



## **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**

*December 12, 2019; 10:00 a.m. – 2:30 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 December 12, 2019 at 10:00 a.m.

#### **MEMBERS PRESENT**

Ms. Nancy Harrell, Ms. Kim Turk, Ms. Ella Price, Ms. Kay Warren, Ms. Rachael Goolsby and Mr. Robert Reeves

#### **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, Assistant Administrative Director

#### **CHAIR**

Ms. Harrell, Chair

#### **RECORDING SECRETARY**

Ms. Kirk

#### **ROBERT REEVES**

Ms. Harrell welcomed Mr. Robert Reeves as the new public member of the Board appointed by the Speaker of the House. Ms. Harrell administered the Oath of Office to Mr. Reeves.

### **CONFLICT OF INTEREST**

Ms. Harrell asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Goolsby recused herself from discussion on Michael Cheatham. There being no additional conflict, the agenda was approved.

### **APPROVAL OF MINUTES**

The Board approved its minutes of October 17, 2019.

### **TREASURER'S REPORT**

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

### **2018-19 FINANCIAL AUDIT**

The 2018-19 Financial Audit 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 were subject to legislative review in 2019. The Board received notice on November 15, 2019 that the NC Legislature adjourned and the proposed rules and regulations were made effective.

The Board adopted Rule .1014 at their August 2019 Board meeting and Board staff sent the rules to the Office of Administrative Hearings for publication in the NC Register to begin the rules review process for an effective date of July 1, 2020.

#### **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 Letters of Reprimands and Consent Orders regarding: Helen Mitchell, Osemwegie Eghidemwivbie and Ty'Quan Reddick for failing to deliver treatment that ensured the client's safety and comfort; John Erwin for failing to maintain the confidentiality of the client's information by providing the client's personal contact information to another client without written disclosure consented by the client; Joseph McDaniel for engaging in inappropriate sexual contact with a client; PinHui Wang for aiding and abetting illegal massage and bodywork activity; Tabatha Williamson for practicing massage and

bodywork therapy prior to being licensed by the Board. There is one disciplinary hearing scheduled for today for Michael Cheatham.

Ms. Kirk reported:

### **Licensee Report**

18,642 have been issued  
9,807 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. 3,119 therapists have renewed. A license renewal reminder will be sent by email in December.

## **COMMITTEE REPORTS**

### **Policy Committee**

Ms. Harrell reported the Committee met December 11, 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 which became effective on November 15, 2019. Board staff informed the Committee that changes to continuing education are currently being implemented into the online renewal system so LMBTs will have more continuing education opportunities for the 2020-21 and future renewal periods.

### **FSMTB**

#### **a. Regulatory Education and Competence Hub (REACH) program**

The Committee discussed that the FSMTB developed the treatment planning/intake course. Ms. Harrell agreed to follow-up with FSMTB on the official launch information of the course.

#### **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.

### **Discussion of Reflexology**

The Committee discussed reflexology and Mr. Wilkins informed the Committee that he sent a proposed agreement between the Board and the NC Reflexology Association to the

representative assisting the NC Reflexology Association following the October 2019 Board meeting and has not received a response from the NC Reflexology Association.

### **IASI contract**

The Committee reviewed an email from Beth Burgin and Jason Sager dated December 10, 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**

The Committee discussed the proposed changes in the Practice Act regarding fees and agreed to continue discussion on this topic.

### **Complaint on Tanya Rodriguez regarding hands on continuing education**

The Committee reviewed a complaint on Tanya Rodriguez regarding hands on continuing education and agreed to send her a letter asking for details on the continuing education course she provides.

### **Clarification and implementation of who is a “sole practitioner”**

The Committee reviewed and discussed the definition of “sole practitioner” and agreed to continue discussion on this topic.

### **Letter from R. Lee Robertson, Jr. regarding CBD**

The Committee reviewed a letter dated November 21, 2019 from R. Lee Robertson, Jr. on behalf of his client, Savvy Salon and Day Spa, regarding the use of CBD oil in massage and bodywork therapy services. The Committee reviewed a draft response provided by Mr. Wilkins and agreed to send the response.

### **License Standards Committee**

Ms. Harrell reported the Committee met December 11, 2019 and discussed the matters set forth in the minutes of the Committee.

### **School Approval Committee**

No written report.

### **Communications Committee**

Ms. Turk reported the Committee met December 12, 2019 and discussed the matters set forth in the minutes of the Committee.

### **2019 Newsletter**

The Committee discussed developing articles for the 2019 Winter Newsletter. The Committee agreed to include articles on the new Board members, a message from the Chair, establishment regulation, continuing education changes, CBD oil regulation, reminders and updates from the Board and the disciplinary actions taken in 2019.

### **Notice to LMBTs regarding changes to rules**

The Committee discussed sending a notice to LMBTS regarding the recent changes to the rules and regulations of the Board and agreed to send two separate emails to LMBTs regarding the changes to continuing education and establishment licensure. The Board agreed with the Committee's recommendation.

### **Review and amend jurisprudence exam questions**

The Committee discussed reviewing and amending the jurisprudence exam to include information on the changes to the rules and add questions regarding establishment licensure. The Committee agreed to review the exam in the spring of 2020 once the process of establishment licensure has been developed.

## **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. 2020 Annual meeting**

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

**b. November and December In Touch Newsletters**

The Board reviewed emails dated October 31, 2019 and December 2, 2019, respectively, regarding the November and December “In Touch” newsletters.

**c. Request for school data**

The Board reviewed an email dated November 25, 2019 from Ms. Kirk to Debra Persinger, Executive Director of the FSMTB, requesting the details of pass and fail rates for the MBLEx for NC Board approved proprietary programs as well as community colleges.

**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 December 12, 2019 at 10:45 a.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on December 12, 2019 at 1:00 p.m.

**Helen Mitchell**

Ms. Harrell reported Ms. Mitchell’s Letter of Reprimand was approved.

**Osemwegie Eghidemwivbie**

Ms. Harrell reported Mr. Eghidemwivbie’s Consent Order was approved.

**John Erwin**

Ms. Harrell reported Mr. Erwin’s Consent Order was approved.

**Joseph McDaniel**

Ms. Harrell reported Mr. McDaniel’s Consent Order was approved.

**Ty’Quan Reddick**

Ms. Harrell reported Mr. Reddick’s Consent Order was approved.

**PinHui Wang**

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

**Tabatha Williamson**

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

**DISCIPLINARY HEARINGS**

**Michael Cheatham**

The Board conducted a disciplinary hearing regarding allegations Mr. Cheatham engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Cheatham 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 December 12, 2019 at 1:40 p.m.

**RETURN TO OPEN SESSION**

The Board returned to Open Session on December 12, 2019 at 2:30 p.m.

**Michael Cheatham**

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Cheatham's hearing and was of the opinion Mr. Cheatham engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions. The Board Ordered that Mr. Cheatham'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 December 12, 2019 meeting was adjourned at 2:30 p.m.

\_\_\_\_\_  
Ms. Nancy Harrell, Chair

\_\_\_\_\_  
Ms. Rachael Goolsby, Treasurer