



## NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue  
Suite 100  
Raleigh, NC 27612

### OPEN SESSION MINUTES

October 21, 2022; 10:00 a.m. – 12:50 p.m.; 5:40 p.m.

GlenLake One  
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 21, 2022 at 10:00 a.m.

#### MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Valory Hicks, Ms. Ella Price, Ms. Rachael Crawford, Ms. Tawanda Auston and Mr. Robert Reeves

#### MEMBERS ABSENT

Dr. Christopher Grubb

#### OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Marley Clausing, Assistant Administrative Director

#### CHAIR

Ms. Turk, Chair

#### RECORDING SECRETARY

Ms. Kirk

#### TAWANDA AUSTON

Ms. Turk welcomed Ms. Auston as the new establishment owner member of the Board appointed by Governor Roy Cooper. Ms. Turk administered the Oath of Office to Ms. Auston.

### **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 Southeastern College. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of August 18, 2022.

### **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 Consent Orders regarding: Miqueta Carter and Lauren Light for practicing prior to being licensed; Allison Nepaulsingh for practicing with an expired license; Charhonda Crawford and Sukruedee Fell for aiding and abetting unlicensed practice; Pil Chisholm for failing to ensure the safety and comfort of a client during a massage and bodywork therapy session.

There are no hearings scheduled for today.

Ms. Kirk reported:

#### **Licensee Report**

20,643 have been issued.  
9,917 active licenses.

#### **Renewal Report**

There are 5,392 licensees scheduled to renew for the 2023-2024 renewal period. 779 licensed expired December 31, 2020 and can renew by December 31, 2022. License renewal information was sent by email in July and October.

### **Establishment Report**

1,037 establishments have requested an application.  
484 establishments have submitted an application.  
270 establishment licenses have been issued.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Turk reported the Committee met October 12, 2022 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 the meeting with Merkle to review the database process in the Board office. Ms. Kirk informed the Committee that IT services is researching automation programs and will have additional information at a future committee meeting.

##### **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.

#### **Discussion on establishment licensure**

The Committee discussed progress on the establishment license process that began in July 2021 and reviewed draft emails to establishment license applicants and LMBTs regarding enforcement of the establishment license. The Committee made some changes to the emails and agreed to provide them to the full Board at the October meeting for review and approval. The Board agreed with the Committee's changes and recommended the emails be sent.

#### **Review email from Kristine Breidel regarding Avacen**

The Committee reviewed emails to and from Kristine Breidel regarding Avacen and agreed to discuss the device once she responds to the most recent email from the Board office.

#### **Review email from Jaime Hanisch regarding Piezowave2 therapy**

The Committee reviewed an email dated August 14, 2022 from Ms. Hanisch and agreed Piezowave2 therapy is not within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

#### **Review email from Angelo Zingaretti regarding shockwave therapy equipment**

The Committee reviewed an email dated September 6, 2022 from Mr. Zingaretti and agreed shockwave therapy equipment is not within the scope of practice of massage and bodywork therapy. The Board agreed with the Committee's recommendation.

**Review emails from Joanne regarding Rule .0516**

The Committee reviewed emails from Joanne regarding Rule .0516 and agreed a prescription from a nurse practitioner or physician assistant directly supervised by a licensed medical doctor is valid. The Board agreed with the Committee's recommendation.

**Review memorandum regarding training of employees in modalities**

The Committee reviewed a memorandum dated August 31, 2022 from Mr. Wilkins regarding on the job training of employees in modalities and agreed an employer needs to be an approved provider in order to provide that training to LMBT employees. The Board agreed with the Committee's recommendation.

**Review email from Cheryl Drake-Bowers regarding ScarWork™**

The Committee reviewed an email dated October 10, 2022 from Cheryl Drake-Bowers regarding ScarWork™ and agreed (1) self-treatment can be provided; (2) if training in this technique is being taught to LMBTs using this technique, the provider must be an approved provider as required by the Board; (3) the Board cannot answer questions regarding other professions; and (4) a question regarding teaching professionals must be addressed by the CE provider program. The Board agreed with the Committee's recommendation.

**Discussion regarding online CEs for license renewals submitted after 2023**

The Committee discussed online CEs for license renewals submitted in 2024 and all future renewals and agreed to require at least 12 in-classroom hours after the 2023 renewal period. The Board agreed with the Committee's recommendation.

**License Standards Committee**

Ms. Crawford reported the Committee met September 30, 2022 and discussed the matters set forth in the minutes of the Committee.

**School Approval Committee**

Ms. Warren reported the Committee met September 29, 2022 and discussed the matters set forth in the minutes of the Committee.

