



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 1910, Raleigh, NC 27601

OPEN SESSION MINUTES

December 15, 2016; 10:00 a.m. – 4:55 p.m.

**Wells Fargo Capitol Center Building
150 Fayetteville Street, 13th 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 December 15, 2016 at 10:00 a.m.

MEMBERS PRESENT

Ms. Dianne Layden, Ms. Holly Foster, Ms. Kim Turk, Ms. Melissa Smith, Ms. Renee Hays and Ms. Nancy Harrell

MEMBERS ABSENT

Dr. Tim Taft

OTHERS PRESENT

Mr. Charles Wilkins, 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. Ms. Harrell recused herself from discussion on Sharnee Pierre. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of October 20, 2016 and November 21, 2016.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The Board held a hearing on Rule .0504, .0601, .0602, .0618, .0620, .0623, .0628, .0629, .0630, .0903 and .0906. The Board did not receive public comment at the hearing. Written comments must be received by January 17, 2017. The Board will complete the rules review process with a projected effective date of April 1, 2017.

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 Stephen Howe for improper draping and failing to obtain written consent during a massage and bodywork therapy session; Sharnee Pierre for failing to review the client's intake form; Russell Stamey for failing to obtain written consent and provide documentation to a client during a massage and bodywork therapy session; Stacy Striks for failing to take, sign and correctly complete intake forms and SOAP notes; and Brandy Wolfe for failing to notify the Board of criminal charges and conviction. The Board agreed to consider the proposed Letters of Reprimand and Consent Orders in Closed Session. There are four disciplinary hearings scheduled today involving seven licensees. Two hearings are postponed to the February 2017 meeting and two hearings, involving five licensees, were finalized with Consent Orders and Orders for Conditional Licenses.

Ms. Kirk reported:

Licensee Report

16,105 have been issued
9,176 active licenses

Renewal Report

There are 5,019 licensees scheduled to renew for the 2017-2018 renewal period. 751 licenses expired on December 31, 2014 and can renew by December 31, 2016. 3,712 therapists have renewed. 2,665 therapists renewed online and 1,047 therapists renewed by mail. An online renewal reminder email will be sent this month prior to the expiration of their license.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met December 14, 2016, and discussed the matters set forth in the minutes of the Committee.

Continuing Education

Ms. Foster reported the Committee discussed the progress of the FSMTB continuing education program and will develop criteria for continuing education.

FSMTB Regulatory Education and Competence Hub (REACH) program

Ms. Foster reported the Committee discussed the REACH program and agreed the Board should review a list of courses that should be developed by the REACH program for licensees facing disciplinary action with the Board.

Live Scan fingerprints for initial and renewal background checks

Ms. Foster reported the Board is using live scan fingerprinting for initial background checks. Ms. Foster also reported the NC SBI will have to initiate a change in legislation to obtain criminal background checks on a continual basis for licensees.

Appearance of license

Ms. Foster reported the Committee discussed the appearance of the license issued during license renewals. Board staff agreed to review the price to mail original licenses for license renewals.

Meeting with the Human Trafficking Commission

Ms. Foster reported Board staff met and presented to the Human Trafficking Commission. Mr. Wilkins reported on the presentation he and Mike Longmire, investigator for the Board, made to the Commission and the discussion with representatives from Homeland Security and Alcohol Law Enforcement.

Requirement to complete JP exam – Board Orders

Ms. Foster reported the Committee discussed the requirement to complete the jurisprudence exam for Board Orders issued following the November 21, 2016 Closed Session.

Newly elected Governor – effects on OLBs

Ms. Foster reported the Committee discussed the effects on occupational licensing boards due to the newly elected Governor in North Carolina.

Discussion on license portability

Ms. Foster reported the Committee discussed license portability for members of the military and military spouses.

License Standards Committee

Ms. Layden reported the Committee met October 21, 2016, and discussed the matters set forth in the minutes of the Committee.

Jinxiang Dou

Ms. Dou did not appear before the Board but her attorney requested a continuance for the February 2017 meeting.

Gina Selman

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

School Approval Committee

Ms. Hays reported the Committee met December 12, 2016, and discussed the matters set forth in the minutes of the Committee.

Southeastern Institute – Application for Approval of Additional Program

Ms. Hays reported the Southeastern Institute application for approval of additional program has been reviewed and recommends the application be approved. Upon motion made, seconded and passed, the Board agreed the Southeastern Institute application for approval of additional program be approved for one year.

2017 School Renewals

Ms. Hays reported the Committee reviewed the list of schools required to renew for the 2017-18 renewal period.

Communications Committee

Ms. Harrell reported the Committee has not met but will schedule a Committee meeting to discuss the 2016 Winter Newsletter.

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 30th-31st, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings.

CLEAR 2017 meetings

The 2017 Winter Symposium will be held in St. Petersburg, Florida, January 11, 2017, the 2017 Annual Education Conference will be held in Denver, Colorado, September 13th-16th, 2017 and the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16th-17th, 2017.

FSMTB 2017 Annual meeting

The 2017 FSMTB Annual meeting will be held in Tampa, Florida, September 29th-30th, 2017.

Response to Tae Hoover regarding Thai Yoga Therapy

The Board reviewed and agreed with the response by Ms. Kirk to Tae Hoover regarding Thai Yoga Therapy.

Email from Jolie Zhou-Hoff regarding Gua Sha and Moxibustion

The Board reviewed emails dated September 13, 2016 and November 9, 2016, respectively, from Jolie Zhou-Hoff regarding Gua Sha and Moxibustion. Upon motion made, seconded and passed, the Board agreed Gua Sha is within scope of massage and bodywork therapy and requires a LMBT license and will be added to the 'List of Modalities Requiring Licensure' on the Board's website. Upon motion made, seconded and passed, the Board agreed Moxibustion is not within the scope of massage and bodywork therapy and an individual should contact the North Carolina Acupuncture Licensing Board regarding this modality.

NEW BUSINESS

Email regarding Thai Yoga/Thai Yoga Stretch

The Board reviewed an email dated November 28, 2016 from Lauren regarding Thai Yoga and Thai Yoga Stretch. Upon motion made, seconded and passed, the Board agreed Thai Yoga and Thai Yoga Stretch is within the scope of massage and bodywork therapy and requires a LMBT license and will be added to the 'List of Modalities Requiring Licensure' on the Board's website.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:50 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session at 1:00 p.m.

DISCIPLINARY HEARINGS

There are four disciplinary hearings scheduled today involving seven licensees. Two hearings are postponed to the February 2017 meeting and two hearings, involving five licensees, were finalized with Consent Orders and Orders for Conditional Licenses.

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 December 15, 2016 at 2:05 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 15, 2016 at 4:55 p.m.

Kyle Wright

The Board reported it will send Mr. Wright a proposed Consent Order requiring he be placed on probation for five years, not teach in a North Carolina Board approved massage therapy program or provide continuing education courses, pay a civil penalty of \$1000 and pay disciplinary costs of \$500.

Jinxiang Dou

The Board reported Ms. Dou will appear at the February 2017 Board meeting.

Gina Selman

The Board reported it affirmed the decision of the LSC and Ms. Selman will be required to graduate from a NC Board approved school.

Stephen Howe

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

Sharnee Pierre

The Board reported Ms. Pierre's signed Letter of Reprimand was approved.

Russ Stamey

The Board reported Mr. Stamey's signed Consent Order was approved.

Stacy Striks

The Board reported Ms. Striks's signed Consent Order was approved.

Brandy Wolfe

The Board reported Ms. Wolfe's signed Consent Order was approved.

Joey Diaz

Ms. Foster reported Mr. Diaz's hearing will be postponed to the February 2017 Board meeting.

Jinpeng Wu

Ms. Foster reported Mr. Wu's hearing will be postponed to the February 2017 Board meeting.

Xiaodi Fehler

The Board reported Ms. Fehler's Order for Conditional License was approved.

Latoria Chamblee

The Board reported Ms. Chamblee's Order for Conditional License was approved.

Vickie Warren

The Board reported Ms. Warren's Order for Conditional License was approved.

Lixia Zhang

The Board reported Ms. Zhang's Consent Order was approved.

Fulong Ma

The Board reported Mr. Ma's Consent Order was approved.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 4:55 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer