



NORTH CAROLINA BOARD of MASSAGE AND BODYWORK THERAPY

4140 ParkLake Avenue
Suite 100
Raleigh, NC 27612

OPEN SESSION MINUTES

February 13, 2025; 10:00 a.m. – 5:55 p.m.; 6:30 p.m.

**GlenLake One
4140 ParkLake Avenue, 4th Floor Conference Room, Raleigh, NC 27612
and
Via Conference Call**

"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-person and virtually via Webex in Open Session on February 13, 2025, at 10:00 a.m.

MEMBERS PRESENT

Mr. Robert Reeves, Ms. Kay Warren, Ms. Tawanda Auston, Ms. Laura Ford, Ms. Ella Price (joined at 10:45 a.m.), Ms. Amy Swink and Ms. Nancy Harrell (joined at 12:30 p.m.)

MEMBERS ABSENT

Dr. Christopher Grubb

OTHERS PRESENT

Mr. Charles Wilkins and Mr. Ben Thompson, Legal Counsel to the Board, Ms. Elizabeth Kirk, Administrative Director and Ms. Anna Pace, Assistant Administrative Director

CHAIR

Ms. Swink, Chair, read the charge of the Board, reminded Board members that SEIs are due April 15 and discussed shifting Board format to improve minutes and vote clarity.

RECORDING SECRETARY

Ms. Kirk

APPROVAL OF AGENDA/CONFLICT OF INTEREST

Ms. Swink asked if any Board member had any conflict of interest with any item on the meeting's agenda. Ms. Harrell recused herself from discussion on Mario Butler and Xiu Li. Upon motion made, seconded and passed, the Board agreed to amend the agenda to include discussion on the proposed Consent Orders for Mia Barrett and William Fulp, the contract with Broughton, Wilkins, Sugg & Thompson, PLLC, the license renewal timeframe, additional Dropbox folders and audio recording the Board meetings.

APPROVAL OF MINUTES

The Board approved its minutes of December 12, 2024. Ms. Swink states the minutes from December 12, 2024 should not be approved until they are discussed in the School Approval Committee report and consider approving them at that time.

TREASURER'S REPORT

Ms. Warren reported the Board's bank participates in a State sanctioned pooling method. The bank purchases securities acceptable to the State in the name of the State Treasurer to secure those amounts in excess of FDIC insurance in the case of unexpected bank failure. Moving late renewal fees to January will impact income, LMBT renewals are down 15%, and new LMBT licenses are also expected to be down.

The Treasurer's Report was reviewed and approved as presented. Upon motion made, seconded and passed, the Board agreed the professional services line item be separated to provide costs for the items included in those services and for the Treasurer to report the total income and expenses for the fiscal year and current meeting period.

ADMINISTRATIVE REPORTS

Rules

- a. Rules - .0201, .0204, .0620, .0623, .0627, .1012

The Board reviewed Rules .0201, .0204, .0620, .0623, .0627 and .1012 approved by the Rules Review Commission at their January meeting. The rules went into effect on February 1, 2025.

- b. Timeline for Permanent Rulemaking following 2024 Periodic Review of Rules

The Board reviewed the proposed timeline for the permanent rulemaking process for its 92 rules. Upon motion made, seconded and passed, the Board approved the timeline in order to meet the effective date of April 1, 2027. Board staff agreed to send the timeline to the Rules Review Commission attorney to be presented to the Rules Review Commission for approval at their next meeting.

Practice Act

There are no pending amendments to the Practice Act.

Disciplinary Hearings

Mr. Wilkins informed the Board of proposed Consent Orders regarding: Jaime Abbott, Mia Barrett, Tamara Dixon and William Fulp for practicing with an expired license.

There are two hearings scheduled today for Mario Butler and Jamelia Ptah.

Ms. Kirk reported:

Licensee Report

22,447 have been issued.
9,552 active licenses.

Renewal Report

There were 5,585 licensees scheduled to renew for the 2025-2026 renewal period. 4,551 therapists have renewed. 4,415 therapists renewed online and 134 therapists renewed by mail. An online license renewal reminder was sent on December 19, 2024 and an expired license notice was sent on January 1, 2025.

Establishment Report

1,594 establishments have requested an application.
788 establishments have submitted an application.
653 establishment licenses have been issued.

Establishment Renewal Report

236 establishments are scheduled to renew for the 2025-2026 renewal period. 184 establishments have renewed.

COMMITTEE REPORTS

Policy Committee

Ms. Swink reported the Committee met February 6, 2025, and discussed the matters set forth in the minutes of the Committee.

Attendance policy for hybrid meetings

The Committee reviewed the attendance policy for Board members in Rule 20 of the Board's Meeting Procedures and discussed clarifying attendance expectations for Board members who must attend a meeting virtually. The Committee discussed its concerns about Board members who attend meetings virtually and agreed to recommend to the Board that Board members be required to attend meetings in-person. Upon motion made, seconded and passed, the Board agreed with the Committee's recommendation and agreed the public and hearing participants may attend virtually.

Amendment to Guideline 2.5

The Committee reviewed and discussed Guideline 2.5 and agreed to recommend to the Board to amend Guideline 2.5 to remove the one-time limitation and to include natural disasters and medical hardships. Upon motion made, seconded and passed, the Board agreed to remove the option for a serious extenuating circumstance and further agreed the licensee shall receive the extension upon application if, (1) the licensee resides in a county in which a natural disaster has been declared by an executive order of the Governor or (2) the licensee is experiencing a medical hardship that prevents them from attending or participating in continuing education for an extended period of time.

Policies for unlicensed establishments

The Committee reviewed an email from Ms. Warren requesting we clarify and adopt a standardized enforcement policy concerning unlicensed establishments. The Committee reviewed the existing Notice of Potential Violation letters being sent to unlicensed individuals, owners/operators and property owners/leasing agents regarding persons providing massage and bodywork therapy services without a current license, allowing unlicensed practice, operating without an establishment license and leasing to establishments without an establishment license. Ms. Kirk agreed to provide additional information on pending establishment licenses and the Committee agreed to continue discussion on this topic.

Email from Julie Barton regarding CE

The Committee reviewed an email from Julie Barton regarding a request to expand continuing education courses for LMBTs to include those that are accepted or provided by other licensing boards. The Committee agreed to recommend to the Board that this request be denied, due to the requirements provided in Section .0700 of the Rules and Regulations of the Board. The Board agreed with the Committee's recommendation.

Email from Kyle Hemauer regarding late fee

The Committee reviewed an email from Kyle Hemauer regarding a request to waive the late renewal fee and agreed that he be required to pay the late renewal fee in order to renew his license. The fee is required in the Board's Rules and Regulations. The Board agreed with the Committee's recommendation.

Review Meeting Procedures/Guidelines

The Committee agreed to review Rule 26 in the Meeting Procedures and Guideline 6.3 at its next committee meeting.

License Standards Committee

Ms. Auston reported the Committee met February 11, 2025, and discussed the matters set forth in the minutes of the Committee.

Xiu Li

Ms. Li and her attorney appeared before the Board to appeal the decision by the License Standards Committee to deny her application for a license.

School Approval Committee

Ms. Harrell reported the Committee met February 5, 2025 and discussed the matters set forth in the minutes of the Committee.

Site Visit Reports

Ms. Harrell informed the Board that the Committee reviewed and approved the site visit summaries for NC Massage School and NC School of Advanced Bodywork and agreed to recommend to the Board that a site visit be scheduled for NC School of Advanced Bodywork in 2025.

Review M&M Consulting Attendance Audit Report for Southeastern College

Ms. Harrell informed the Board that the Committee reviewed and approved the attendance audit report for Southeastern College and agreed to recommend to the Board that Southeastern College remain on its action plan and a site visit and attendance audit be scheduled in 2025.

School Summit

The Committee discussed scheduling a school summit with the massage and bodywork therapy schools and community college programs to discuss the requirements in Rule .0620, live synchronous versus asynchronous learning, and to provide a question and answer session.

The Committee noted that information has previously been provided to the schools and programs about the requirements of Rule .0620 and since the Rule is now final additional information has been provided to the schools and programs on how and when to implement the Rule. The Committee also noted that live synchronous versus asynchronous learning will require a Practice Act change. If a Practice Act change is successful, implementation will require changes to the rules at which time schools and programs will have opportunities to provide input.

The Committee agreed to recommend to the Board that the school summit be tabled and to continue communicating the requirements for the rule changes by email.

The Board discussed the Committee's recommendations and discussion was positive for a school summit. There was further discussion on timing of the summit. The full Board does not have to be present but whoever wants to attend is welcome. The SAC should participate. The large conference room in the building is preferred and staff will check on availability. Upon motion made, seconded and passed, the Board agreed to schedule a school summit on May 20, 2025. Ms. Ford agreed to coordinate with Board staff to plan the summit.

Communications Committee

Ms. Ford reported the Committee met February 11, 2025, and discussed the matters set forth in the minutes of the Committee.

2024 Winter Newsletter

The Committee reviewed the draft 2024 Winter Newsletter and agreed to recommend to the Board that an educational component, including an article on rules, regulations and advocacy, be added to the newsletter.

Laura Ford: Moved to add an educational component and a “looking ahead” component to the newsletter, Ms. Auston seconded, passed 6/0.

Review and discuss survey

The Committee was provided with the survey responses and agreed to review the information for further discussion at their next meeting.

Discuss future agenda items

The Committee agreed to review and discuss a notice to establishment licensees to educate them on the Board’s laws and rules at their next meeting.

Social Media

The Board discussed creating a Facebook page and for the Board to approve posts to be displayed on the page with comments turned off. Upon motion made, seconded and passed, the Board agreed to create a social media presence managed by the Communications Committee, with messages approved by the Board and comments turned off.

Contract Committee

Ms. Swink directed that Board counsel and staff leave the room during Open Session so the Board could hear from the Contract Committee. The Board continued in Open Session with members of the public in attendance. Ms. Warren directed that the doors to the meeting room be closed. Ms. Swink clarified that the attorneys and staff were asked to step out to protect their ability to bid in the upcoming RFP process.

Ms. Harrell reported the Committee met December 13, 2024 and January 17, 2025. Ms. Harrell was elected Chair of the Committee. The Committee discussed the Board had no current contract with Broughton, Wilkins, Sugg & Thompson PLLC (BWST). The Committee discussed it was not aware the BWST contract ended June 30, 2024 and was up for renewal. The Committee also discussed there are three other contracts for it to review: M&M Consulting, IT, and auditor.

The Committee agreed to recommend to the Board that the Board enter into a contract with BWST beginning July 1, 2024 and ending December 31, 2025, noting that BWST had continued its duties under its contract with the Board even though the contract had expired.

Upon motion made, seconded and passed, the Board agreed to enter into a contract with BWST from July 1, 2024 until December 31, 2025 to allow time to complete the RFP process.

Attorneys and staff returned to the room and expressed their desire to have a discussion in Closed Session about the terms of the contract. They are not sure they want to continue the contract and want time to discuss it themselves. The attorney believes that all conversations about their contract should be held in Closed Session. Several Board members believe Open Meetings Law requires that any discussion on a vendor contract is legally required to be in Open Session.

No agreement was reached and no contract was signed.

OLD BUSINESS

NC General Assembly Proposed Laws Affecting Licensing Boards

Mr. Wilkins informed the Board there are no bills pending in the North Carolina General Assembly that may affect the Board and that the 2023-2024 Session had adjourned. The 2025-2026 Session began in January 2025.

Strategic Planning Conference

Ms. Swink reported the Board met for a Strategic Planning Conference on January 30-31, 2025, and draft minutes for the conference will be reviewed at the April Board meeting.

CLEAR

a. 2025 Annual Meeting

The 2025 Annual Meeting will be held in Chicago, Illinois, September 15-18, 2025.

b. CLEAR Update December 2024 and January 2025

The Board reviewed emails dated December 19, 2024 and January 28, 2025, respectively, regarding the CLEAR Updates.

