



## **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 21, 2018; 10:00 a.m. – 3:15 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 June 21, 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 April 19, 2018.

### **TREASURER'S REPORT**

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

### **2018-19 BUDGET**

The 2018-19 budget was reviewed and approved as presented.

### **ADMINISTRATIVE REPORTS**

#### **Rules**

There are no rules currently at the Rules Review Commission. The Board reviewed each of the proposed rules and the public comments following the hearing at the April Board meeting. Several rules were further amended. Upon motion made, seconded and passed, the Board approved the amendments to Rules .0302, .0401, .0405, .0701, .0702, .0703, .0902 and .0905, and approved new Rules .1001, .1002, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, and .1014.

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

There was a Bill introduced to amend the Practice Act to increase the Board to nine members. The Bill was amended to keep the Board at seven members with one of the LMBT members to be an establishment owner. The Board does not foresee the bill going through therefore it does not appear there will be any changes to the Practice Act this year.

#### **Disciplinary Hearings**

Mr. Wilkins informed the Board of proposed Letters of Reprimand and Consent Orders regarding: Kemp Chalmers Jr., Julie Eberhardt, Alithea Gailliot and Morgan Thomson for practicing massage and bodywork therapy with an expired license; Lauren Barta for posting personal information about a client on a Yelp review; Jo Ann Landon for engaging in too much sharing of personal opinions, thoughts and beliefs during a massage and bodywork therapy session; and Brady Preyss and Lixia Zhang for aiding and abetting illegal massage and bodywork therapy practice. There is one disciplinary hearing for James Yoo scheduled for today.

Ms. Kirk reported:

#### **Licensee Report**

17,350 have been issued

9,084 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. Online license renewal will be sent by email in July. New licenses and wallet cards will be issued by the Board and sent to licensees as they are licensed or renew. Duplicate licenses and/or wallet cards may be purchased online for a fee. The Board 'Reprint License' link will be removed from the Board's website prior to August 1, 2018. Online license renewals will be required beginning August 1, 2019. The routine Continuing Education Audit was completed for 200 therapists who renewed online. Thirteen licensees were contacted via email to provide additional information. All licensees have complied with the audit.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Foster reported the Committee met June 20, 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 that the FSMTB is still developing the curriculum for the treatment planning/intake course set 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.

### **Discussion of Reflexology**

The Committee agreed to contact the NC Reflexology Association and the American Reflexology Certification Board to begin discussion on its current 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.

### **Appearance of wallet card**

The Committee discussed the appearance of a wallet card and provided the Board with an example of a wallet card. The wallet card was approved at the June Board meeting.

### **Email from Kay Warren regarding Board member's and franchisee advertisements**

The Committee discussed an email from Kay Warren dated April 30, 2018 regarding concerns of Board member's and franchisee advertisements. The Committee agreed to remind Board members and franchises to advertise pursuant to the Rules and Regulations of the Board.

### **Email from NC Board approved schools regarding English proficiency**

The Committee discussed an email from Board approved schools regarding English proficiency and agreed that Board staff will respond to the questions from the schools.

### **Email from Connie Kaiser regarding hand held devices as CE**

The Committee discussed an email from Connie Kaiser dated May 14, 2018 regarding hand held devices as continuing education. The Committee agreed that Board staff respond and inform Ms. Kaiser that her question be directed to the National Certification Board for Therapeutic Massage and Bodywork.

### **Email from Billy McKinney regarding Massage Magazine**

The Committee discussed an email from Billy McKinney dated May 24, 2018 regarding a request for links to the Massage Magazine and the Massage Liability Insurance Group on the Board's website. The Committee agreed the links tab on the Board's website should be reviewed by the Communications Committee and Mr. McKinney should contact the AMTA NC Chapter regarding advertising the organization.

### **Email from Sean Squire regarding lymphedema**

The Committee discussed an email from Sean Squire dated June 7, 2018 regarding compression therapy and skin care as a certified lymphedema therapist and whether or not it is within the scope of practice of massage and bodywork therapy. The Committee agreed manual lymph drainage is within the scope of massage and bodywork therapy but compression therapy, skin care and patient-appropriate exercise are not within the scope of practice of massage and bodywork therapy.

### **Email from Fred Lowry regarding the Jade System**

The Committee discussed an email from Fred Lowry dated June 15, 2018 regarding the Jade System and agreed that the Jade Dermaray device is not within the scope of massage and bodywork therapy.

### **Email from Jane Thibodeau regarding craniosacral therapy**

The Committee reviewed an email from Jane Thibodeau dated June 14, 2018 regarding craniosacral therapy and agreed craniosacral therapy is within the scope of practice of massage and bodywork therapy and an individual providing craniosacral therapy in North Carolina would need to have a current North Carolina massage and bodywork therapy license.

### **Email from Adrienne Strache regarding CBD oil**

The Committee reviewed an email from Adrienne Strache dated May 16, 2018 regarding the use of CBD oil and agreed that Board staff will request an opinion from the North Carolina AG's office and send Ms. Strache the North Carolina Statute and NC Board of Pharmacy's position regarding the legal use of CBD oil.

### **License Standards Committee**

Ms. Layden reported the Committee met April 20, 2018 and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

Ms. Hays' reported the Committee met June 12, 2018, via conference call, and discussed the matters set forth in the minutes of the Committee.

### **2018 Renewals**

The Committee reviewed the 2018 renewals received from the seven 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. Carolina Massage Institute – approved for 1 year
2. Gwinnett College – approved for 1 year
3. Maiden School of Massage and Bodywork – approved for 2 years
4. NC School of Advanced Bodywork, Inc. – approved for 2 years
5. Southeastern Institute – approved for 2 years
6. Therapeutic Massage Training Institute – approved for 2 years
7. Western North Carolina School of Massage – approved for 1 year

The following twelve schools did not have to renew in 2018 but are scheduled to renew in 2019 along with the above three schools that received a one-year renewal:

1. American and European Massage Clinic, Inc.
2. Asheville School of Massage & Yoga
3. Asheville School of Massage & Yoga – 500 hour additional program
4. Center for Massage & Natural Health
5. College of Wilmington
6. Kneaded Energy School of Massage
7. Living Arts Institute

8. Miller-Motte College – Cary
9. Miller-Motte College – Fayetteville
10. Miller-Motte College – Wilmington
11. NC Massage School
12. The Healing Arts & Massage School

### **Miller-Motte College Applications for Schools Approvals**

The Committee reviewed the Applications for School Approvals submitted by Miller-Motte College of Cary, Miller-Motte College of Fayetteville and Miller-Motte College of Wilmington. Upon motion made, seconded and passed, the Board approved all three schools for one year.

### **Communications Committee**

No written report.

### **Continuing Education Ad Hoc Committee**

No written report.

### **Public Comment Review Ad Hoc Committee**

Ms. Foster reported the Committee met May 9, 2018, via conference call, and May 19-20, 2018, in the Board office, and discussed the matters set forth in the minutes of the Committee.

## **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.

### **CLEAR 2018 meeting**

#### **a. 2018 Annual meeting**

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

### **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. May and June In Touch Newsletters**

The Board reviewed emails dated April 30, 2018 and May 31, 2018, respectively, regarding the May and June “In Touch” newsletters.

**c. 2018-19 Membership**

Upon motion made, seconded and passed, the Board agreed to renew their membership with FSMTB for the year 2018-2019.

**Response to Sparkle Addison regarding scope of practice**

The Board reviewed and approved Mr. Wilkins’ response to Sparkle Addison regarding scope of practice.

**NEW BUSINESS**

**Shield NC and the Lynch Foundation for Children meeting with Restore NYC**

Ms. Kirk reported on the Restore NYC meeting hosted by Shield NC and the Lynch Foundation for Children that took place on May 24<sup>th</sup>-25<sup>th</sup>, 2018.

**Fourth Annual Occupational Licensing Agencies Best Practice Seminar**

Board staff reported on the Fourth Annual Occupational Licensing Agencies Best Practice Seminar that took place at the North Carolina State Bar in Raleigh, NC on May 17<sup>th</sup>, 2018.

**Email from Kim Bonsteel regarding scope of practice issues**

The Board reviewed emails to and from Ms. Bonsteel from Mr. Wilkins regarding scope of practice issues and agreed with the responses.

**2018 Board elections**

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

**2019 Board meeting dates**

The Board discussed the 2019 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 12:45 p.m.

**DISCIPLINARY HEARINGS**

**James Yoo**

Mr. Yoo appeared with his attorney for the hearing regarding allegations he aided and abetted illegal massage and bodywork therapy at his place of business. Mr. Yoo, through his attorney, requested a continuance to the August 2018 Board meeting. Upon motion made, seconded and passed, the Board agreed to continue the hearing to the August 2018 Board meeting.

**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 21, 2018 at 1:50 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on June 21, 2018 at 3:15 p.m.

**Jo Ann Landon**

The Board reported Ms. Landon's Letter of Reprimand was approved.

**Lauren Barta**

The Board reported Ms. Barta's Letter of Reprimand was approved.

**Kemp Chalmers Jr.**

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

**Julie Eberhardt**

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

**Alithea Gailliot**

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

**Brady Preyss**

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



**Morgan Thomson**

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

**Lixia Zhang**

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

**2017-18 3<sup>rd</sup> 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 3<sup>rd</sup> quarter in fiscal year 2017-2018.

**ADJOURNMENT**

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:15 p.m.

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Ms. Holly Foster, Chair

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Ms. Dianne Layden, Treasurer