



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

October 17, 2019; 10:00 a.m. – 2:40 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 17, 2019 at 10:00 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Kim Turk, Ms. Ella Price and Ms. Kay Warren

MEMBERS ABSENT

Ms. Rachael Goolsby and Dr. Tim Taft

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Julia Arnette, Assistant Administrative Director

CHAIR

Ms. Harrell, Chair

RECORDING SECRETARY

Ms. Kirk

ELLA PRICE

Ms. Harrell welcomed Ms. Ella Price as the new public member of the Board appointed by Governor Roy Cooper. Ms. Harrell administered the Oath of Office to Ms. Price.

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 August 15, 2019.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The proposed continuing education and establishments 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.

The Board reviewed the amendment to Rule .0204 and the adoption of Rule .1014. The Board will send the rules to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process once the budget is approved and the NC Legislature adjourns.

Status of Amendments to Practice Act

There is a pending amendment to the Practice Act regarding fees.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Larissa Brito for failing to ensure the safety and comfort of the client during a hot stone massage when the stones caused a burn and a blister formed on the client; Matthew Delsignore for engaging in inappropriate sexual contact with a client; Jeffrey Golden for providing massage and bodywork therapy services to a client while under the influence of alcohol and engaging in inappropriate conversation with the client; Alexander McCorkle for engaging in inappropriate sexual contact with a client; Kylie Winkles for, after providing massage and bodywork therapy services to a male client, engaging in consensual but inappropriate sexual activity outside the massage and bodywork therapy session. There is one disciplinary hearing scheduled for today for Steven Thompson.

Ms. Kirk reported:

Licensee Report

18,545 have been issued
9,677 active licenses

Renewal Report

There are 4,292 licensees scheduled to renew for the 2020-2021 renewal period. 660 licenses expired on December 31, 2017 and can be renewed by December 31, 2019. A license renewal reminder was sent by email in October.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met October 16, 2019 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. Massage Therapy Licensing Database (MTLD) program

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

b. 2019 Annual Meeting

Ms. Kirk attended and reported on the 2019 annual meeting.

Discussion of Reflexology

Mr. Wilkins provided an update on the Board's communication with the NC Reflexology Association and The American Reflexology Certification Board. The Committee agreed to continue discussion on this topic and the Board agreed with the Committee's recommendation.

IASI contract

The Committee reviewed an email from Beth Burgin and Jason Sager dated October 13, 2019 notifying the Committee that IASI is working on providing more information on their continuing education processes at a future date.

Update on Practice Act changes

Mr. Wilkins provided an update on the changes to the Practice Act for the 2019 Legislative Session.

License Standards Committee

Ms. Harrell reported the Committee met October 16, 2019 and discussed the matters set forth in the minutes of the Committee.

Xiaoyan He

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

School Approval Committee

No written report.

Communications Committee

No written report.

Practice Act Ad Hoc 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.

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. 2020 Annual meeting

The 2020 Annual Educational Conference will be held in Seattle, Washington, September 23-26, 2020.

b. 2021 International Congress

The 2021 International Congress will be held in Dublin, Ireland, June 23-25, 2021.

FSMTB

a. 2019 Annual meeting

The 2019 FSMTB annual meeting was held in Atlanta, Georgia, October 3-5, 2019. Ms. Kirk reported on the annual meeting.

b. 2020 Annual meeting

The 2020 FSMTB annual meeting will be held in Chicago, Illinois, October 15-17, 2020.

c. September and October In Touch Newsletters

The Board reviewed emails dated August 30, 2019 and September 30, 2019, respectively, regarding the September and October “In Touch” newsletters.

d. Request for school data

The Board discussed requesting information from FSMTB regarding the details of pass and fail rates for massage and bodywork therapy programs in North Carolina. Upon motion made, seconded and passed the Board agreed to request MBLEx information for all students that attended a Board approved proprietary massage and bodywork therapy program for the past three years.

Response to Nathan Karpinsky and Paul Kukes regarding chiropractic education

The Board reviewed and approved a response from Mr. Wilkins to Nathan Karpinsky and Paul Kukes regarding chiropractic education.

Response to Liliana Riera regarding scope of practice questions

The Board reviewed and approved a response from Mr. Wilkins to Liliana Riera regarding scope of practice questions.

Response to Gloria Morken regarding CE requirements

The Board reviewed and approved a response from Mr. Wilkins to Ms. Morken regarding CE requirements.

Change April and October 2020 Board meeting dates

The Board discussed the April and October 2020 Board meeting dates. Upon motion made, seconded and passed, the Board agreed to change the April 16, 2020 meeting date to April 23, 2020 and the October 15, 2020 meeting date to October 22, 2020.

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 October 17, 2019, 2019 at 11:40 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 17, 2019 at 1:00 p.m.

Xiaoyan He

Ms. Harrell reported Ms. He's application will be denied due to not meeting the standards of good moral character to be licensed as an LMBT.

Larissa Brito

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

Matthew Delsignore

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

Jeffrey Golden

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

Kylie Winkles

Ms. Harrell reported Ms. Winkles' Consent Order was approved.

Alexander McCorkle

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

DISCIPLINARY HEARINGS

Steven Thompson

The Board conducted a disciplinary hearing regarding allegations Mr. Thompson engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions. Mr. Thompson 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 October 17, 2019 at 1:20 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on October 17, 2019 at 2:40 p.m.

Steven Thompson

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Thompson’s hearing and was of the opinion Mr. Thompson engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions. The Board Ordered that Mr. Thompson’s license be revoked and he pay a civil penalty of \$1000 and disciplinary costs of \$500.

2019-20 1st Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Harrell reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 1st quarter fiscal year 2019-2020.

ADJOURNMENT

Upon motion duly made, seconded and passed, the October 17, 2019 meeting was adjourned at 2:40 p.m.

Ms. Nancy Harrell, Chair

Ms. Rachael Goolsby, Treasurer