



## **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**

*April 20, 2017; 10:00 a.m. – 5:05 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 20, 2017 at 10:00 a.m.

#### **MEMBERS PRESENT**

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

#### **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 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. Smith recused herself from discussion on Mr. Nolasco. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of February 16, 2017.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

The Board began the rules process in October 2016 for Rule .0504, .0601, .0602, .0618, .0620, .0620, .0623, .0628, .0629, .0630, .0903 and .0906. The rules were sent to the Office of Administrative Hearings and were published in the NC Register. The Board did not receive any public comment at the hearing and did not receive any written comment by January 17, 2017. The Board approved Rule .0504, .0601, .0602, .0618, .0620, .0623, .0628, .0629, .0630, .0903 and .0906 at their February 16, 2017 meeting. The Rules Review Commission met on March 16, 2017 and approved Rule .0504, .0601, .0602, .0618, .0620, .0623, .0628, .0629 and .0630, which became effective April 1, 2017, and objected to Rule .0903 and .0906. Upon motion made, seconded and passed, the Board agreed to withdraw Rules .0903 and .0906.

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

Mr. Wilkins informed the Board there are two bills, Senate Bill 548 and House Bill 451, being considered at the North Carolina Legislature addressing the regulation of massage and bodywork therapy establishments

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of complaints filed against Katrina Rogers and Virgil Rogers for failing to notify the Board of criminal charges; Sterling Beck for failing to obtain written consent from his client; Clara Call for practicing massage and bodywork therapy with an expired license; Chutikan Hoover for aiding and abetting the unlicensed practice of massage and bodywork therapy at her place of business; Hong Huang for practicing massage and bodywork therapy prior to the issuance of her license; Hai Lin for aiding and abetting the unlicensed practice of massage and bodywork therapy at his place of business; Kenny Nolasco for engaging in inappropriate sexual contact with a client; and Terrie Robinson for practicing massage and bodywork therapy with an expired license. The Board agreed to consider the proposed Letter of Reprimands and Consent Orders in Closed Session. There are two disciplinary hearing scheduled today. Two hearings have been postponed to the June 2017 Board meeting.

Ms. Kirk reported:

## **Licensee Report**

16,346 have been issued  
8,614 active licenses

## **Renewal Report**

There are 5,019 licensees scheduled to renew for the 2017-2018 renewal period. 4,261 therapists have renewed. 2,922 therapists renewed online and 1,339 therapists renewed by mail. The routine Continuing Education Audit was completed in March 2017 for 200 therapists who renewed online. A confirmation email was sent on April 6, 2017 to the licensees that submitted approved CEs. Eight licensees were contacted via email to provide additional information. Six licensees have not replied so a reminder email was sent to them on April 12, 2017.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Foster reported the Committee met April 19, 2017, 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. Upon motion made, seconded and passed, the Board agreed the changes to continuing education will begin no earlier than August 1, 2019 for those licensees whose licenses expire December 31, 2021 and have to renew their license by November 1, 2021.

### **FSMTB**

#### **a. Regulatory Education and Competence Hub (REACH) program**

Ms. Foster reported the Committee discussed the REACH program and recommended to the Board that Board staff submit a course request for new Board member training, human trafficking, treatment planning, intake, boundaries and substance abuse.

#### **b. Executive Director Summit**

Ms. Kirk attended the Executive Director Summit in Kansas City, MO on March 30<sup>th</sup>-31<sup>st</sup>, 2017.

### **NC Human Trafficking Commission updates**

Ms. Foster reported the Committee discussed the updates from the Human Trafficking Commission.

### **Email from NC SBI regarding background checks**

Ms. Foster reported the NC SBI is in the process of obtaining legislation to allow for continuous background checks and the ability to notify agencies of criminal activity.

### **NCBTMB Roundtable Meeting**

Ms. Foster reported that she attended the NCBTMB Roundtable meeting provided for continuing education providers and massage educators.

### **Complaint and response from Durham Wellness Spa**

Ms. Foster reported the Committee reviewed a complaint and response from an attorney for Durham Wellness Spa regarding machine/technology based massage and bodywork therapy services. Mr. Wilkins will respond to the attorney.

### **Discussion on scanning/shredding licensure files**

Ms. Foster reported the Committee discussed scanning and shredding of licensure files. Upon motion made, seconded and passed, the Board agreed to proceed with a contract with The File Depot to scan and shred all licensure files with an anticipated expenditure for the remainder of this fiscal year of \$20,000.

### **Email from Paul Thompson regarding Rule .0504**

Ms. Foster reported the Committee discussed an email dated April 7, 2017 from Paul Thompson regarding Rule .0504 and agreed intake forms and documentation are required for chair massage events.