FSMTB

a. 2025 Annual Meeting

The 2025 Annual Meeting will be held in Kansas City, Missouri, October 5-7, 2025. Ms. Swink agreed to attend the conference.

b. MBE Summit

The 2025 MBE Summit will be held in Scottsdale, Arizona, April 2-4, 2025.

c. January and February In Touch

The Board reviewed emails dated January 3, 2025 and February 3, 2025, respectively, regarding the January and February In Touch newsletters.

Response to Natasha Standley regarding establishment in WNC

The Board reviewed and approved the response from Ms. Kirk to Ms. Standley regarding her establishment in WNC.

Response to Martin Zachary regarding body tone machine

The Board reviewed and approved the response from Ms. Kirk to Mr. Zachary regarding the body tone machine.

NEW BUSINESS

2024 Winter Newsletter

The Board reviewed the 2024 Winter Newsletter. Upon motion made, seconded and passed, the Board approved the 2024 Winter Newsletter.

License renewal timeframe

The Board discussed ~~the~~ license renewal timeframe options since the deadline for renewals was moved from November 1 to December 31. Ms. Kirk agreed to provide the Policy Committee with options for the renewal and continuing education timeframes to review and recommend to the Board.

Recording of Board meetings

The Board discussed options for recording the Board meetings. Upon motion made, seconded and passed, the Board agreed to formally audio record Board meetings and, if Webex does not meet the Board's standards, for Board staff to purchase a recording device with a maximum cost of \$1,500.

Dropbox folder for Board minutes

The Board discussed having separate Dropbox folders for finalized and published minutes for better accessibility. Upon motion made, seconded and passed, the Board agreed to add a Dropbox folder for approved Open Session minutes and a Dropbox folder for approved Closed Session minutes.

Committee Assignments

Ms. Swink reported on the following Committee assignments:

Policy Committee – Mr. Reeves, Ms. Swink, Ms. Warren

License Standards Committee – Ms. Auston, Ms. Harrell, Mr. Reeves

School Approval Committee – Ms. Ford, Ms. Harrell, Ms. Price

Communications Committee – Ms. Ford, Dr. Grubb, Ms. Price

PUBLIC COMMENT

There was one written comment and three verbal comments from the public.

DISCIPLINARY HEARINGS

Mario Butler

The Board conducted a disciplinary hearing regarding allegations Mr. Mario Butler engaged in inappropriate sexual contact with clients during massage and bodywork therapy sessions.

Jamelia Ptah

The Board dismissed the disciplinary hearing regarding allegations Ms. Jamelia Ptah engaged in inappropriate sexual contact with a client during a massage and bodywork therapy session due to the complainant failing to appear to testify.

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 February 13, 2025, at 5:55 p.m.

RETURN TO OPEN SESSION

The Board returned to Open Session on February 13, 2025 at 6:30 p.m.

Xiu Li

Ms. Swink reported Ms. Li's was denied a license.

Jaime Abbott

Ms. Swink reported Ms. Abbott's Consent Order was approved.

Mia Barrett

Ms. Swink reported Ms. Barrett's Consent Order was approved.

Tamara Dixon

Ms. Swink reported Ms. Dixon's Consent Order was approved.

William Fulp

Ms. Swink reported Mr. Fulp's Consent Order was approved.

Mario Butler

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

Jamelia Ptah

Ms. Swink reported the Board dismissed Ms. Ptah's hearing due to the complainant failing to appear to testify.

2024-2025 2nd Quarter Legal Services provided by Broughton, Wilkins, Sugg & Thompson, PLLC

Mr. Reeves reported the Board reviewed and approved payment to Broughton, Wilkins, Sugg & Thompson, PLLC for in court legal services provided in the 2nd quarter fiscal year 2024-2025.

ADJOURNMENT

Upon motion duly made, seconded and passed, the February 13, 2025, meeting was adjourned at 6:30 p.m.

Ms. Amy Swink, Chair

Ms. Kay Warren, Treasurer