



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

April 19, 2018; 10:00 a.m. – 5:30 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 April 19, 2018 at 10:15 a.m.

MEMBERS PRESENT

Ms. Holly Foster, Ms. Dianne Layden, 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, Chair

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 February 15, 2018.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

There are no rules currently at the Rules Review Commission. The Board held a public hearing at 1 p.m. to receive public comments to the amendments to Rules .0302, .0401, .0701, .0702, .0902, and .0905 and the adoptions of Rules .0405, .0703, .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, and .1014.

Status of Amendments to Practice Act

There are no amendments to the Practice Act pending at the Legislature .

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Justin Harrelson, Jean Rowe and Rolando Zevallos for practicing massage and bodywork therapy with an expired license; Stacy Striks for failing to timely, correctly and properly sign and complete intake forms and SOAP notes on clients; and Takara Davis and Susan O'Neill for aiding and abetting illegal massage and bodywork therapy practice. There is one disciplinary hearing scheduled for today.

Ms. Kirk reported:

Licensee Report

17,189 have been issued
8,890 active licenses

Renewal Report

There are 4,017 licensees scheduled to renew for the 2018-2019 renewal period. 3,387 therapists have renewed. 2,612 therapists renewed online and 775 therapists renewed by mail. The routine Continuing Education Audit has started for 200 therapists who renewed online. Thirteen licensees were contacted via email to provide additional information. All licensees have replied and one licensee is taking an additional course to comply with the CE requirements.

COMMITTEE REPORTS

Policy Committee

Ms. Foster reported the Committee met April 18, 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 and Ms. Foster informed the Committee massage and bodywork therapy educators from a variety of states met to review and develop curriculum for the treatment planning/intake course to be available in the Fall of 2018.

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. Exam Development Review meeting

Ms. Harrell informed the Committee she and Ms. Kirk attended the exam development review meeting in Atlanta, Georgia March 9th-10th, 2018.

d. Standard Setting meeting

Ms. Harrell informed the Committee she attended the standard setting meeting in Chicago, Illinois.

e. 2018 Member Board Executive Summit

Ms. Arnette informed the Board she attended the member board executive summit in Kansas City, Missouri April 12th-13th, 2018.

Discussion of Reflexology

The Committee reviewed the history of the reflexology exemption. Upon motion made, seconded and passed, the Board agreed Board staff will contact the NC Reflexology Association and the American Reflexology Certification Board to discuss Reflexology's exemption in the Guidelines of the Board.

Presentation by representatives from Massage Envy regarding stretch services

The Committee discussed the presentation by representatives from Massage Envy and agreed to continue discussion on this topic.

Update on public comment for proposed rules

The Committee discussed public comment expected for the April public hearing on the proposed Establishment Rules.

Review information regarding stretch services for Lastazia Backus

The Committee discussed a resume' and past employment of Ms. Backus at Massage Envy in Charlotte, NC. Ms. Backus' file will be reviewed by the License Standards Committee.

Email from Sparkle Addison regarding scope of practice

The Committee discussed an email from Sparkle Addison regarding scope of practice questions. The Committee determined neither the Practice Act nor the Rules of the Board provide LMBTs may tell clients to perform stretches, use products, use warm/cold therapy or increase water intake after massage and bodywork therapy services.

License Standards Committee

Ms. Layden reported the Committee met February 16, 2018 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

No written report. Mr. Wilkins reported on Board approval renewals and the status of three schools that are being sold.

Communications Committee

No written report.

Continuing Education 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. Foster 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.

a. Appearance of the LMBT license

The Board discussed the appearance of the LMBT license and agreed to add a large watermark on the license displaying the year the license expires. The Board also discussed providing all LMBTs with an original license and removing the license reprint button from the Board's website.

b. Discussion on English proficiency

Board staff sent a Memorandum to Board approved schools and community college massage and bodywork therapy programs advising they add a statement in their catalog and in their Student Enrollment Agreement requiring all students be proficient in the English language.

CLEAR 2018 meeting

a. 2018 Annual meeting

The 2018 Annual Educational Conference will be held in Philadelphia, Pennsylvania, September 26-29, 2018. Ms. Layden agreed to attend.

b. 2018-19 Membership

The Board reviewed the membership renewal for July 1, 2018 – June 30, 2019. Upon motion made, seconded and passed, the Board agreed to renew its membership for 2018-2019.

FSMTB

a. 2018 Annual meeting

The 2018 FSMTB annual meeting will be held in Salt Lake City, Utah, October 4-6, 2018. Upon motion made, seconded and passed, the Board agreed Ms. Kirk will represent the Board as its delegate.

b. March and April In Touch Newsletters

The Board reviewed emails dated February 28, 2018 and March 30, 2018, respectively, regarding the March and April "In Touch" newsletters.

c. Email regarding job satisfaction among practitioners

The Board reviewed an email dated March 20, 2018 regarding job satisfaction among practitioners.

Response to Narcisa Woods regarding human trafficking awareness signs

The Board reviewed and approved Mr. Wilkins' response to Narcisa Woods regarding human trafficking awareness signs.

NEW BUSINESS

Email from Polaris Project regarding Stop Enabling Sex Traffickers Act (SESTA)

The Board reviewed an email dated March 21, 2018 from Polaris Project regarding Stop Enabling Sex Traffickers Act (SESTA).

News articles regarding sex trafficking on Craigslist and Backpage.com

The Board reviewed news articles on Craigslist and Backpage.com regarding the shutdown of their pages that may facilitate sex trafficking.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:55 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 19, 2018 at 1:00 p.m.

Takara Davis

The Board reported Ms. Davis' Consent Order was approved.

Justin Harrelson

The Board reported Mr. Harrelson's Consent Order was approved.

Susan O'Neill

The Board reported Ms. O'Neill's Consent Order was approved.

Jean Rowe

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

Stacy Striks

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

Rolando Zevallos

The Board reported Mr. Zevallos' Consent Order was approved.

DISCIPLINARY HEARINGS

Shuli Johnson

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

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 April 19, 2018 at 3:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on April 19, 2018 at 5:25 p.m.

Shuli Johnson

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

2017-18 2nd Quarter Legal Services for Broughton, Wilkins, Sugg & Thompson, PLLC

Ms. Foster reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 2nd quarter in fiscal year 2017-2018.

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 5:30 p.m.

Ms. Holly Foster, Chair

Ms. Dianne Layden, Treasurer