



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

February 18, 2021; 10:00 a.m. – 11:50 a.m.; 1:00 p.m. – 2:25 p.m.; 2:45 p.m. – 4:35 p.m.; 5:35 p.m.
Wells Fargo Capitol Center Building
Via Conference Call

"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 virtually via Webex in Open Session on February 18, 2021 at 10:00 a.m.

MEMBERS PRESENT

Ms. Kim Turk, Ms. Kay Warren, Ms. Ella Price, Ms. Rachael Goolsby, Mr. Steve Green and Mr. Robert Reeves

MEMBERS ABSENT

Ms. Valory Hicks

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. Turk, Chair

RECORDING SECRETARY

Ms. Kirk

CONFLICT OF INTEREST

Ms. Turk asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Warren recused herself from discussion on Joel Tull and Mr. Green recused himself from discussion on Jonathan Godwin. There being no additional conflict, the agenda was approved.

APPROVAL OF MINUTES

The Board approved its minutes of December 10 and 11, 2020.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

a. Final Approval of Rule .0636

The Board reviewed the adoption of Rule .0636. There were no written comments or attendance at the rules hearing on January 6, 2021. Upon motion made, seconded and passed, the Board approved Rule .0636 and will submit the rule to the Rules Review Commission for review at their March 2021 meeting for a proposed effective date of April 1, 2021.

b. Final Approval of Rule .0704

The Board reviewed the adoption of Rule .0704. There were no written comments or attendance at the rules hearing on January 6, 2021. Upon motion made, seconded and passed, the Board approved Rule .0704 and will submit the rule to the Rules Review Commission for review at their March 2021 meeting for a proposed effective date of April 1, 2021.

Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of a proposed Order in Superior Court and Consent Orders regarding: Nicolas Durette, James Cotton and Joel Tull for engaging in appropriate sexual activity with a client; Sherard Amerson and Chanley Layton for practicing with an expired license; Ezra Davis and Sinnai James for non-compliance with a previous Consent Order issued by the Board; Andras Kalasz for engaging in inappropriate contact and bruising a client; Kelli Buell for aiding and abetting illegal massage and bodywork activity at her place of business. There are two hearings scheduled for today for Jonathan Godwin and Rolland Leach. The hearing for Steven Navarro was postponed to the April meeting.

Ms. Kirk reported:

Licensee Report

19,384 have been issued
9,087 active licenses

Renewal Report

There are 5,384 licensees scheduled to renew for the 2021-2022 renewal period. 4,571 therapists have renewed. 4,426 therapists renewed online and 145 therapists renewed by mail. An online license renewal reminder was sent on December 18, 2020 and an expired license notice was sent on January 4, 2021. The routine Continuing Education Audit will start for 200 therapists who renewed online.

COMMITTEE REPORTS

Policy Committee

Ms. Turk reported the Committee met February 17, 2021 and discussed the matters set forth in the minutes of the Committee.

FSMTB

a. Massage Therapy Licensing Database (MTLD) program

The Committee discussed the MTLTD program and recommended that Board staff schedule a virtual meeting with DEG to review the database process. The Board agreed with the Committee's recommendation.

b. CE Contract

The Committee discussed the email to and from Mr. Wilkins and Gabrielle Bennett and Lorena Haynes regarding the CE contract process between NCBMBT and FSMTB. Mr. Wilkins agreed to draft a contract for review at the April Committee meeting. The Board agreed with the Committee's recommendation.

IASI contract

The Committee reviewed an email dated February 3, 2021 regarding the July 2, 2020 letter from Ms. Harrell to Beth Burgin and Jason Sager following review of the proposed continuing education contract. The Committee was informed the IASI Education Team met February 17th to review the Board's feedback.

Email from Melinda Bartley regarding online CEs for the 2022 renewal period

The Committee reviewed an email dated January 18, 2021 regarding online CEs for the 2022 renewal period and agreed to recommend to the Board that in-classroom CEs be required for the 2022 renewal period. The Committee agreed this issue can be readdressed as the Board continues to monitor COVID-19 and its effects on the massage and bodywork therapy profession. The Board agreed with the Committee's recommendation.

Email from Rachel Mann regarding the Physician Board member position

The Committee reviewed an email dated February 2, 2021 from Rachel Mann regarding the physician member and concerns about time requirements. The Committee agreed the physician member brings an important perspective and agreed to recommend to the Board that they work on finding a physician member to be appointed to the Board. Mr. Wilkins agreed to respond to Ms. Mann regarding her suggestions. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Goolsby reported the Committee met February 17, 2021 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Mr. Reeve reported the Committee met February 11, 2021 and discussed the virtual site visit summaries for Maiden School of Massage and Bodywork Therapy, Center for Massage and Natural Health and Living Arts College and responses from Center for Massage and Natural Health and Southeastern College regarding their status due to COVID-19. Mr. Reeves also informed the Board that the school renewal applications are due March 1, 2021.

Communications Committee

No written report.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins reported there are no laws proposed or pending in the North Carolina General Assembly that may affect professional licensing boards.

2018 Strategic Planning Conference

Ms. Turk 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. The Board agreed to consider a virtual strategic planning conference in 2022 to discuss various massage and bodywork therapy school issues and establishment licensure.

CLEAR

a. 2021 Winter Symposium

The 2021 Winter Symposium was held virtually, January 5, 2021. Ms. Warren reported on the conference.

b. 2021 Introduction to Regulatory Governance Webinar Series

The 2021 Introduction to Regulatory Governance Webinar Series will be held virtually between February and June, 2021.

c. 2021 Annual meeting

The 2021 Annual Educational Conference will be held virtually, September 2021. Ms. Warren agreed to attend.

d. 2022 International Congress

The 2022 International Congress will be held in Dublin, Ireland, June 2022.

FSMTB

a. Message from the President

The Board reviewed an email dated December 15, 2020 regarding a message from the FSMTB President.

b. January and February In Touch Newsletters

The Board reviewed emails dated December 29, 2020 and January 28, 2021, respectively, regarding the January and February “In Touch” newsletters.

c. 2021 Annual Meeting

The 2021 Annual Meeting will be held in Charlotte, North Carolina, October 7-9, 2021. Ms. Goolsby, Mr. Reeves, Ms. Turk and Ms. Warren agreed to attend.

NEW BUSINESS

2020 Winter Newsletter

The Board reviewed the 2020 Winter Newsletter. Ms. Kirk informed the Board the newsletter will be posted on the Board’s website and a mass email will be sent to current licensees notifying them of that information.

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 February 18, 2021 at 11:50 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 18, 2021 at 1:00 p.m.

Nicolas Durette

Ms. Turk reported Mr. Durette's Amended Order, following his appeal to Superior Court, was approved.

Sherard Amerson

Ms. Turk reported Mr. Amerson's Consent Order was approved.

James Cotton

Ms. Turk reported Mr. Cotton's Consent Order was approved.

Ezra Davis

Ms. Turk reported Mr. Davis' Consent Order was approved.

Sinnai James

Ms. Turk reported Mr. James' Consent Order was approved.

Andras Kalasz

Ms. Turk reported Mr. Kalasz's Consent Order was approved.

Chanley Layton

Ms. Turk reported Ms. Layton's Consent Order was approved.

Joel Tull

Ms. Turk reported Mr. Tull's Consent Order was approved.

DISCIPLINARY HEARINGS

Jonathan Godwin

The Board conducted a disciplinary hearing regarding allegations Mr. Godwin engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Godwin and the complainant 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 February 18, 2021 at 2:25 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 18, 2021 at 2:45 p.m.

Jonathan Godwin

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

DISCIPLINARY HEARINGS

Rolland Leach

The Board conducted a disciplinary hearing regarding allegations Mr. Leach engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Leach and the complainant 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 February 18, 2021 at 4:35 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 18, 2021 at 5:35 p.m.

Rolland Leach

Ms. Turk reported the Board reviewed the evidence presented during Mr. Leach’s hearing and was of the opinion Mr. Leach failed to provide proper communication with a client during a massage and bodywork therapy session. The Board Ordered that Mr. Leach complete six continuing education hours in roles, boundaries and communication.

2020-21 2nd Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Turk reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 2nd quarter fiscal year 2020-2021.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 18, 2021 meeting was adjourned at 5:35 p.m.

Ms. Kim Turk, Chair

Ms. Rachael Goolsby, Treasurer