license. The Board Ordered that Mr. Thompson be issued a conditional license, be placed on probation for one year, complete three hours of continuing education in NC law, rules and ethics, not violate the Board's Practice Act and Rules and Regulations and pay a civil penalty of \$1000 and disciplinary costs of \$500.

Justin Hromada

Ms. Turk reported the Board reviewed the evidence presented during Mr. Hromada's hearing and was of the opinion Mr. Hromada engaged in inappropriate contact and failed to deliver treatment that ensured the client's safety, comfort and privacy during a massage and bodywork therapy session. The Board Ordered that Mr. Hromada's license be placed on probation for one year, he complete six hours in roles and boundaries through FSMTB's REACH program and pay a civil penalty of \$750 and disciplinary costs of \$750.

Chun Yu Yu

Ms. Turk reported Ms. Yu's application will be denied due to not meeting the minimum education requirements required by Rule .0620.

Caitlin Lock

Ms. Turk reported Ms. Lock's application will be denied due to not meeting the minimum education requirements required by Rule .0620.

Haiyan Hong

Ms. Turk reported Ms. Hong will have the opportunity to appear before the Board at its April 2022 meeting.

Oleg Bosenko

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

Eugene Crofcheck

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

Estrella Hopkins

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

Sarah McAllister

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

Meeting with AMTA NC-Chapter to discuss establishment license process

Ms. Turk reported the Board will respond in writing regarding the establishment regulation and sole practitioner issues expressed by AMTA NC-Chapter.

2021-22 2nd 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 2nd quarter fiscal year 2021-2022.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 18, 2022 meeting was adjourned at 5:40 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer