



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 20, 2019; 10:00 a.m. – 6:20 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 June 20, 2019 at 10:00 a.m.

MEMBERS PRESENT

Ms. Nancy Harrell, Ms. Dianne Layden, Ms. Kim Turk, Ms. Rachael Goolsby and Ms. Kay Warren

MEMBERS ABSENT

Dr. Tim Taft

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

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 April 18, 2019.

TREASURER'S REPORT

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

2019-2020 BUDGET

The 2019-2020 Budget was reviewed and approved as presented.

ADMINISTRATIVE REPORTS

Rules

The proposed 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 are subject to legislative review in 2019.

Status of Amendments to Practice Act

There are pending amendments to the Practice Act regarding Board members, fees and civil penalties/disciplinary costs.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Letters of Reprimand and Consent Orders regarding: Christine Far for engaging in inappropriate conversation with a client; Nancy Barnett, Thomas Holland and Sinnai James for practicing massage and bodywork therapy with an expired license; Ryan Mansfield for failing to deliver treatment that ensured the client's safety, comfort and privacy; Gene Murray for aiding and abetting illegal massage and bodywork therapy practice. There are five disciplinary hearings scheduled for today for Cori Brown, Dominic Mouzon, Dante Rossi, Dale Snider and Eric Stewart. There is one disciplinary hearing postponed to the August 2019 Board meeting.

Ms. Kirk reported:

Licensee Report

18, 217 have been issued
9,293 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. License renewal

information will be sent by email in July. The routine Continuing Education Audit started for 200 therapists who renewed online. Sixteen licensees were contacted via email to provide additional information. Fourteen licensees responded and corrected their CE submissions. Board staff will follow-up with the two licensees that have failed to respond.

COMMITTEE REPORTS

Policy Committee

Ms. Harrell reported the Committee met June 19, 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.

FSMTB

a. 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 discussed reflexology and agreed to continue discussion on this topic.

Email from Beth Burgin regarding IASI contract

The Committee reviewed an email from Beth Burgin dated April 15, 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

Ms. Kirk provided an update on the changes to the Practice Act for the 2019 Legislative Session.

Email from Latasha Harris regarding continuing education requirements

The Committee reviewed a response from Ms. Kirk to Latasha Harris regarding continuing education requirements.

Email from Nancy Toner Weinberger regarding Consumer Resources page

The Committee reviewed a response from Ms. Kirk to Nancy Toner Weinberger regarding adding information to the Board's Consumer Resources page.

Email from Elizabeth Wimbish regarding selling products

The Committee reviewed an email from Elizabeth Wimbish dated April 18, 2019 regarding selling products. The Committee agreed to recommend the Board to respond to Ms. Wimbish stating that nothing in the Board's Practice Act and Rules and Regulations prevent a LMBT from selling products but LMBTs shall not practice diagnosis of illness or disease. The Board agreed with the Committee's recommendation.

Email from Kristie Hogan regarding Wood Therapy

The Committee reviewed an email from Kristie Hogan dated April 20, 2019 regarding wood therapy. The Committee agreed to recommend to the Board that wood therapy not be placed on the Board's 'List of Modalities Requiring Licensure' as it is not a massage and bodywork therapy modality. If a LMBT is using a wood therapy tool to manipulate the soft tissues of the human body pursuant to NCGS 90-622(3) then the LMBT would need to be licensed as a massage and bodywork therapist; however, if wood therapy is used for esthetic purposes, the individual would need to contact the North Carolina Board of Cosmetic Art Examiners regarding their licensing requirements. The Board agreed with the Committee's recommendation.

Email from John Barker regarding LMBTs treating mTBI

The Committee reviewed an email from John Barker dated May 16, 2019 regarding LMBTs treating mTBI. The Committee agreed to recommend to the Board that treatment for mTBI can be provided by a licensed massage and bodywork therapist so long as this treatment has been prescribed by another healthcare provider for a licensed massage and bodywork therapist to treat and who is trained and competent to do so and whose competency has been demonstrated and documented. The Board agreed with the Committee's recommendation.

