



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

August 23, 2018; 10:00 a.m. – 7:00 p.m.

August 24, 2018; 10:00 a.m. – 3:35 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 August 23, 2018 at 10:05 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Dianne Layden, 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. Harrell, Chair

RECORDING SECRETARY

Ms. Kirk

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 June 21, 2018.

TREASURER'S REPORT

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

ADMINISTRATIVE REPORTS

Rules

The Establishment Licensure rules are currently at the Rules Review Commission and are scheduled to be reviewed by the Rules Review Commission at their September 2018 meeting.

Status of Amendments to Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of Orders for Permanent Injunctions regarding: Melissa Savini for practicing massage and bodywork therapy without a license and Rafael Smith for engaging in unethical conduct and inappropriate sexual activity during massage and bodywork therapy sessions; and proposed Letters of Reprimand and Consent Orders regarding: Neshia Nicholson for practicing massage and bodywork therapy with an expired license; John Erwin, Shakir Simmons and Bryant Whitehead for engaging in inappropriate sexual contact during massage and bodywork therapy sessions; Sue Larreau for providing inadequate draping and massage techniques that caused pain, soreness and bruising during a massage and bodywork therapy session; Mary Richardson for engaging in inappropriate activity by using her cell phone during a massage and bodywork therapy session; Lindsey Gaby for allegedly being under the influence of alcohol during a massage and bodywork therapy session; and MiHwa Allen, Qu Collins and Robert Cooney for aiding and abetting illegal massage and bodywork therapy practice. There are four disciplinary hearings scheduled for today and tomorrow for Ronald Ross, Erhard Schoeffman, James Webb and James Yoo. One disciplinary hearing for Edward Lowery was continued to the October 2018 Board meeting.

Ms. Kirk reported:

Licensee Report

17,538 have been issued
9,301 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 notices were 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 was removed from the Board's website on August 1, 2018. Online license renewals will be required beginning August 1, 2019.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met August 22, 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 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 MTLD program and recommended that Board staff invite DEG to review the database process in the Board office.

c. 2018 Resolutions and Bylaw Amendments

The Committee discussed the 2018 Resolutions and Bylaw Amendments being voted on at the 2018 FSMTB Annual Meeting.

Discussion of Reflexology

The Committee discussed that Ms. Harrell, Mr. Wilkins and Ms. Kirk met with 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 discuss this topic with the full Board at the October 2018 Board meeting.

Emails from Fred Lowry regarding the Jade System

The Committee discussed emails from Fred Lowry dated July 8, 2018 regarding the Jade System and agreed that the Jade Dermaray device is not within the scope of massage and bodywork therapy. The Committee also agreed Mr. Lowry will need to contact the NC Medical Board regarding supervision by a physician medical director.

Email from Jason Sager regarding IASI contract

The Committee reviewed an email from Jason Sager dated July 30, 2018 regarding IASI becoming an approved CE provider with the Board. Mr. Wilkins will provide a response to Mr. Sager with questions regarding CE approval through IASI.

Emails from Delores Harris regarding services provided at Stretch Zone NC

The Committee reviewed emails from Delores Harris dated July 24, 2018 regarding services provided at the Stretch Zone NC and agreed to discuss this topic with the full Board at the October 2018 Board meeting.

Email from Neill Moroney and Julia Smith regarding IonCleanse by AMD

The Committee reviewed emails from Neill Moroney and Julia Smith regarding the IonCleanse by AMD and agreed that the IonCleanse device is not within the definition or scope of practice of massage and bodywork therapy.

Email from Ayanna Benjamin regarding the use of serums

The Committee reviewed an email from Ayanna Benjamin dated July 1, 2018 regarding the use of serums to treat various skin conditions provided by Massage Envy and agreed that the use of serums to treat various skin conditions is not within the scope of practice of massage and bodywork therapy. The application of the serums on the skin may be within the scope of practice for estheticians and under the jurisdiction of the NC Board of Cosmetic Arts.

Email from Jordan Hughes regarding topical analgesics

The Committee reviewed an email from Jordan Hughes dated May 22, 2018 regarding the use of topical analgesics and agreed that the use of topical analgesics is not within the scope of practice of massage and bodywork therapy. The Board agreed the Practice Act allows the use of topical preparations.

Email from Massage Works of Charlotte regarding Thai Yoga/Thai Stretching

The Committee reviewed an email from Massage Works of Charlotte dated June 6, 2018 regarding Thai Yoga/Thai Stretching and agreed it is not within the scope of practice of a certified yoga instructor to provide Thai Yoga/Thai Stretching as those terms have been defined by the Board previously.

License Standards Committee

Ms. Layden reported the Committee met June 22, 2018 and discussed the matters set forth in the minutes of the Committee.

Jane Frye

Ms. Frye 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.

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 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. 2018 Resolutions and Bylaw Amendments

The Committee discussed the 2018 Resolutions and Bylaw Amendments being voted on at the 2018 FSMTB Annual Meeting.

c. July and August In Touch Newsletters

The Board reviewed emails dated June 29, 2018 and July 31, 2018, respectively, regarding the July and August “In Touch” newsletters.

Response to Connie Kaiser regarding hand held devices as CE

The Board reviewed and approved Mr. Wilkins’ response to Connie Kaiser regarding hand held devices as CE.

Response to Adrienne Strache regarding CBD oil

The Board reviewed and approved Mr. Wilkins’ response to Adrienne Strache regarding CBD oil.

Response to Sean Squire regarding lymphedema

The Board reviewed and approved Mr. Wilkins’ response to Sean Squire regarding lymphedema.

Response to Jane Thibodeau regarding craniosacral therapy

The Board reviewed and approved Mr. Wilkins’ response to Jane Thibodeau regarding craniosacral therapy.

Response to Billy McKinney regarding Massage Magazine

The Board reviewed and approved Mr. Wilkins’ response to Billy McKinney regarding Massage Magazine.

Response to NC Board approved schools regarding English proficiency

The Board reviewed and approved Mr. Wilkins’ response to NC Board approved schools regarding English proficiency.

NEW BUSINESS

CAC 2018 Annual Meeting

The 2018 CAC Annual Meeting will be held in Washington, DC, October 16-17, 2018.

PUBLIC COMMENT

The Board received comments from the public.

RECESS FOR LUNCH

The Board recessed for lunch at 11:45 p.m.

DISCIPLINARY HEARINGS

James Yoo

The Board conducted a disciplinary hearing regarding allegations Mr. Yoo aided and abetted illegal massage and bodywork therapy at his place of business where his LMBT license was displayed. Mr. Yoo appeared for the hearing with his 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 August 23, 2018 at 4:35 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 23, 2018 at 5:00 p.m.

James Yoo

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

DISCIPLINARY HEARINGS

Erhard Schoeffmann

The Board conducted a disciplinary hearing regarding allegations Mr. Schoeffman provided improper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Schoeffmann 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 August 23, 2018 at 6:25 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 23, 2018 at 7:00 p.m.

Erhard Schoeffman

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Schoeffman's hearing and was of the opinion Mr. Schoeffman failed to deliver treatment that ensured his client's safety, comfort and privacy, failed to obtain written informed consent for the services he rendered, and failed to assess the needs and expectations of the client. The Board Ordered that Mr. Schoeffman complete six hours of continuing education in boundaries, communication and client assessment/informed consent and pay a civil penalty of \$250 and disciplinary costs of \$500 within six months of the Order.

RECESS OPEN SESSION

The Board recessed its August 23, 2018 Open Session to reconvene August 24, 2018 at 10 a.m.

OPEN SESSION

The Board reconvened in Open Session on August 24, 2018 at 10 a.m.

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 August 24, 2018 at 10:00 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 24, 2018 at 11:15 a.m.

Jane Frye

The Board reported Ms. Frye will have to complete 15 hours in ethics, 15 hours in business management and 20 hours in psychological concepts at a Board approved school.

MiHwa Allen

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

Robert Cooney

The Board reported Mr. Cooney's Letter of Reprimand was approved.

John Erwin

The Board reported Mr. Erwin's Letter of Reprimand was approved.

Sue Larreau

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

Mary Richardson

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

Qu Collins

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

Lindsey Gaby

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

Nesha Nicholson

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

Shakir Simmons

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

Bryant Whitehead

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

2017-18 4th Quarter Legal Services for 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 4th quarter in fiscal year 2017-2018.

DISCIPLINARY HEARINGS

Ronald Ross

The Board conducted a disciplinary hearing regarding allegations Mr. Ross provided improper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Ross 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 August 24, 2018 at 2:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 24, 2018 at 2:50 p.m.

Ronald Ross

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Ross' hearing and was of the opinion Mr. Ross provided improper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered Mr. Ross' license be revoked and he pay a civil penalty of \$1000 and disciplinary costs of \$1000.

DISCIPLINARY HEARINGS

James Webb

The Board conducted a disciplinary hearing regarding allegations Mr. Webb provided improper draping and engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Webb 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 August 24, 2018 at 3:25 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on August 24, 2018 at 3:35 p.m.

James Webb

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

ADJOURNMENT

Upon motion duly made, seconded and passed, the meeting was adjourned at 3:35 p.m.

Ms. Nancy Harrell, Chair

Ms. Dianne Layden, Treasurer