



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

June 15, 2017; 10:00 a.m. – 8:30 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 June 15, 2017 at 10:05 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Kim Turk

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. Inch. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of April 20, 2017.

TREASURER'S REPORT

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

2017-18 BUDGET

The 2017-18 Budget was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

There are no rules being considered at the Rules Review Commission.

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 Geneska Dawson, Angela Penland and Ryan Robinson for practicing massage and bodywork therapy with an expired license; Maranda Langley for failing to comply with gift certificates issued by her place of business; and Kyra Russell for aiding and abetting illegal massage and bodywork therapy. There are three disciplinary hearings scheduled today.

Ms. Kirk reported:

Licensee Report

16,497 have been issued
8,808 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. Online license renewal information will be sent by email in July. 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. All therapists have complied with the audit.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met June 13, 2017, via conference call, and discussed the matters set forth in the minutes of the Committee.

Continuing Education

The Committee discussed the progress of the FSMTB continuing education program and will develop criteria for continuing education.

FSMTB

a. Regulatory Education and Competence Hub (REACH) program

The Committee discussed the REACH program and recommended to the Board that Board staff submit a course request on treatment planning/intake to use as a base example for future submissions.

b. Delegate discussion

The Committee discussed having a Board staff member as the Board's delegate for the FSMTB Annual meeting. Upon motion made, seconded and passed, the Board nominated Ms. Kirk as the Board delegate. Ms. Foster and Ms. Layden agreed to attend.

c. MLTD Database

The Committee discussed the email dated June 8, 2017 from FSMTB regarding the Massage Therapy Licensing Database.

NC Human Trafficking Commission updates

The Committee discussed the updates from the Human Trafficking Commission.

Email from Paul Thompson regarding Rule .0504

The Committee discussed an email dated April 21, 2017 and May 18, 2017 from Paul Thompson regarding Rule .0504 and agreed intake forms and documentation are required for chair massage events whether they are being offered free of charge or for a fee or "other consideration". The Board reviewed an example intake form and agreed this form is sufficient but other forms may be used and also sufficient.

Complaint and response from Durham Wellness Spa

The Committee reviewed a complaint on Durham Wellness Spa in addition to a response from their attorney as well as a response from Mr. Wilkins to their attorney regarding machine/technology based massage and bodywork therapy services.

Request from Jessica Mark regarding Ortho-Bionomy

The Committee reviewed emails dated May 1, 2017 and May 3, 2017 from Jessica Mark regarding Ortho-Bionomy and agreed to provide her with the requirements for becoming a NC Board approved massage and bodywork therapy school.

License Standards Committee

Ms. Layden reported the Committee met April 21, 2017, and discussed the matters set forth in the minutes of the Committee.

Raquel Ortega

Ms. Ortega did not appear before the Board but submitted a written statement. The Board agreed her file should be reviewed by the License Standards Committee.

Helen Zhou

Ms. Zhou appeared before the Board to appeal the decision of the License Standards Committee to deny her application for a license. The Board agreed her file should again be reviewed by the License Standards Committee.

School Approval Committee

Ms. Hays reported the Committee met June 12, 2017, via conference call, and discussed the matters set forth in the minutes of the Committee.

2017 Renewals

The Committee reviewed the 2017 renewals received from the sixteen schools required to renew this year along with the summaries and survey reports produced by M&M Consulting. Upon motion made, seconded and passed, the Board approved the following schools for one or two years as designated:

1. American and European Massage Clinic, Inc. - approved for 2 years
2. Asheville School of Massage & Yoga - approved for 2 years
3. Asheville School of Massage & Yoga – 500 hour additional program - approved for 2 years
4. Carolina Massage Institute – approved for 1 year
5. Center for Massage & Natural Health – approved for 2 years
6. College of Wilmington - approved for 2 years
7. Gwinnett College – approved for 1 year
8. Kneaded Energy School of Massage – approved for 2 years
9. Living Arts Institute – approved for 2 years
10. Miller-Motte College of Fayetteville – approval pending; letter addressing pending issues

10. Miller-Motte College of Greenville – approved through September 2017 to teach out program
11. Miller-Motte College of Wilmington – approved for 2 years
12. Mount Eagle Institute & University – n/a; suspended program
13. NC Massage School – approved for 2 years
14. Southeastern Institute – 510 hour additional program – approved for 1 year
15. The Healing Arts & Massage School – approved for 2 years
11. Western North Carolina School of Massage – approved for 1 year

The following five schools did not have to renew in 2017 but are scheduled to renew in 2018 along with the above five schools that received a one-year renewal:

1. Maiden School of Massage and Bodywork
2. Miller-Motte College of Cary
3. NC School of Advanced Bodywork, Inc.
4. Southeastern Institute – 900 hour program
5. Therapeutic Massage Training Institute

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 30th-31st, 2015. The Board agreed to keep the to-do list as an agenda item for reference for future Board meetings. The 2018 Strategic Planning Conference is scheduled for January 19th-21st, 2018.

CLEAR 2017 meetings

The 2017 Annual Education Conference will be held in Denver, Colorado, September 13th-16th, 2017, the 2017 CLEAR International Congress will be held in Melbourne, Australia, November 16th-17th, 2017 and the 2018 Winter Symposium will be held in Scottsdale, Arizona, January 10th, 2018. Ms. Layden agreed to attend.

FSMTB

a. 2017 Annual meeting

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

b. May 2017 In Touch Newsletter

The Board reviewed the May 2017 In Touch Newsletter.

Response to Paul Thompson regarding Rule .0504

The Board reviewed and agreed with the response by Ms. Kirk to Paul Thompson regarding Rule .0504.

Response to Dr. Jack Weber regarding continuing medical education

The Board reviewed and agreed with the response by Ms. Kirk to Dr. Jack Weber regarding continuing medical education.

Response to Coalition of Massage & Bodywork CE Instructors regarding CE contract

The Board reviewed and agreed with the response by Mr. Wilkins to the Coalition of Massage & Bodywork CE Instructors regarding the CE contract.

Third Annual Licensing Agencies Best Practices Seminar

The Board discussed the Third Annual Licensing Agencies Best Practices Seminar.

NEW BUSINESS

2017 Board elections

Upon appropriate nomination and vote, the Board elected Ms. Holly Foster to serve as Chair, Ms. Nancy Harrell to serve as Vice Chair and Ms. Dianne Layden to serve as Treasurer.

2018 Board meeting dates

The Board discussed the 2017 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2018 Board meeting dates.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 12:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 15, 2017 at 1:15 p.m.

DISCIPLINARY HEARINGS

Jahquii Alston

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

Ronald Inch

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

Alexander Somov

The Board conducted a disciplinary hearing regarding improper draping and inappropriate sexual activity with two separate clients and co-workers during massage and bodywork therapy sessions. Mr. Somov 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 June 15, 2017 at 6:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 15, 2017 at 8:30 p.m.

Geneska Dawson

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

Maranda Langley

The Board reported Ms. Langley's Consent Order will be amended and resent to Ms. Langley.

Angela Penland

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

Ryan Robinson

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

Kyra Russell

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

Jahquii Alston

Ms. Foster reported the Board reviewed the evidence during Mr. Alston’s hearing and was of the opinion Mr. Alston failed to provide proper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board further found that Mr. Alston was in violation of the Consent Order he entered into with the Board in June 2015. The Board Ordered that Mr. Alston’s license be revoked and that he pay a civil penalty of \$1000 and disciplinary costs of \$1000.

Ronald Inch

Ms. Foster reported the Board reviewed the evidence during Mr. Inch’s hearing and was of the opinion Mr. Inch failed to provide proper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Inch’s license, which expired December 31, 2016, not be renewed for a period of two years from the date of its Order after which he may reapply for a license and meet the requirements for licensure then applicable. Mr. Inch is further ordered to pay a civil penalty of \$1000 and disciplinary costs of \$1000.

Alexander Somov

Ms. Foster reported the Board reviewed the evidence during Mr. Somov’s hearing and was of the opinion Mr. Somov failed to provide proper draping and engaged in inappropriate sexual contact with a co-worker during a massage and bodywork therapy trade session. The Board Ordered that Mr. Somov be issued a Letter of Reprimand, that he complete three additional hours of continuing education in ethics and boundaries and pay a civil penalty of \$500 and disciplinary costs of \$250.

2016-17 Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Foster reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for legal services provided in fiscal year 2016-2017.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 8:30 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer