

NORTH CAROLINA BOARD *of* MASSAGE & BODYWORK THERAPY

*Regulating the practice of massage and bodywork therapy,
 and its educational institutions, for the protection of the public*



NEWSLETTER

DECEMBER 2010

Message from the Chair, Jaime Huffman

Since the North Carolina Massage & Bodywork Therapy Practice Act became law on November 6, 1998, this Board has been charged with the responsibility of regulating the practice of massage and bodywork therapy in the State of North Carolina to ensure standards of competency and to protect the public health, safety and welfare. It is both an honor and privilege to serve with fellow officers and staff of this Board as Chair.

Since joining the Board in 2006, I have been asked many times: "What does the Board do?" I have found that the simplest answer is that the Board's mission is to serve and protect the public. As you might guess, this is not a simple task. The Board meets for at least one full day every other month in Raleigh and, following a formal agenda in both open and closed sessions, addresses a variety of issues such as amendments to the Practice Act, disciplinary hearings, licensee reports, committee updates, and school approvals. Prior to these meetings, Board members review packets of information and meet in committees. A lot of work goes on in the various committees between board meetings.

While the Board has consistently focused on competency, it has also developed a long-range plan that will enhance our efforts. In our Strategic Planning session last January, we outlined our plan, including projects and timelines for completion. As of this writing, the following steps have been completed:

- Recommendations made for changes in late fee penalties.
- Recommendations made for licensure by

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THE FIRST TEN YEARS

The North Carolina Board of Massage and Bodywork Therapy was created by the North Carolina General Assembly on November 6, 1998 and its first members were appointed in 1999. The first licenses were issued in 2000 and 10,636 have now been issued. The first ten years have seen steady growth of applicants and licensees. There has also been steady attrition resulting in a net growth of approximately 800 new LMBTs a year. The growth has been more than expected due to the number of schools and programs graduating students, the influx of therapists from other states and the recognition of massage and bodywork therapy as a needed, vibrant, growing profession. It is anticipated the number of new licensees as well as the number of LMBTs who do not renew will remain steady for the next few years. Currently, 4561 LMBTs (includes 439 who failed to renew in 2008) were scheduled to renew by November 1, 2010 and another 3392 (includes 370 who failed to renew in 2009) by November 1, 2011.

The Board faced challenges during its first ten years, particularly in establishing and implementing a school approval process and investigating and prosecuting a substantial number of disciplinary matters. There were also challenges with maintaining the integrity of the Practice Act and establishing and maintaining adequate Rules and Regulations to properly implement the Practice Act. Fortunately, the various Boards met these challenges timely and appropriately.

The Board is fiscally sound. The Board ran a deficit during its formative years due to its substantial start-up costs for the first two years with no income. However, during the last two years the Board has operated with a positive cash flow and has been able to consider and begin other projects that will increase the efficiency of the Board and allow it to better serve and protect the citizens of North

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GOVERNOR APPOINTS NEW BOARD MEMBERS

ROBERT BROWN

After a career as an environmental engineer, Robby Brown returned to school and earned a law degree from the North Carolina Central University School of Law. He has since practiced law in Wake County concentrating in the areas of criminal defense, wills and trusts, estate probate, and special proceedings hearings. In his spare time he enjoys all sports (but particularly watching NC State), reading, and spending time at his lake house. Each year he spends a week in Appalachia repairing homes for low income residents.

CANDACE FRYE

Candace Frye began her massage training at the New Mexico Academy of Massage and Advanced Healing Arts, graduating in 1993. She completed her certification in Rolfing in 1994 and her Rolfing Movement certification in 1999. She began her private practice in Rolfing and Rolfing Movement in Greenville, NC in 1994. Since 2003 she has been employed by Pitt Community College as the Program Director of the Therapeutic Massage Program. Candace was certified in Orthopedic Massage in 2003 and in Neuromuscular Therapy in 2010. She has studied biodynamic cranial sacral therapy, Esoteric Healing Energy Systems, and completed various workshops at the Rolf Institute.

Candace previously served as a founding member of the North Carolina Board of Massage and Bodywork Therapy. Locally she has been a member of Greenville's Women Business Owners and served on the Board of Directors for New Directions Domestic Violence Program. She has a Master of Arts in Religious Studies from Louisville Presbyterian Theological Seminary and a Bachelor of Arts from the University of North Carolina at Charlotte.

In a prior life, Candace danced with Gabrielle Roth; drummed in Hollyhock, British Columbia; made a spiritual pilgrimage to England and France with Sue Monk Kidd and Terry Helwig; and completed her Dream Leader Training Program with the Haden Institute. In her free time she strives to live a quiet life and work in her yard.

EDWIN T. PRESTON, M.D.

Dr. Preston was born and raised in East Tennessee. He attended Duke University undergraduate and medical school followed by an internship at Duke Hospital and a Fellowship in Rheumatology. He then entered the United States Air Force as a General Medical Officer where he served two years at the 7505th USAF hospital at RAF Burderop, England.

After military service, Ed completed a residency in orthopedic surgery in the Harvard University program at Massachusetts General Hospital, Children's Hospital Medical Center and Peter Bent Brigham Hospital in Boston. Following residency training, he joined the medical faculty at the University of North Carolina Medical School. In 1976, he began a private practice in orthopedic surgery at Triangle Orthopedic Associates and retired from this practice in 2006. Since retiring to Chapel Hill, Ed has enjoyed time with family and friends and activities such as travel, golf and tennis. He is married with four children and five grandchildren.

THE FIRST TEN YEARS

(Continued from Pg 1)

Carolina as well as provide better communication with applicants and licensees. The Board is completing a jurisprudence/ethics exercise for applicants that may also be available for licensees to complete and meet their ethics requirement. In addition, the Board is investigating the feasibility of on-line renewals and continuing education reporting.

In January 2010, the Board held a strategic planning session and is in the process of following up on the issues discussed and planned. A follow-up planning session will be held in January 2011 to keep the strategic planning process and implementation on track. The current Board members, as those before them, are knowledgeable, dedicated and committed to the Board's mission to protect the health, safety and welfare of the public by establishing education and testing standards and regulating the delivery of safe, effective massage and bodywork therapy services.

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2011 Board Meeting Dates

February 17, 2011

April 21, 2011

June 16, 2011

August 11, 2011

September 29, 2011

December 8, 2011

Board meetings are held at 10:00 a.m. in the large conference room on the 13th floor of the Wachovia Capitol Center at 150 Fayetteville St., Raleigh, NC 27601. There is a 15 minute period of Public Comment at each meeting. Those interested in addressing the Board must sign up in person before the start of a meeting.

MESSAGE FROM THE CHAIR

(Continued from Pg 1)

endorsement.

- Recommendations made for working with other licensing boards that include massage therapy in their practice act.
- Development of an education program to decrease the number of applicants with criminal records.
- Recommendations made for incorporating more use of technology into our operations.
- Review of our continuing education standards.
- Development a new board member manual.

Steps nearing completion or currently in progress include:

- Revision of continuing education standards.
- Development of a framework for dealing with substance abuse and mental health issues in the licensing process.
- Development of a strategy to encourage community colleges to meet minimum standards for curriculum, faculty, and resources.
- Development and administration of a jurisprudence test.
- Determination of whether the education and training requirements for initial licensure should be modified.
- Development of a Board Policy Manual.

As you can see, the Board has been productive. We are also looking to:

- Determine if additional educational and/or testing standards for certain professional disciplines practicing “massage and bodywork therapy” and if statutory or regulatory steps should be required.

A second Strategic Planning session is set for January 2011. In this one-day retreat, the Board will analyze our strengths in relation to upcoming challenges and determine our direction over the next year. This will result in a dynamic plan of action to be immediately implemented.

Your input is welcome as we move forward and I encourage you to share your comments and suggestions with the Board via our website <http://www.bmbt.org/> or email: admin@bmbt.org

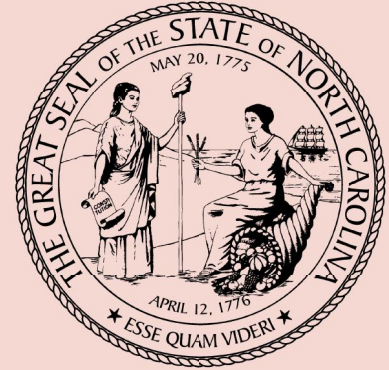
Massage therapy is the number one choice among treatment modalities for consumers, and the effectiveness of massage and bodywork continues to be validated by research. On behalf of the entire Board I thank you for your efforts in providing this important service to the public.

OFFICERS ELECTED AT JUNE 2010 MEETING

Jaime A. Huffman, therapist member appointed by the Speaker of the House, was elected Board Chair. Ms. Huffman was appointed to the Board August 4, 2006.

Kevin E. Powell, therapist member appointed by the Speaker of the House, was elected Vice-Chair. Mr. Powell was appointed to the Board September 1, 2009.

Nancy Toner Weinberger, therapist member appointed by the Senate President Pro Tempore, was elected as Board treasurer. Ms. Weinberger was appointed to the Board August 4, 2006.



Official Newsletter
of the
NORTH CAROLINA BOARD of
MASSAGE & BODYWORK
THERAPY

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Members of the Board

Jaime Huffman, LMBT
Chair
Kevin E. Powell, LMBT
Vice-chair
Nancy Toner Weinberger, LMBT
Treasurer
Laura Allen, LMBT
Robert Brown, Jr.
Public Member
Candance C. Frye, LMBT
Edwin T. Preston
Physician Member

Board Staff

Charles P. Wilkins
Legal Counsel
Benjamin E. Thompson, III
Legal Counsel
Bonnie Kennedy
Administrative Director
Elizabeth Welden
Administrative Assistant

DISCIPLINARY ACTIONS TAKEN BY THE BOARD

FROM DECEMBER 1, 2009 THROUGH NOVEMBER 30, 2010

The Board is authorized to investigate complaints and institute disciplinary actions, as set forth in Section .0900 of the Rules.

HEARINGS AND ORDERS

Nicole DeBiase - A hearing was held December 10, 2009 to determine if there was sufficient evidence to support the allegations that Ms. DeBiase had been practicing massage and bodywork therapy without a license. The Board determined Ms. DeBiase had been practicing without a license and entered an Order whereby she was issued a Conditional License and placed on probation for one year. She was ordered to obtain three hours of continued education in NC law, ethics and rules within six months of the issuance of her Conditional License, to pay a Civil Penalty of \$1,000 and costs of \$500.

Heather Canada Lewis - A hearing was held April 15, 2010 to determine if there was sufficient evidence to support the allegations that Ms. Lewis was practicing massage and bodywork therapy while her massage license was expired. The Board determined Ms. Lewis was practicing massage and bodywork therapy while her license was expired and that she had submitted a false "Practice Disclosure Form" to the Board with her application. The Board entered an Order whereby she was issued a Conditional License and placed on probation for one year. She was ordered to obtain three hours of continued education in NC law, ethics and rules within six months of the issuance of her Conditional License, to pay a Civil Penalty of \$1,000 for practicing without a license, a second civil penalty of \$500 for filing a false "Practice Disclosure Form" and costs of \$500. She was also ordered to make payments of \$125 per month. Should she not comply with the conditions of her Conditional License her license would be revoked.

A hearing was held August 12, 2010 to determine if there was sufficient evidence to support the allegations that Ms. Lewis had failed to comply with the conditions of her Conditional License issued in April 2010. The Board determined Ms. Lewis had failed to comply with the conditions of her Conditional License and her Conditional License was revoked. She was ordered to surrender her certificate of licensure to the Board. Ms. Lewis remains obligated to pay the civil penalties and costs set forth in her Conditional License.

Donald Royce Jarboe - A hearing was held June 17, 2010 to determine if there was sufficient evidence to support the allegations that Mr. Jarboe had obtained prescription drugs by fraud and deceit. Based on the evidence presented, the Board determined there was sufficient convincing evidence that Mr. Jarboe had obtained prescription drugs fraudulently

and with deceit. The Board entered an Order whereby Mr. Jarboe's massage and bodywork therapy license was revoked. He was ordered to surrender his certificate of licensure to the Board and he may not apply for a massage therapy license until all terms of his criminal convictions are complete. He must also successfully complete the NC Board of Nursing chemical dependency disciplinary program, pay a Civil Penalty of \$1,000 and costs of \$500.

Lauren Barta - A hearing was held August 12, 2010, to determine if there was sufficient evidence to support the allegations that Ms. Barta had been practicing massage and bodywork therapy while her license was expired. The Board determined Ms. Barta had been practicing while her license was expired prior to the renewal of her license and entered an Order she be placed on probation for two years, pay a civil penalty of \$500 by February 1, 2011 and costs of \$100 by February 1, 2011.

John Stiner - A hearing was held October 21, 2010, to determine if there was sufficient evidence to support allegations that Mr. Stiner used inappropriate language of a sexual nature during a massage session. There was not sufficient convincing evidence presented that Mr. Stiner's actions and comments were intended to be of a sexual nature; however, the Board determined Mr. Stiner failed to deliver treatment that ensured the client's safety, comfort and privacy and entered an Order that he be placed on probation for two years, and within six months complete an anger management course, obtain six in-class hours of continuing education in North Carolina law, rules and ethics, roles, boundaries, and client communication in addition to the continued education required to renew his license, and pay a civil penalty of \$500 and costs of \$250.

April Dawn Turner - A hearing was held October 21, 2010, to determine if Ms. Turner used improper massage techniques, failed to properly respond to the client's protestations that the massage was painful and failed to properly observe the client's discomfort. The Board determined there was sufficient convincing evidence presented that Ms. Turner failed to use proper massage techniques, failed to heed the client's protestations that the massage was painful, failed to properly respond to the client's protestations, and failed to properly observe the client's discomfort. The Board entered an Order (1) that her license be suspended for ninety days and that she (2) be placed on probation for two years beginning the day she completes the ninety day suspension of her license and complies with the payment of the civil penalty and costs;

(3) obtain eighteen in-class hours of continued education in anatomy, deep tissue or neuromuscular massage by her license renewal date of November 1, 2011; (4) obtain six in-class hours of continuing education in North Carolina law, rules and ethics, roles, boundaries, and client communication, in addition to the continued education required to renew her license; and (5) pay a civil penalty of \$1000 and costs of \$250 during her period of suspension.

CONSENT ORDERS:

Howard Eric Anderson, Jr. - Inappropriate behavior with a client; civil penalty of \$500 and \$250 costs; one year probation with completion of 12 additional CE hours during probationary period.

Terry Sherwood Henderson, Jr. - Inappropriate sexual misconduct with a client; license revoked and voluntarily surrendered license.

Clifford David Henshaw - Inappropriate sexual behavior with a client; license revoked; must surrender original massage license to the Board.

Andrea McKinney - Practicing massage and bodywork therapy while license was expired; civil penalty of \$1,000 and \$250 costs; probation for two years.

Cari Ausbaugh - Practicing massage and bodywork therapy without a license; civil penalty of \$3,000 and \$500 costs; obtain three in-class hours of ethics in addition to the continued education ethics requirement for renewal; probation for three years once she is licensed by the Board.

Shelley Johnson – Inappropriate use of a student in a non-clinical setting; civil penalty of \$500 and \$250 costs; one year probation.

William (Bill) Norman - Inappropriate use of a student in a non-clinical setting; civil penalty of \$1,000 and \$250 costs; one year probation.

Kneaded Energy School of Massage – Inappropriate use of students in non-clinical settings; civil penalty of \$1,000 and \$250 costs; one year probation.

Jared Clark Maliska - Inappropriate sexual activity with a client; License revoked; surrender of certificate of licensure to the Board; Civil Penalty of \$1,000 and \$250 Costs.

LETTERS OF REPRIMAND:

There were Two hundred ten (210) Letters of Reprimand issued to therapists for late renewal and twenty-one (21) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks).

CEASE AND DESIST ORDERS:

There were ten (10) Cease and Desist Orders served on persons for practicing without a license and four (4) Cease and Desist Orders served on businesses upon information they were allowing a person to practice massage and bodywork therapy without a North Carolina license.

Individuals:

Colleen Clark	Fairview
Micah Couttet(Coutta)	Brevard
Sherry Greubel	Asheville
Heather C. Lewis.....	Williamston
Misty Long	Dallas
Andrea Lee McKinney	Asheville
Lisa Faith Miller.....	Asheville
Sara Jo Nelson.....	Topsail Beach
Dawn Aishia Spencer	Julian
Andre Vazaquez	Cary

Businesses:

Luxor Day Spa	Raleigh
Natural Look Salon & Spa	Cary
Spa Vogue.....	Kitty Hawk
VIP Massage Spa	Youngsville

DENIAL OF LICENSE:

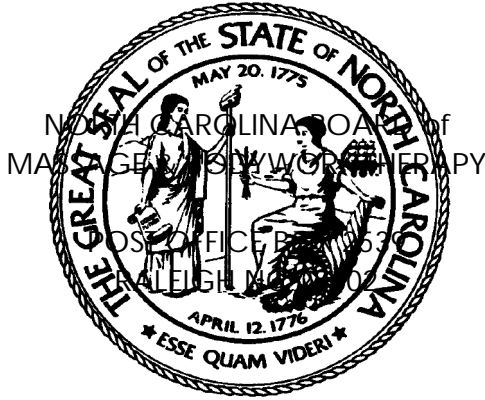
The Board denied licenses to sixteen (16) applicants. Four (4) applicants were denied a license because they had criminal charges pending or were on probation: Deshawn Castillo, Corey James Fountain, Brandy Lynn Menser, and Michael Richard Nye. Two (2) applicants were denied a license due to lack of moral character: James Allison Barbour and Dawn Aishia Spencer. One (1) applicant was denied a license because the curriculum of the massage school she attended did not meet the Board's minimum requirements: Shannon T. Ray. Nine (9) applicants were denied a license because they graduated from a school which had its school code revoked or suspended by the National Certification Board for Therapeutic Massage and Bodywork: Ying Chen, Guo Chun Gu, Li He, Ling Shu, Mey Lan Tan, Jin Ru Wang, Wenqin Wu, JiaHui Zhang, and Ruiqi Zuo.

CONDITIONAL LICENSES:

The License Standards Committee of the Board issued fifty-two (52) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, or other minor improper conduct.

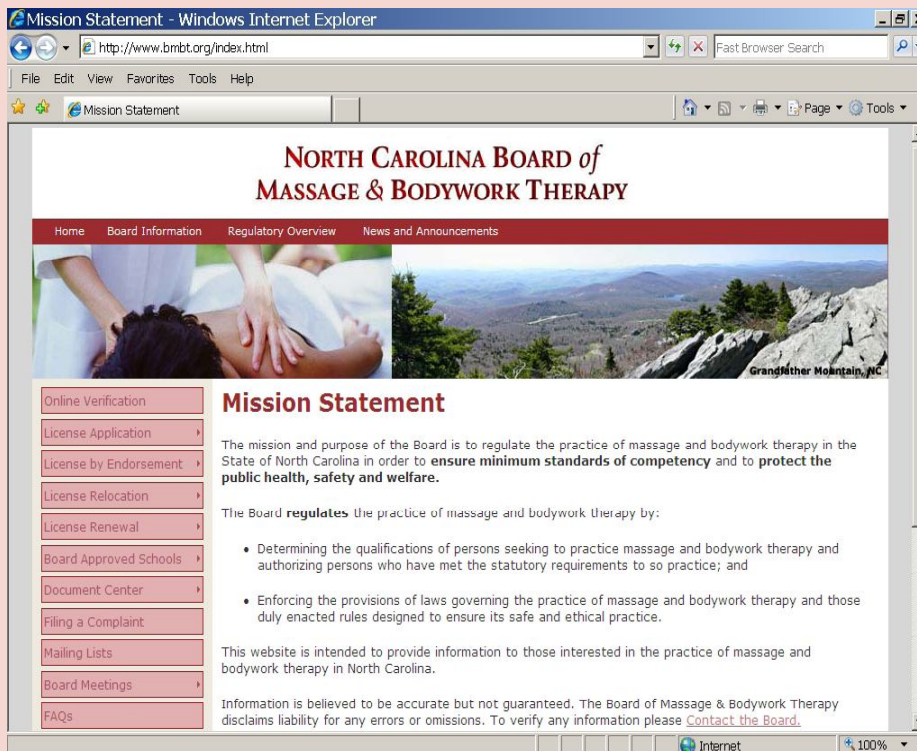
ADMINISTRATIVE DIRECTOR'S REPORT

Licenses Currently Active	7,330
Licenses Issued through 11/30/2010	10,636
Late Renewal Letters mailed	466
Scheduled to renew by 12/31/2010:	4,122



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The Board Website is your Online Source for Information

The website provides an easily accessible source for information on the licensing program and activities of the Board. There are individual pages which give you information about:

- Applying for initial licensure
- Licensure by endorsement
- How to Contact the Board
- Board members and professional staff
- Board Meeting schedule
- Board-approved schools
- Frequently Asked Questions
- License Verification
- How to file a complaint
- Links to other agencies and organizations

A feature, called the DOCUMENT CENTER, is a popular page on the site. From this location, you can view and/or download many of the important documents which are part of the licensing program. These include:

- Application Request Form Guidelines
- List of Modalities Requiring Licensure in North Carolina
- Orientation Handbook
- Practice Act
- Renewal Application Rules & Regulations