



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

February 16, 2023; 10:00 a.m. – 11:15 a.m.; 1:00 p.m. – 2:20 p.m.; 6:00 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 February 16, 2023 at 10:00 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

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

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 December 8, 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: Jessenia Acevedo Quintana, Gregory Bumbarger and Zackery Clark for practicing massage and bodywork therapy with an expired license; Shelby Andrews for being found in the treatment room while under the influence of an intoxicating substance; Tracy Antoniou and Emanuel Greasamar for failing to ensure the safety and comfort of the client during a massage and bodywork therapy session; Jeffrey Grillo for making inappropriate comments during a massage and bodywork therapy session.

There is one hearing scheduled today for William Gross.

Ms. Kirk reported:

Licensee Report

20,895 have been issued.

9,407 active licenses.

Renewal Report

There are 5,392 licensees scheduled to renew for the 2023-2024 renewal period. 4,659 therapists have renewed. 4,508 therapists renewed online and 151 therapists renewed by mail. An online license renewal reminder was sent on December 20, 2022 and an expired license notice was sent on January 4, 2023.

Establishment Report

1,114 establishments have requested an application.
527 establishments have submitted an application.
395 establishment licenses have been issued.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met February 16, 2023, 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.

c. IMPact discussion

The Committee discussed the communication to and from the Board and FSMTB regarding IMPact.

Review waiver requests from establishment applicants and owners

The Committee reviewed and discussed waiver requests for the Letter of Reprimand with civil penalties and disciplinary costs to applicants that have not completed the application process and agreed to require the applicants comply with the Letter of Reprimand. The Board agreed with the Committee's recommendation.

Review email from Naasha McGann regarding ear seeding

The Committee reviewed an email dated January 9, 2023 from Naasha McGann regarding ear seeding and agreed it is within the scope of practice of massage and bodywork therapy to provide ear seeding so long as you are trained and competent and your training and competence has been demonstrated and documented. The Board agreed with the Committee's recommendation.

Review email from Carolyn Doe regarding display of license

The Committee reviewed emails from Carolyn Doe regarding displaying licenses and agreed the licenses should be on display for inspection by the public and should not be displayed in an electronic format. The Board agreed with the Committee's recommendation.

Review email from Nelson Chan regarding exercises

The Committee reviewed emails from Nelson Chan regarding exercises and agreed it is within the scope of practice of massage and bodywork therapy to provide and recommend exercises to clients so long as you are trained and competent and your training and competence has been demonstrated and documented. The Board agreed with the Committee's recommendation.

Review email from Jessica Baker regarding infrared light therapy

The Committee reviewed emails from Jessica Baker regarding infrared light therapy and agreed to continue reviewing and researching devices and provide guidance following a future meeting.

License Standards Committee

Ms. Crawford reported the Committee met February 14, 2023 and discussed the matters set forth in the minutes of the Committee.

Lisa Gerdus

Ms. Gerdus requested to appear before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

School Approval Committee

Ms. Warren reported the Committee met February 8, 2023 and discussed the matters set forth in the minutes of the Committee.

Complaints on Southeastern College

The Committee reviewed three complaints regarding the former Campus President and an instructor at Southeastern College. The Committee agreed to recommend to the Board that an action plan be provided which will be discussed during Closed Session.

Communications Committee

Ms. Warren informed the Board the 2022 Winter Newsletter was finalized. The Board reviewed and approved the 2022 Winter Newsletter and agreed to send it to all LMBTs and post on the Board's website under the News and Announcements page.

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. 2023 International Congress

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

b. 2023 Annual Meeting

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

FSMTB

a. 2023 Executive Summit

The 2023 Executive Summit will be held in Denver, Colorado, April 27-28, 2023.

b. 2023 Annual Meeting

The 2023 Annual Meeting will be held in San Diego, California, September 28-30, 2023.

Response to Jared Cooper regarding scope of practice

The Board reviewed and approved a response from Ms. Kirk to Mr. Cooper regarding scope of practice.

NEW BUSINESS

Email from Shelley Johnson regarding distance learning

The Board reviewed an email dated January 11, 2023 from Shelley Johnson regarding distance learning education. Upon motion made, seconded and passed, the Board agreed distance learning education cannot be approved pursuant to the requirements set forth in the Board's Practice Act and Rules and Regulations, specifically NCGS 90-629(4) and Rule .0636.

2022 Winter Newsletter

The 2022 Winter Newsletter was discussed during the Communications Committee report.

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 16, 2023 at 11:15 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 16, 2023 at 1:00 p.m.

Interstate Massage Compact (IMPact)

The Board discussed the interstate compact in the massage and bodywork therapy profession and agreed to send the correspondence sent to and from the Board and FSMTB to FSMTB's member boards and the Council of State Governments.

DISCIPLINARY HEARINGS

William Gross

The Board conducted a disciplinary hearing regarding allegations Mr. Gross engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Gross 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 16, 2023 at 2:20 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 16, 2023 at 6:00 p.m.

Lisa Gerdus

Ms. Turk reported Ms. Gerdus' application for a license will be denied pursuant to NCGS 90-633(9).

Jessenia Acevedo Quintana

Ms. Turk reported Ms. Acevedo Quintana's Consent Order was approved.

Shelby Andrews

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

Tracy Antoniou

Ms. Turk reported Ms. Antoniou's Consent Order was approved with amendments requiring three (3) continuing education hours and \$250 in disciplinary costs.

Gregory Bumbarger

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

Zackery Clark

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

Emanuel Greasamar

Ms. Turk reported Mr. Greasamar's Consent Order was approved with an amendment requiring six (6) continuing education hours in geriatric massage, stretching or joint mobilization.

Jeffrey Grillo

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

William Gross

Ms. Turk reported the Board reviewed the evidence presented during Mr. Gross' hearing and was of the opinion Mr. Gross failed to deliver treatment that ensured the client's safety, comfort and privacy during a massage and bodywork therapy session. Ms. Turk reported the Board Ordered that Mr. Gross' license be placed on probation for two years, he complete six (6) continuing education hours in roles, boundaries and communication and he pay a civil penalty of \$750 and costs of \$750.

Southeastern College

Email from Ronni Waldman regarding Board approval exemption

The Board reviewed an email dated February 7, 2023 regarding clarification on whether schools that are accredited by an agency recognized by the US Department of Education and licensed by the University of North Carolina Board of Governors are required to be approved and licensed by the Board. The Board agreed Southeastern College did not provide proof it's massage and bodywork therapy program is licensed by the North Carolina Community College system or the University of North Carolina Board of Governors and therefore does not meet the exemption.

Action Plan

The Board reviewed and approved an action plan for Southeastern College following review of complaints submitted to the Board.

2022-23 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 2022-2023.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 16, 2023 meeting was adjourned at 6:00 p.m.

Ms. Kim Turk, Chair

Ms. Kay Warren, Treasurer