



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 14, 2017; 10:00 a.m. – 6:15 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 October 19, 2017 at 10:10 a.m.

MEMBERS PRESENT

Ms. Dianne Layden, Ms. Holly Foster, Ms. Renee Hays, Ms. Nancy Harrell, Ms. Kim Turk, Ms. Rachael Goolsby 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 Arnette, 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 October 19, 2017.

TREASURER'S REPORT

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

2016-17 FINANCIAL AUDIT

The 2016-17 Financial Audit was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

Mr. Wilkins informed the Board a draft of establishment regulation rules has been developed, sent to the Rules Review Commission attorneys and will be provided to the Board for approval at the February 2018 Board meeting.

Status of Amendments to Practice Act

There are no amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Deborah Emerson and Jessica Heroux for practice massage and bodywork therapy without a current license; Russell Shumate for engaging in inappropriate sexual contact with a client; and Han Wang for aiding and abetting illegal massage and bodywork therapy practice. There are five disciplinary hearings scheduled for today but two hearings have been postponed to February 2018.

Ms. Kirk reported:

Licensee Report

16,945 have been issued
9,353 active licenses

Renewal Report

There are 4,017 licensees scheduled to renew for the 2018-2019 renewal period. 598 licenses expired December 31, 2015 and can renew by December 31, 2017. 2,922 therapists have renewed. 2,300 therapists renewed online and 622 therapists renewed by mail. An online

license renewal reminder will be sent notifying licensees that their license will expire December 31, 2017.

Online Application Report

Ms. Kirk informed the Board that Board staff has the online application for testing purposes which will be reviewed by the end of the year by both Board staff and IT services.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met December 13, 2017 and discussed the matters set forth in the minutes of the Committee.

Continuing Education

The Committee agreed to continue discussion on standards for continuing education for various entities and follow the progress on the FSMTB continuing education program. This topic is currently on the agenda for the 2018 Strategic Planning Conference.

FSMTB

a. Regulatory Education and Competence Hub (REACH) program

The Committee discussed the REACH program. Ms. Harrell and Ms. Foster received an email from FSMTB with a draft video for the treatment planning/intake course set to be available in June 2018.

b. AMTA and ABMP response to FSMTB HT report

The Committee reviewed the AMTA and ABMP response to FSMTB HT report.

Discussion on Reflexology

The Committee reviewed the history of the reflexology exemption and agreed to keep this topic on the agenda for future discussion.

Discussion on Massage Envy

a. Review Email from Kim Moore

The Committee reviewed an email from Kim Moore, dated November 29, 2017, regarding talking points for LMBTs regarding social and news media.

Review letter and email from Kay Warren

The Committee reviewed an email from Kay Warren, dated November 21, 2017, regarding various issues for review by the Board in future discussion.

Request from IASI regarding CE contract

The Committee reviewed an email from Beth Burgin, on behalf of Structural Integrators and IASI, requesting the Board to contract with IASI to approve their continuing education. Mr. Wilkins will be providing a response to the request from IASI.

License Standards Committee

Ms. Layden reported the Committee met October 20, 2017, and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Hays reported the Committee met December 14, 2017 and discussed the matters set forth in the minutes of the Committee.

2018 School Renewals

The Committee reviewed the list of schools required to renew in 2018, which are due March 1, 2018:

1. Carolina Massage Institute
2. Gwinnett College
3. Maiden School of Massage and Bodywork
4. Miller-Motte College – Cary
5. Miller-Motte College – Fayetteville
6. North Carolina School of Advanced Bodywork, Inc.
7. Southeastern Institute
8. Therapeutic Massage Training Institute
9. Western North Carolina School of Massage

Review letter to Delta Career Education Corporation and STVT-AAI Education, Inc. regarding temporary approval of Miller Motte Colleges in NC

The Committee reviewed letters between Mr. Wilkins and Delta Career Education Corporation and STVT-AAI Education, Inc. regarding change of ownership for Miller-Motte, Cary, Miller-Motte, Fayetteville and Miller-Motte, Wilmington. Upon motion made, seconded and passed, the Board agreed the new owner shall be issued temporary operating approval for a period of up to 180 days.

Site visits and summaries

The Committee reviewed site visit summaries for Asheville School of Massage & Yoga, Center for Massage and Natural Health, Western North Carolina School of Massage and the North Carolina School of Advanced Bodywork, Inc.

