



## **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 13, 2018; 10:00 a.m. – 9:15 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 December 13, 2018 at 10:05 a.m.

#### **MEMBERS PRESENT**

Ms. Nancy Harrell, Ms. Dianne Layden, Ms. Kim Turk, Ms. Rachael Goolsby, Dr. Tim Taft and Ms. Kay Warren

#### **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. Harrell, Chair

#### **RECORDING SECRETARY**

Ms. Kirk

#### **KAY WARREN**

Ms. Harrell welcomed Ms. Kay Warren as a newly appointed member of the Board and administered her oath.

### **CONFLICT OF INTEREST**

Ms. Harrell 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 18 and 19, 2018.

### **TREASURER'S REPORT**

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

### **ADMINISTRATIVE REPORTS**

#### **Rules**

The proposed rules and regulations were reviewed by the Rules Review Commission at its September and October 2018 meeting. Due to the Rules Review Commission receiving 10 or more letters of objection, the rules and regulations are subject to legislative review in 2019.

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

There are no pending amendments to the Practice Act. The Board discussed possible amendments to the Practice Act in 2019 regarding fees, Reflexology, Board members and establishment regulation.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Betty Hill, Carrie Rosenberger, Ronald Ross and Bryant Whitehead for engaging in inappropriate sexual contact during massage and bodywork therapy sessions; and Sean Kim, Hai Lin and Minglan Xia for aiding and abetting illegal massage and bodywork therapy practice. There are four disciplinary hearings scheduled for today for Micah Christian, Zhenyang Guo, Yong Huang and Edward Lowery. There are two disciplinary hearings postponed to the February 2019 Board meeting.

Ms. Kirk reported:

#### **Licensee Report**

17,788 have been issued  
9,612 active licenses

#### **Renewal Report**

There are 5,163 licensees scheduled to renew for the 2019-2020 renewal period. 745 licenses expired on December 31, 2016 and can renew by December 31, 2018. 4,003 therapists have renewed. 3,073 therapists renewed online and 930 therapists renewed by mail. An online license renewal reminder email will be sent notifying licensees that their license will expire December 31, 2018. Online license renewals will be required beginning August 1, 2019.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Harrell reported the Committee met December 12, 2018 and discussed the matters set forth in the minutes of the Committee.

#### **Continuing Education**

**a. Update on CE rules**

The Committee discussed the rules review process and changes set forth in Section .0700 of the Rules and Regulations of the Board.

#### **FSMTB**

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

Ms. Harrell informed the Committee that the FSMTB is still developing the treatment planning/intake course. The Committee agreed to have FSMTB meet with the Board at their February 2019 meeting to present the final product.

**b. Massage Therapy Licensing Database (MTLD) program**

The Committee discussed the MTLT program and recommended that Board staff invite DEG to review the database process in the Board office.

**c. Event for NC Board approved schools/community colleges**

The Committee discussed the request from FSMTB to sponsor an event for Board approved schools and community colleges. The Committee agreed FSMTB may schedule an event for proprietary schools and community colleges at a future date.

#### **Discussion of Reflexology**

The Committee discussed that Ms. Harrell, Mr. Wilkins and Ms. Kirk met with persons from the NC Reflexology Association and the American Reflexology Certification Board to begin discussion of the Board's current exemption of Reflexology in the Guidelines of the Board. Mr. Wilkins also informed the Committee that Mr. Wilkins and Ms. Kirk met with the lobbyist for the NC Reflexology Association to discuss the current exemption of Reflexology.

#### **Email from Jason Sager regarding IASI contract**

The Committee reviewed an email from Jason Sager dated October 16, 2018 regarding acceptance of IASI CE for renewal and agreed to respond requesting more information.

## **License Standards Committee**

Ms. Layden reported the Committee met October 18, 2018 and discussed the matters set forth in the minutes of the Committee.

### **Juan Juan Song**

The Board reviewed Ms. Song's written appeal to the Board to appeal the decision by the License Standards Committee to deny her application for a license.

## **School Approval Committee**

No written report. Ms. Kirk advised that school renewal applications will be sent out next week.

## **Communications Committee**

No written report. Ms. Turk advised she is working on the Newsletter and a meeting of the Committee will be scheduled soon.

## **Practice Act Ad Hoc Committee**

Ms. Harrell reported the Committee met December 5, 2018 and discussed the matters set forth in the minutes of the Committee. Mr. Wilkins also informed the Board he will be meeting with interested parties involved in these matters to review potential changes to the Practice Act.

### **Fees for LMBTs**

The Committee discussed current Board fees and agreed to consider an increase in fees based upon the cost-of-living adjustment and rate of inflation since 2000.

### **Massage establishment regulation**

#### **a. Fees**

The Committee discussed the Board fees for massage and bodywork therapy establishments and agreed to review the fees in the Practice Act.

#### **b. Authority to shut down establishments**

The Committee agreed to review the Practice Act as it relates to Board authority to issue citations and discipline establishments that are in violation of the Practice Act.

#### **c. Use of off-duty law enforcement officers**

The Committee discussed the use of off-duty law enforcement officers when inspecting massage and bodywork therapists.

