



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

Mailing Address: PO Box 2539, Raleigh, NC 27602 Phone: 919.546.0050  
Location Address: 150 Fayetteville Street Mall, Suite 1900, Raleigh, NC 27601

### **OPEN SESSION MINUTES**

*April 21, 2016; 10:00 a.m. – 5:10 p.m.*

**Wells Fargo Capitol Center Building  
150 Fayetteville Street, 13<sup>th</sup> Floor Large Conference Room, Raleigh, NC 27601**

*"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 in Open Session in the offices of the Board on April 21, 2016 at 10:00 a.m.

#### **MEMBERS PRESENT**

Dr. Ed Preston, Ms. Renee Hays, Ms. Dianne Layden, Ms. Holly Foster, Ms. Kim Turk and Ms. Nancy Harrell

#### **MEMBERS ABSENT**

Ms. Melissa Smith

#### **OTHERS PRESENT**

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

#### **CHAIR**

Ms. Foster

#### **RECORDING SECRETARY**

Ms. Kirk

#### **CONFLICT OF INTEREST**

Ms. Foster 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 February 18, 2016.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

There are no rules pending before the Rules Review Commission.

The Board considered whether to amend Section .0600 of the Rules and Regulations of the Board to comply with United States Department of Education requirements that schools approved by the Board are postsecondary schools of higher education. Upon motion made, seconded and passed, the Board agreed to the suggested rule changes and to begin the rules review process with the Rules Review Commission.

#### **Status of Amendments to Practice Act**

There are no amendments to the Practice Act scheduled for consideration.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of complaints filed against David Freeman for engaging in inappropriate sexual activity during a massage and bodywork therapy session and Joshua Branam, Shaniqua Thorpe and Bryana Walker for practicing with expired licenses. The Board agreed to consider the proposed Letter of Reprimand and Consent Orders in Closed Session. There are three disciplinary hearings scheduled today.

Ms. Kirk reported:

#### **Licensee Report**

15,548 have been issued  
8,516 active licenses

#### **Renewal Report**

There are 3,757 licensees scheduled to renew for the 2016-2017 renewal period. 3,119 therapists have renewed. 2,177 therapists renewed online and 942 therapists renewed by mail. The routine Continuing Education Audit was completed in March 2016 for 200 therapists who renewed online. A confirmation email was sent on March 31, 2016 to the licensees that submitted

approved CEs. Nine licensees were contacted via email to provide additional information. Three licensees have not replied so a reminder email was sent to them on April 14, 2016.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Foster reported the Committee met April 20, 2016, and discussed the matters set forth in the minutes of the Committee.

#### **Continuing Education**

Ms. Foster reported the Committee discussed the NCBTMB and FSMTB continuing education collaboration.

#### **Chiropractic Board**

Ms. Foster reported the Committee discussed a complaint filed with the Board regarding chiropractic assistants practicing massage and bodywork therapy. Ms. Foster informed the Board that Mr. Wilkins agreed to send a letter to the Chiropractic Board addressing issues with chiropractors and chiropractic assistants and practicing massage and bodywork therapy.

#### **Request from Lisa Barr regarding IASI continuing education**

Ms. Foster reported the Committee discussed an email dated February 23, 2016 from Lisa Barr regarding putting information on the Board's website for continuing education required by IASI. Upon motion made, seconded and passed, the Board agreed not to include information on the Board's website regarding IASI continuing education.

#### **Request from Carly Fulton regarding Mayan abdominal massage (Arvigo)**

Ms. Foster reported the Committee discussed an email dated March 14, 2016 from Carly Fulton regarding Mayan abdominal massage (Arvigo). Upon motion made, seconded and passed, the Board agreed Mayan abdominal massage (Arvigo) is within the scope of practice of massage and bodywork therapy and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

#### **Request from Sarah Schuetz regarding Ortho-Bionomists**

Ms. Foster reported the Committee discussed an email dated March 18, 2016 from Sarah Schuetz regarding allowing Ortho-Bionomists to sit for the Massage and Bodywork Licensing Examination (MBLEx). Upon motion made, seconded and passed, the Board agreed that Ms. Schuetz should contact the Federation of State Massage Therapy Boards regarding taking the examination.

#### **Request from Marinda Grundlingh regarding Trigger Point Therapy**

Ms. Foster reported the Committee discussed an email dated March 21, 2016 from Marinda Grundlingh regarding Trigger Point Therapy. Upon motion made, seconded and passed, the Board agreed Trigger Point Therapy is within the scope of practice of massage and bodywork therapy and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

#### **Request from Sue Mac Arthur regarding reducing fees and CE hours for senior LMBTs**

Ms. Foster reported the Committee discussed an email dated February 25, 2016 from Sue Mac Arthur regarding consideration in reducing continuing education hours or fees for senior LMBTs. Upon motion made, seconded and passed, the Board agreed not to reduce continuing education hours or fees for senior LMBTs.

#### **Update on human trafficking issues**

Ms. Foster reported that Ms. Layden provided the Committee with an update on the work being completed by the Human Trafficking Commission, FSMTB Human Trafficking Task Force and the Polaris Project.

#### **FSMTB updates**

Ms. Foster reported the Committee discussed providing a resolution to FSMTB regarding the election process. Ms. Foster also provided an update on the FSMTB Strategic Planning meeting.

The Board discussed and agreed with the recommendations of the Policy Committee.

#### **License Standards Committee**

Ms. Layden reported the Committee met February 19, 2016, and discussed the matters set forth in the minutes of the Committee.

##### **KrishnaKamini**

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

##### **Hong Zhao**

Ms. Zhao appeared before the Board to appeal the decision by the License Standards Committee to require her take the TOEFL examination and meet the Board's minimum requirements.

##### **Mary Kleepa**

Ms. Kleepa appeared before the Board to appeal the decision by the License Standards Committee to require her to take the TOEFL examination and meet the Board's minimum requirements.

## **School Approval Committee**

Mr. Wilkins reported M&M Consulting has completed their review of the School Renewal Applications for the eleven schools required to renew this year. Five schools were required to submit additional information. Mr. Wilkins also reported the school surveys were emailed to current students, program graduates and employers/businesses for the eleven schools renewing. Due to fewer than normal submissions of the school surveys, another email will be sent to both the individuals and schools to encourage completion of the surveys.

## **Communications Committee**

No written report.

## **OLD BUSINESS**

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

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

### **2015 Strategic Planning Conference**

Ms. Foster reported on the 2015 Strategic Planning Conference held at the Rizzo Conference Center in Chapel Hill, North Carolina, January 30<sup>th</sup>-31<sup>st</sup>, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings.

### **CLEAR 2016/17 meetings**

The 2016 CLEAR Annual Educational Conference will be held in Portland, Oregon, September 14<sup>th</sup>-17<sup>th</sup>, 2016. The 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16<sup>th</sup>-17<sup>th</sup>, 2017.

### **FSMTB 2016 Annual meeting**

The 2016 FSMTB Annual meeting will be held in Cleveland, Ohio, October 6<sup>th</sup>-8<sup>th</sup>, 2016. Ms. Foster and Ms. Layden agreed to attend.

### **FARB 2016/17 meetings**

The 2016 FARB Regulatory Law Seminar will be held in Chicago, Illinois, September 29<sup>th</sup>-October 2<sup>nd</sup>, 2016. The 2017 FARB Forum will be held in San Antonio, Texas, January 26<sup>th</sup>-29<sup>th</sup>, 2017.

### **Response to Kymber Owens regarding Ayurvedic Massage**

The Board reviewed a response email from Mr. Wilkins to Kymber Owens regarding Ayurvedic Massage. Upon motion made, seconded and passed, the Board approved the response email therefore Abhyanga, Shirodhara and Marma Point Therapy will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

## **Review emails from Malcolm Macdonald – Jin Shin**

The Board reviewed several emails between Mr. Wilkins and Mr. Macdonald regarding whether Jin Shin is within the scope of practice of massage and bodywork therapy. Mr. Wilkins agreed to respond to Mr. Macdonald to inform him that Jin Shin is exempt from licensure pursuant to the Board's Guidelines.

Upon motion made, seconded and passed, the Board agreed to create an ad hoc committee including Nancy Harrell, Renee Hays and Kim Turk to review the list of exemptions and provide a report at the August 2016 Board meeting.

## **NEW BUSINESS**

### **Second Annual Occupational Licensing Agencies Best Practice Seminar**

The Board reviewed the agenda for The Second Annual Occupational Licensing Agencies Best Practice Seminar that took place at The North Carolina State Bar on April 12, 2016.