Communications Committee

Ms. Turk reported the Committee met December 11, 2017, and discussed the matters set forth in the minutes of the Committee.

Reactive website

The Committee discussed the progress on the reactive website and agreed to continue discussion on this topic.

2017 Newsletter

The Committee discussed the 2017 Winter Newsletter and agreed to include articles on the new Board member, a message from the Chair, establishment regulation, human trafficking, FSMTB REACH courses, reminders and updates from the Board and the disciplinary actions taken in 2017.

JP exam review

The Committee discussed reviewing the jurisprudence exam questions to provide updates, changes and additions to the exam.

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 the 2018 Strategic Planning Conference is scheduled for January 19-21, 2018. The Board will be discussing continuing education, licensures of massage and bodywork therapy establishments and the appearance of the license.

CLEAR 2017 meetings

The 2018 Winter Symposium will be held in Scottsdale, Arizona, January 10, 2018 and the 2018 Annual Educational Conference will be held in Philadelphia, Pennsylvania, September 26-29, 2018.

FSMTB

a. 2018 Annual meeting

The 2018 FSMTB Annual meeting will be held in Salt Lake City, Utah, October 4-6, 2018.

b. Texas Litigation to protect MBLEx

The Board reviewed an email dated October 23, 2017 regarding litigation in Texas to protect the integrity of the MBLEx.

c. November and December “In Touch” Newsletters

The Board reviewed the November and December “In Touch” Newsletters.

d. Human Trafficking Task Force Report

The Board reviewed an email dated November 3, 2017 regarding the FSMTB Human Trafficking Task Force Report.

Response to Mitch Armbruster regarding stretch services

The Board reviewed the response by Mr. Wilkins to Mitch Armbruster regarding stretch services and informed the Board this issue will be reviewed at the February 2018 meeting.

NEW BUSINESS

Memorandum from the Department of Natural and Cultural Resources

The Board reviewed the memorandum from the Department of Natural and Cultural Resources regarding records retention and disposition schedule. Upon motion made, seconded and passed, the Board agreed to sign the memorandum and develop a retention and disposition schedule with the Department.

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 December 14, 2017 at 11:45 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 14, 2017 at 1:00 p.m.

Deborah Emerson

The Board reported Ms. Emerson’s Consent Order was approved.

Jessica Heroux

The Board reported Ms. Heroux’s Consent Order was approved.

Russell Shumate

The Board reported Mr. Shumate’s Consent Order was approved when received signed by Mr. Shumate.

Han Wang

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

Tina Cao

The Board reported Ms. Cao's hearing will be postponed to the February 2018 meeting.

Hong Jiang Cao

The Board reported Mr. Cao's hearing will be postponed to the February 2018 meeting.

DISCIPLINARY HEARINGS

Elvin Fields

The Board conducted a disciplinary hearing regarding allegations of inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Fields appeared for the hearing.

Jiayu Shelton

The Board conducted a disciplinary hearing regarding allegations of aiding and abetting illegal massage and bodywork therapy at her places of business. Ms. Shelton appeared for the hearing with her attorney.

Russell Sanders

The Board conducted a disciplinary hearing regarding allegations of inappropriate sexual contact with clients during massage and bodywork therapy sessions. Mr. Sanders did not appear 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 December 14, 2017 at 5:10 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on December 14, 2017 at 6:15 p.m.

Elvin Fields

Ms. Foster reported the Board reviewed the evidence presented during Mr. Field's hearing and was of the opinion there was not sufficient evidence to prove Mr. Fields violated the Practice Act or Rules and Regulations. The Board Ordered that Mr. Fields not be disciplined and the complaint be dismissed.

Jiayu Shelton

Ms. Foster reported the Board reviewed the evidence presented during Ms. Shelton's hearing and was of the opinion Ms. Shelton aided and abetted the practice of illegal massage and bodywork therapy. The Board Ordered that Ms. Shelton's license be revoked and that she pay a civil penalty of \$1000 and disciplinary costs of \$1000.

Russell Sanders

Ms. Foster reported the Board reviewed the evidence presented during Mr. Sanders' hearing and was of the opinion Mr. Sanders engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions. The Board Ordered that Mr. Sanders' license be revoked and that he pay a civil penalty of \$2000 and disciplinary costs of \$1000.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 6:15 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer