



August 2, 2024

Kayla McKenzie
810 Mosby Crossing Drive Apt 4211
Mailbox 212
Charlotte, NC 28213

Dear Ms. McKenzie:

I am writing in my capacity as a member of the Ethics Committee of the North Carolina Board of Athletic Trainer Examiners (hereafter referred to as the Board) and write on behalf of the entire Board.

The Ethics Committee was made aware by the NC Board of Massage & Bodywork Therapy that you were advertising and practicing as a massage therapist. Shortly thereafter, a complaint was filed by Joseph Sharpe who alleged that you provided false information regarding your dry needling training. The Board thanks you for your responses and has noted that since this complaint you have completed 54 online hours of dry needling training, which still does not meet the standard to practice dry needling in NC. The training must be completed in-person.

In reviewing its options, the Board turned to its statute (Article 34 of North Carolina General Statute and the following), effective since January 1, 1998, which reads:

§ 90-536. Disciplinary authority of the Board; administrative proceedings

- (a) Grounds for disciplinary action against a licensee shall include the following:
- (1) Giving false information or withholding material information from the Board in procuring a license to practice as an athletic trainer.
 - (2) Having been convicted of or pled guilty or no contest to a crime that indicates that the person is unfit or incompetent to practice as an athletic trainer or that indicates that the person has deceived or defrauded the public.
 - (3) Having a mental or physical disability or using a drug to a degree that interferes with the person's fitness to practice as an athletic trainer.
 - (4) Engaging in conduct that endangers the public health.
 - (5) Being unfit or incompetent to practice as an athletic trainer by reason of deliberate or negligent acts or omissions regardless of whether actual injury to a patient is established.
 - (6) Willfully violating any provision of this Article or rules adopted by the Board.

- (7) Having been convicted of or pled guilty or no contest to an offense under State or federal narcotic or controlled substance laws.” (G.S. 90-536)

In accordance with NCGS 90-536, “Disciplinary Authority of the Board,” the findings of the Board and the decision of the Board in this matter are included in the proposed Consent Order included with this mailing. In accordance with this section, the Board has found reasonable grounds to determine that you have acted in violation of NCGS 90-536(1, 4 and 5) (quoted above).

In accordance with NCGS 90-536, “Disciplinary Authority of the Board,” the findings of the Board and the decision of the Board in this matter are included in the proposed Consent Order included with this mailing.

Therefore, it is the decision of the Board to suspend your licensure for a period of one (1) year to commence on the date of your agreement to the proposed Consent Order.

If these terms are agreeable to you, please sign the two copies of the proposed Consent Order. Upon signing, please carefully review the terms of the Order and abide by them while returning both copies to the Board within the next ten business days. A copy, signed by me, will be returned to you.

If you wish to request a full Board hearing on this matter and not enter into this consent order, please contact Paola Learoyd, Executive Director within 30 days of the date of this letter.

Thank you for your cooperation with this investigation and the forthright manner in which you have worked to resolve this matter. If you have any questions, please contact the Board’s Executive Director, Paola Learoyd.

Sincerely,

Janna Fonseca

Janna Fonseca LAT
NCBATE Ethics Committee

**WAKE COUNTY
NORTH CAROLINA**

**BEFORE THE
NORTH CAROLINA BOARD OF
ATHLETIC TRAINER EXAMINERS**

THE NORTH CAROLINA)
BOARD OF ATHLETIC TRAINER)
EXAMINERS,)
Petitioner)
)
)
Kayla McKenzie)
Respondent)

CONSENT ORDER

This matter is before the North Carolina Board of Athletic Trainer Examiners (the “Board” or the “NCBATE”), pursuant to Chapter 150B and Article 34 of Chapter 90 of the North Carolina General Statutes and Chapter 3 of Title 21 of the North Carolina Administrative Code, and with the consent of Kayla McKenzie (Respondent), to consider the entry of a Consent Order in lieu of an Administrative hearing.

Respondent WAS GIVEN THE OPPORTUNITY TO CONSULT WITH LEGAL COUNSEL OF HIS CHOOSING AND IS REPRESENTED BY Crystal S. Carlisle at Broker Law Firm. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order and to the discipline imposed. Based upon the consent of the parties the Board hereby enters the following:

FINDINGS OF FACT

1. Respondent McKenzie has been a Licensed Athletic Trainer in the state of North Carolina since July 1, 2022
- 2.. Respondent McKenzie was issued a letter from the NC Board of Massage & Bodywork Therapy in January 2024 asking to cease practicing massage and bodywork therapy.

3. Respondent McKenzie submitted a falsified NCBMBT license to Joseph Sharpe with the Charlotte Hornets, her employer at the time.
4. Respondent McKenzie was practicing dry needling under her protocol filed with the NCBATE and the NC Medical Board.
5. Respondent McKenzie submitted dry needling training certificates from the organizations *Structure and Function* and *American Academy of Manipulative Therapy* to Mr. Sharpe of the completion of these courses, however both organizations have denied the claim of her completing a course with them and had no record of her completing the courses.
6. Respondent McKenzie has cooperated with the Board in its investigation of this matter.

CONCLUSIONS OF LAW

The Respondent admits there exist sufficient violations of the laws governing the practice of athletic training as defined by statute for the Board to take action as authorized by G.S. 90-536.

The NCBATE has the authority to suspend Respondent's license for a period of one (1) year.

The Respondent waives any further Findings of Fact and Conclusions of Law in these matters.


Based on the foregoing, and with the consent of the Respondent, IT IS THEREFORE THE

ORDER OF DISCIPLINE

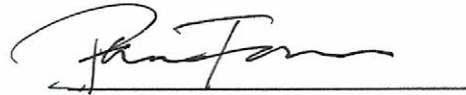
1. That the Respondent's license is suspended immediately for a period of one year.
2. Concurrent upon the entry of the Order of Suspension and beginning of the suspension, the suspension shall continue with the following conditions:
 - a. The Respondent shall violate no Federal or State laws.
 - b. The Respondent shall violate no provisions of the Rules of Professional Conduct.

3. Respondent agrees that upon failure to meet all conditions of licensure during the period of suspension, Respondent's license shall be revoked automatically and immediately without any additional hearing or proceeding before the NCBATE and the NCBATE will give notice to the Respondent of the said revocation.

Signed by both parties, the Respondent and the Chairman of the NCBATE Ethics Committee, and with the consent of the Board, this the 2 day of August, 2024.



Kayla McKenzie, Respondent



Janna Fonseca
NCBATE Ethics Committee