### **Board member make-up**

The Committee discussed adding one Board member that would be a massage and bodywork therapy establishment owner.

## **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.

### **2018 Strategic Planning Conference**

Ms. Harrell reported the Board met for a Strategic Planning Conference on January 19-21, 2018 and discussed the matters set forth in the minutes of the conference.

### **CLEAR**

#### **a. 2019 Annual meeting**

The 2019 Annual Educational Conference will be held in Minneapolis, Minnesota, September 18-21, 2019.

#### **b. 2019 International Congress**

The 2019 International Congress will be held in Vancouver, Canada, June 27-28, 2019.

### **FSMTB**

#### **a. 2019 Annual meeting**

The 2019 FSMTB annual meeting will be held in Atlanta, Georgia, October 3-5, 2019.

#### **b. November and December In Touch Newsletters**

The Board reviewed emails dated October 30, 2018 and November 30, 2018, respectively, regarding the November and December “In Touch” newsletters.

### **Response to Debra Cantwell regarding the Tibetan singing bowls massage**

The Board reviewed and approved Mr. Wilkins’ response to Debra Cantwell regarding the Tibetan singing bowls massage.

### **Response to Delores Harris regarding Stretch Zone NC**

The Board reviewed and approved Mr. Wilkins’ response to Delores Harris regarding Stretch Zone NC.

### **Response to Mitch Armbruster regarding Massage Envy’s stretch services**

The Board reviewed and approved Mr. Wilkins’ response to Mitch Armbruster regarding Massage Envy’s stretch services.

## **Response to Tom Murray regarding sexological bodywork**

The Board reviewed and approved Mr. Wilkins' response to Tom Murray regarding sexological bodywork.

### **NEW BUSINESS**

No new business.

### **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 13, 2018 at 11:15 a.m.

### **RETURN TO OPEN SESSION**

The Board returned to Open Session on December 13, 2018 at 1:15 p.m.

#### **Juan Juan Song**

Ms. Harrell reported Ms. Song's application for a license is denied.

#### **Betty Hill**

Ms. Harrell reported Ms. Hill's Consent Order was approved.

#### **Sean Kim**

Ms. Harrell reported Mr. Kim's Consent Order was approved.

#### **Hai Lin**

Ms. Harrell reported Mr. Lin's Consent Order was approved.

#### **Carrie Rosenberger**

Ms. Harrell reported Ms. Rosenberger's Consent Order was approved.

#### **Ronald Ross**

Ms. Harrell reported Mr. Ross' Consent Order was approved.

#### **Bryant Whitehead**

Ms. Harrell reported Mr. Whitehead's Consent Order was approved.

**Minglan Xia**

Ms. Harrell reported Ms. Xia's Consent Order was approved.

**DISCIPLINARY HEARINGS**

**Edward Lowery**

The Board conducted a disciplinary hearing regarding allegations Mr. Lowery engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Lowery appeared for the hearing with his attorney.

**Micah Christian**

The Board conducted a disciplinary hearing regarding allegations Mr. Christian engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Christian appeared for the hearing with his attorney.

**Yong Huang**

The Board conducted a disciplinary hearing regarding allegations Ms. Huang aided and abetted illegal massage and bodywork therapy activity at her place of business. Ms. Huang appeared for the hearing with her attorney.

**Zhenyang Guo**

The Board conducted a disciplinary hearing regarding allegations Mr. Guo aided and abetted illegal massage and bodywork therapy activity at his place of business. Mr. Guo 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 13, 2018 at 7:40 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on December 13, 2018 at 9:15 p.m.

**Edward Lowery**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Lowery's hearing and was of the opinion Mr. Lowery failed to deliver treatment that ensured his client's safety, comfort and privacy, failed to maintain documentation for the session, and failed to assess the needs and expectations of the client. The Board Ordered Mr. Lowery's license be placed on probation for two years, that he complete 12 hours of continuing education within six months in roles and boundaries, draping, ethics and documentation and that he pay a civil penalty of \$1000 and disciplinary costs of \$750.

**Micah Christian**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Christian’s hearing and was of the opinion Mr. Christian failed to deliver treatment that ensured his client’s safety, comfort and privacy. The Board Ordered Mr. Christian complete six hours of continuing education in communication and ethics and that he pay a civil penalty of \$1000 and disciplinary costs of \$750.

**Yong Huang**

Ms. Harrell reported the Board reviewed the evidence presented during Ms. Huang’s hearing and was of the opinion Ms. Huang aided and abetted the unlicensed and illegal practice of massage and bodywork therapy at her place of business. The Board Ordered Ms. Huang’s license be revoked and she pay a civil penalty of \$1000 and disciplinary costs of \$750.

**Zhenyang Guo**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Guo’s hearing and was of the opinion Mr. Guo aided and abetted the unlicensed and illegal practice of massage and bodywork therapy at his place of business. The Board Ordered Mr. Guo’s license be revoked and he pay a civil penalty of \$1000 and disciplinary costs of \$500.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the December 13, 2018 meeting was adjourned at 9:15 p.m.

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Ms. Nancy Harrell, Chair

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Ms. Dianne Layden, Treasurer