Letter from Tiffany Hemrick regarding MBLEx fee increase

The Committee reviewed a letter from Tiffany Hemrick dated May 9, 2019 regarding the MBLEx fee increase. The Committee agreed to recommend that Ms. Hemrick contact the Federation of State Massage Therapy Boards regarding her concerns for the fee increase. The Board agreed with the Committee's recommendation.

Letter of Agreement and Contract with NCBTMB

The Committee reviewed an updated Letter of Agreement and Contract for continuing education with NCBTMB. The Committee agreed to recommend to the Board to approve the Letter of Agreement and Contract and send to NCBTMB for approval. The Board agreed with the Committee's recommendation.

License Standards Committee

Ms. Layden reported the Committee met April 19, 2019 and discussed the matters set forth in the minutes of the Committee.

School Approval Committee

Ms. Goolsby reported the Committee met May 14, 2019 and discussed the matters set forth in the minutes of the Committee. The Committee recommended the following school renewals and the Board agreed with the recommendations of the Committee as follows:

2019 Renewals

The Committee reviewed the 2019 renewals received from the fourteen schools required to renew this year along with the summaries and survey reports produced by M&M Consulting. The following schools were approved for one or two years as designated:

1. American & European Massage Clinic, Inc. – approved for 2 years; site visit within a year
2. Asheville School of Massage & Yoga – approved for 2 years; address negative survey with graduate and school
3. Asheville School of Massage & Yoga – 500 hour additional program – approved for 2 years
4. Carolina Massage Institute – approved for 1 year; site visit within a year
5. Center for Massage & Natural Health – approved for 2 years
6. College of Wilmington – approved for 2 years; site visit within a year
7. Gwinnett College – approved for 1 year
8. Kneaded Energy School of Massage – approved for 2 years
9. Living Arts Institute – approved for 1 year; request full-time Director for program
10. Miller Motte College – Fayetteville – approved for 1 year
11. Miller Motte College – Wilmington – approved for 1 year
12. North Carolina Massage School – approved for 2 years
13. The Healing Arts & Massage School – approved for 2 years
14. Western North Carolina School of Massage – approved for 2 years

The following four schools did not have to renew in 2019 but are scheduled to renew in 2020 along with the above three schools that received a one-year renewal:

1. Maiden School of Massage and Bodywork
2. NC School of Advanced Bodywork, Inc.
3. Southeastern Institute
4. Therapeutic Massage Training Institute

Request from Western NC School of Massage

The Committee reviewed an email dated March 4, 2019 from Hope DeVall, Founder and CEO of Western NC School of Massage, regarding adding a 25-hour research literacy course to the current massage therapy program. Upon motion made, seconded and passed, the Board approved the 25-hour literacy course to be added to the current massage therapy program so long as it is in addition to the 500 hour core curriculum.

Communications Committee

No written report.

Practice Act 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. 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. 2019 Annual meeting

The 2019 Annual Educational Conference will be held in Minneapolis, Minnesota, September 18-21, 2019.

b. 2019 International Congress

The 2019 International Congress will be held in Vancouver, Canada, June 27-28, 2019.

FSMTB

a. 2019 Annual meeting

The 2019 FSMTB annual meeting will be held in Atlanta, Georgia, October 3-5, 2019.

b. May and June In Touch Newsletters

The Board reviewed emails dated April 25, 2019 and May 30, 2019, respectively, regarding the May and June “In Touch” newsletters.

NEW BUSINESS

Fifth Occupational Licensing Agencies Best Practices Seminar

Board staff reported on the Fifth Annual Occupational Licensing Agencies Best Practice Seminar that took place at the North Carolina State Bar in Raleigh, NC on May 30th, 2019.

2020 Board meeting dates

The Board discussed the 2020 Board meeting dates. Upon motion made, seconded and passed, the Board approved the 2020 Board meeting dates.