**Complaints on Southeastern College**

The Committee and Board staff have been reviewing complaints regarding the former Campus President and an instructor at Southeastern College. The Committee reviewed and discussed additional information provided by the college. The Committee agreed for Mr. Wilkins to request a meeting with representatives of Southeastern College to address additional questions following their last submittal.

**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. 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 2023 to discuss various massage and bodywork therapy school issues, online education and establishment licensure.

## **CLEAR**

### **a. 2022 Annual Meeting**

The 2022 Annual Educational Conference was held in Louisville, Kentucky, September 14-17, 2022. Ms. Price and Ms. Warren attended and reported on the conference.

### **b. 2023 Winter Symposium**

The 2023 Winter Symposium will be held in Savannah, Georgia, January 11, 2023.

### **c. 2023 International Congress**

The 2023 International Congress will be held in Dublin, Ireland, May 3-5, 2023.

### **d. 2023 Annual Meeting**

The 2023 Annual Educational Conference will be held in Salt Lake City, Utah, September 27-30, 2022.

## **FSMTB**

### **a. 2022 Annual Meeting**

The 2022 Annual Meeting was held in Charlotte, North Carolina, October 18-20, 2022. Ms. Price, Ms. Warren, Mr. Wilkins, Ms. Kirk and Ms. Clausing attended and reported on the conference.

### **b. New Resource to Combat Human Trafficking and Fraud in Higher Education**

The Board reviewed an email dated August 31, 2022 regarding a new resource to combat human trafficking and fraud in higher education.

**c. September and October 2022 In Touch Newsletters**

The Board reviewed emails dated September 1 and October 3, 2022, respectively, regarding the September and October “In Touch” newsletters.

**d. 2023 Nominating Committee notice**

The Board reviewed an email dated September 2, 2022 regarding the FSMTB seeking candidates for the 2023 Nominating Committee.

**Response from Steve Froneberger regarding infrared light therapy**

The Board reviewed an email from Mr. Froneberger regarding infrared light therapy.

**NC Human Trafficking Annual Conference**

The NC Human Trafficking Annual Conference was held in Raleigh, North Carolina, September 7-8, 2022. Ms. Kirk attended and reported on the conference.

**NEW BUSINESS**

**College of Wilmington – change of ownership**

The Board reviewed a request from College of Wilmington seeking temporary approval due to its change of ownership. Upon motion made, seconded and passed, the Board approved the College of Wilmington’s request for a 180-day temporary operating approval pursuant to Rule .0631(a).

**NC Massage School – change of ownership**

The Board reviewed a request from College of Wilmington seeking temporary approval during its change of ownership. Upon motion made, seconded and passed, the Board approved the NC Massage School’s request for a 180-day temporary operating approval pursuant to Rule .0631(a).

**Discussion on Board meeting schedule**

The Board discussed amending their Board and Committee meeting schedules to meet every month. The Board agreed committees may meet as frequently as they like when there are items on the agenda that need to be discussed. The Board also considered meeting in Closed Session during the off months to solely discuss and approve Consent Orders. Mr. Wilkins agreed to review the Administrative Procedures Act to determine if the Board can meet in Closed Session without also having an Open Session on that date.

**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 21, 2022 at 12:50 a.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on October 21, 2022 at 5:40 p.m.

#### **Miqueta Carter**

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

#### **Charhonda Crawford**

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

#### **Pil Chisholm**

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

#### **Sukruedee Fell**

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

#### **Lauren Light**

Ms. Turk reported Ms. Light's Consent Order was approved with an amendment requiring she complete six hours of continuing education in NC law, rules and ethics and take the jurisprudence learning exercise.

#### **Allison Nepaulsingh**

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

#### **Contract with M&M Consulting**

The Board reviewed and approved the contract with M&M Consulting.

#### **Interstate Massage Compact (IMPact)**

The Board had a full discussion on the FSMTB's interstate compact initiative through IMPact as reported on and discussed at the FSMTB annual meeting on Thursday, October 20, 2022. The Board agreed an interstate compact in the massage and bodywork therapy profession was not a good idea due to the illicit, unlicensed practices as well as human, sex and labor trafficking associated with illicit massage businesses. The Board agreed to write a letter to FSMTB expressing its concerns and asking that the FSMTB discuss the issue with member boards, including NCBMBT.

**2021-22 4<sup>th</sup> Quarter and 2022-23 1<sup>st</sup> Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC**

The Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 4<sup>th</sup> quarter fiscal year 2021-2022 and 1<sup>st</sup> quarter fiscal year 2022-2023.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the October 21, 2022 meeting was adjourned at 5:40 p.m.

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Ms. Kim Turk, Chair

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Ms. Kay Warren, Treasurer