## **License Standards Committee**

Ms. Layden reported the Committee met February 17, 2017, and discussed the matters set forth in the minutes of the Committee.

### **Jinxiang Dou**

Ms. Dou's attorney requested and was granted a continuance to the June 2017 meeting.

## **School Approval Committee**

No written report.

## **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. Mr. Wilkins contacted the Rizzo Conference Center and the 2018 Strategic Planning Conference is scheduled for January 19<sup>th</sup>-21<sup>st</sup>, 2018.

### **CLEAR 2017 meetings**

The 2017 Annual Education Conference will be held in Denver, Colorado, September 13<sup>th</sup>-16<sup>th</sup>, 2017, the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16<sup>th</sup>-17<sup>th</sup>, 2017 and the 2018 Winter Symposium will be held in Scottsdale, Arizona, January 10<sup>th</sup>, 2018.

### **FSMTB**

#### **a. 2017 Annual meeting**

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

#### **b. April 2017 In Touch Newsletter**

The Board reviewed the April 2017 In Touch Newsletter.

#### **c. REACH courses**

The Board discussed requesting courses through FSMTB's REACH program.

### **Response to Pamela Bronson regarding Lomi Lomi**

The Board reviewed and agreed with the response by Ms. Kirk to Pamela Bronson regarding Lomi Lomi.

## **NEW BUSINESS**

### **Rick Rosen to address Board regarding rules proposal and rationale statement**

Mr. Rosen addressed the Board regarding his rules proposal and rationale statement for continuing education requirements for license renewal.

### **Coalition of Massage & Bodywork CE Instructors to address Board regarding CE contract**

Ms. Toner Weinberger addressed the Board on behalf of the Coalition of Massage & Bodywork CE Instructors regarding a proposal for the Board to contract with NCBTMB as an entity to approve CE providers.

### **Third Annual Licensing Agencies Best Practices Seminar**

The Third Annual Licensing Agencies Best Practices Seminar will be held at the NC State Bar in Raleigh, NC, April 25<sup>th</sup>, 2017. Mr. Wilkins, Mr. Thompson, Ms. Kirk, Ms. Lancaster and Ms. Layden will be attending the seminar.

### **Citizen Advocacy Center 2017 membership**

The Board reviewed an email dated March 6, 2017 from Steven Papier at the Citizen Advocacy Center regarding membership for 2017. Upon motion made, seconded and passed, the Board agreed not to renew the CAC membership.

### **Email from Dr. Jack Weber regarding continuing medical education**

The Board reviewed an email dated March 29, 2017 from Dr. Jack Weber regarding medical continuing education. Upon motion made, seconded and passed, the Board agreed the continuing education must meet the requirements set forth in Section .0700 of the Rules and Regulations of the Board.

### **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 on April 20, 2017 at 1:15 p.m.

### **DISCIPLINARY HEARINGS**

#### **Yuan Zhang**

The Board conducted a disciplinary hearing regarding allegations of aiding and abetting illegal massage and bodywork therapy activity at her place of business. Ms. Zhang did not appear for the hearing.

#### **Brandy Wolfe**

The Board conducted a disciplinary hearing regarding failure to report to the Board criminal charges pursuant to Rule .0515. Ms. Wolfe 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 April 20, 2017 at 3:10 p.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on April 20, 2017 at 5:05 p.m.

**Yinqing Monast**

The Board reported Ms. Monast will be required to reapply for a license to practice massage and bodywork therapy.

**Katrina Rogers**

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

**Virgil Rogers**

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

**Sterling Beck**

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

**Clara Call**

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

**Chutikan Hoover**

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

**Hong Huang**

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

**Hai Lin**

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

**Kenny Nolasco**

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

**Terrie Robinson**

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

**Yuan Zhang**

Ms. Foster reported the Board reviewed the evidence during Ms. Zhang's hearing and was of the opinion Ms. Zhang aided and abetted illegal massage and bodywork therapy in her place of business. The Board

Ordered that Ms. Zhang's license be revoked and that she pay a civil penalty of \$1000 and costs of \$500. Upon return to the Board office, following the Board meeting, Board staff received mail from Ms. Zhang that contained signed Consent Order and payment of the civil penalty and disciplinary costs to finalize the disciplinary action.

**Brandy Wolfe**

Ms. Foster reported the Board reviewed the evidence during Ms. Wolfe's hearing and was of the opinion Ms. Wolfe failed to report criminal charges pursuant to Rule .0515. Based on this violation and prior disciplinary matters, including a previous Consent Order and two previous Letters of Reprimand, the Board Ordered that Ms. Wolfe'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 5:05 p.m.

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Ms. Holly Foster, Chair

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Ms. Dianne Layden, Treasurer