### **NCBTMB and FSMTB Joint Statement regarding CE Collaboration**

The Board reviewed an email dated March 25, 2016 from NCBTMB regarding the NCBTMB and FSMTB continuing education collaboration.

### **Question regarding Cymatherapy**

The Board reviewed an email dated March 24, 2016 from John Strand regarding cymatherapy and use of an AMI 750 Acoustic Meridian massage machine. The Board determined the frequency produced by the AMI 750 Acoustic Meridian massage machine, stated to be sound waves in the range of audible voice and music, is below the 1 MHz minimum threshold to be considered "Ultrasound" and its use is not prohibited as being outside the scope of massage and bodywork therapy practice by N.C.G.S. 90-623(d)(2). The Board further determined that the AMI 750 Acoustic Meridian massage machine does not come within the definition of massage and bodywork therapy as found in N.C.G.S. 90-622(3). Therefore the use of the machine is not prohibited as being outside the scope of massage and bodywork therapy practice nor is it included in the scope of practice of massage and bodywork therapy. Use of the machine is not regulated by this Board. Upon motion made, seconded and passed, cymatherapy and use of an AMI 750 Acoustic Meridian massage machine, as described by Mr. Strand, is not within the scope of practice of massage and bodywork therapy.

## **PUBLIC COMMENT**

The Board received comments from the public.

## **RECESS FOR LUNCH**

The Board recessed for lunch at 12:30 p.m.

## **RETURN TO OPEN SESSION**

The Board returned to Open Session at 1:15 p.m.

### **DISCIPLINARY HEARINGS**

#### **Rashawn Bowman**

The Board conducted a disciplinary hearing regarding allegations Mr. Bowman engaged in inappropriate sexual activity with a client during a massage and bodywork therapy session. Mr. Bowman appeared and testified.

#### **Cecilia Hatley**

The Board conducted a disciplinary hearing regarding allegations Ms. Hatley practiced massage and bodywork therapy with an expired license. Ms. Hatley did not appear.

#### **QiuYing Liang**

The Board conducted a disciplinary hearing regarding allegations Ms. Liang aided and abetted illegal massage and bodywork therapy activity. Ms. Liang appeared and testified.

### **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 at 3:10 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session at 5:10 p.m.

#### **KrishnaKamini**

The Board reported it affirmed the decision of the LSC and Krishna Kamini's application will be denied and reconsidered when she graduates from a Board approved school.

#### **Hong Zhao**

The Board reported it affirmed the decision of the LSC and Ms. Zhao will be required to take the TOEFL examination and meet the minimum requirements approved by the Board.

#### **Mary Kleepa**

The Board reported Board staff agreed to contact her attorney to gather more information pertaining to her proficiency in the English language.

#### **David Freeman**

The Board reported Mr. Freeman's signed Letter of Reprimand was approved.

**Joshua Branam**

The Board reported Mr. Branam’s signed Consent Order was approved.

**Shaniqua Thorpe**

The Board reported Ms. Thorpe’s signed Consent Order was approved.

**Bryana Walker**

The Board reported Ms. Walker’s signed Consent Order was approved.

**Rashawn Bowman**

Ms. Foster reported the Board reviewed the evidence presented during Mr. Bowman’s hearing and was of the opinion Mr. Bowman engaged in inappropriate sexual activity with a client in violation of Rule .0509. The Board Ordered that Mr. Bowman’s license be revoked and that he pay a civil penalty of \$1000 and costs of \$500.

**Cecilia Hatley**

Ms. Foster reported the Board reviewed the evidence presented during Ms. Hatley’s hearing and was of the opinion Ms. Hatley practiced massage and bodywork therapy with an expired license. The Board Ordered that Ms. Hatley will be required to pay a civil penalty of \$1000 and costs of \$500 and will be issued a conditional license once the civil penalty and costs are received.

**QiuYing Liang**

Ms. Foster reported the Board reviewed the evidence presented during Ms. Liang’s hearing and was of the opinion Ms. Liang aided and abetted illegal massage and bodywork therapy activity by allowing her husband, an unlicensed person, to practice massage and bodywork therapy in her business. The Board Ordered that Ms. Liang’s license be revoked and that she pay a civil penalty of \$1000 and costs of \$500.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 5:10 p.m.

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Ms. Holly Foster, Chair

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Ms. Nancy Harrell, Treasurer