2019 Board elections

The Board discussed the 2020 Board elections and agreed to hold elections at the August 2019 Board meeting once the future Board make-up is determined.

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 June 20, 2019, 2019 at 11:35 a.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 20, 2019 at 1:15 p.m.

Christine Far

Ms. Harrell reported Ms. Far's Letter of Reprimand was approved.

Nancy Barnett

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

Thomas Holland

Ms. Harrell reported Mr. Holland's Consent Order was approved.

Sinnai James

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

Ryan Mansfield

Ms. Harrell reported Mr. Mansfield's Consent Order was approved.

Alexander McCorkle

Ms. Harrell reported Mr. McCorkle's hearing is postponed to the August 2019 Board meeting.

Gene Murray

Ms. Harrell reported Mr. Murray's Consent Order was approved.

DISCIPLINARY HEARINGS

Dominic Mouzon

The Board conducted a disciplinary hearing regarding allegations Mr. Mouzon engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Mouzon 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 June 20, 2019 at 3:30 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 20, 2019 at 4:10 p.m.

Dominic Mouzon

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Mouzon's hearing and was of the opinion Mr. Mouzon failed to provide services that he had the training and practical experience to provide, failed to provide treatment that delivered the safety, comfort and privacy, failed to assess the needs and obtain written consent of the client, failed to maintain documentation and failed to explain expected draping procedures during a massage and bodywork therapy session. The Board Ordered that Mr. Mouzon's license be placed on probation for one year, he complete six additional continuing education hours in intake, SOAP notes and communication and he pay a civil penalty of \$500 and disciplinary costs of \$500.

DISCIPLINARY HEARINGS

Cori Brown

The Board conducted a disciplinary hearing regarding allegations Mr. Brown engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Brown 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 June 20, 2019 at 5:00 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 20, 2019 at 5:45 p.m.

Cori Brown

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Brown's hearing and was of the opinion Mr. Brown failed to assess the needs and obtain written consent of the client during a massage and bodywork therapy session. The Board Ordered Mr. Brown's license be reprimanded, he complete two hours of continuing education in roles and boundaries and two hours in completing intake forms and he pay a civil penalty of \$250 and disciplinary costs of \$250.

DISCIPLINARY HEARINGS

Dante Rossi

The Board conducted a disciplinary hearing regarding allegations Mr. Rossi engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Rossi did not appear for the hearing.

Dale Snider

The Board conducted a disciplinary hearing regarding allegations Mr. Snider failed to report any and all criminal charges to the Board. Mr. Snider did not appear for the hearing.

Eric Stewart

The Board conducted a disciplinary hearing regarding allegations Mr. Stewart engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. Mr. Stewart 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 June 20, 2019 at 6:05 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on June 20, 2019 at 6:20 p.m.

Dante Rossi

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Rossi's hearing and was of the opinion Mr. Rossi engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session. The Board Ordered Mr. Rossi's license be revoked and that he pay a civil penalty of \$1000 and disciplinary costs of \$500.

Dale Snider

Ms. Harrell reported the Board reviewed the evidence presented during Mr. Snider's hearing and was of the opinion Mr. Snider failed to report any and all criminal charges to the Board. The Board Ordered Mr. Snider's license be revoked and that he pay a civil penalty of \$1000 and disciplinary costs of \$500.

Eric Stewart

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

Dismissal letter and email from complainant – Therapeutic Massage Training Institute

Ms. Harrell reported the Board reviewed the dismissal letter and email from the complainant regarding a complaint filed against Therapeutic Massage Training Institute and agreed with the proposed dismissal letter following review of the disciplinary file.

ADJOURNMENT

Upon motion duly made, seconded and passed, the June 20, 2019 meeting was adjourned at 6:20 p.m.

Ms. Nancy Harrell, Chair

Ms. Dianne Layden, Treasurer