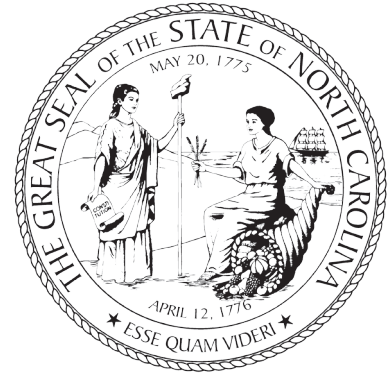


NORTH CAROLINA BOARD of MASSAGE & BODYWORK THERAPY

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



NEWSLETTER

DECEMBER 2009

Message from the Board Chair, Victor Farah

For those who might not make it to the end of this, my first message, let me start by extending to all my personal and the Board's wishes for a healthy and prosperous New Year. I would also like to thank my fellow Board members for their vote of confidence by selecting me to serve as Chair.

As this newsletter goes to print, we are preparing for our first Strategic Planning Meeting which will be held from January 8 to 10. All stakeholders were invited to submit suggested topics and areas of concern by contacting the Board office or any Board member. While we will try to cover suggested topics, this may not be possible given the limited time.

As we embark upon a new year, I would like to share with you some of my thoughts and experiences since joining the Board as the Public Member. Before being appointed by the Governor, my experience with massage and bodywork had been exclusively as a client to a broad array of practitioners-ranging from Swedish to neuromuscular to craniosacral to Rolfing to Reiki, in addition to stones, wraps and reflexology. Over a period of at least 35 years, I have received treatments from a wide range of practitioners in settings as varied as my home, The Y and luxury spas. I have been fortunate to receive treatments from what I consider very knowledgeable and competent practitioners. Since most of these treatments preceded our licensure act, I had assumed that the skill levels of practitioners would increase once licensure was required. It seems to me we've had a good result on that. Certainly licensure has ensured at least a minimum level of knowledge for entry-level practitioners.

Early in my experience, massage and bodywork seemed more a part of the alternative healthcare movement or the luxury destination spa world. Massage and bodywork have now become much more "mainstream" and are widely available in a broad range of settings. My earliest practitioners were

AMENDMENTS TO THE BOARD'S RULES

In August, 2009 the North Carolina legislature passed a law requiring occupational licensing Boards to adopt rules postponing or waiving license renewal requirements for individuals serving in the military if they are eligible for an extension of time to pay their taxes due to overseas deployment. The Board has proposed the following amendment to Rule .0303 concerning license renewal.

(e) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the license renewal fee and to complete the continuing education requirement prescribed in Rule 21 NCAC 30 .0700. A copy of military orders or the extension approval by the Internal Revenue Service must be furnished to the Board. If approved, continuing education acquired during this extended time period shall not be utilized for future renewal purposes.

January 15, 2010 is the final date the Board can accept comment on the rule. You may submit your comments to Charles P. Wilkins, Legal Counsel to the Board at PO Box 2539, Raleigh, NC 27602. If this rule is approved by the Rules Review Committee as proposed, it will become effective on April 1, 2010.

DISPLAY YOUR LICENSE PROPERLY

It has come to the attention of the Board that some licensees are not properly displaying their NC LMBT license.

Rule .0302 provides: **DISPLAY OF LICENSE** A licensee shall display the license in a prominent place at the licensee's primary place of business so as to be visible for inspection. Licensees providing massage and bodywork therapy outside their primary business location, or at the location of clients, shall have a copy of their license available for inspection upon request.

Please make sure you are complying with Rule .0302.

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NEW OFFICERS ELECTED

N. Victor Farah, public member appointed by the Governor, was elected Board Chair. Mr. Farah was appointed to the Board April 5, 2007 and has served the Board as public member since his appointment. Mr. Farah serves on the License Standards Committee, the Licensing Boards Coordination Committee and the Establishment Regulation Committee. Mr. Farah is a partner in the Jernigan Law Firm in Raleigh, a Board Certified Specialist in Workers' Compensation law and Peer Counselor with the NC State Bar Lawyer Assistance Program.

Jaime Huffman, therapist member appointed by the Speaker of the House, was elected Vice-Chair. Ms. Huffman was appointed to the Board August 4, 2006 and has served as a therapist member since her appointment. Ms. Huffman has served on the School Approval Committee and chairs the Licensing Boards Coordination Committee, the Establishment Regulation Committee, and the Licensure Standards Committee. Ms. Huffman is Executive Spa Director at The Grove Park Inn and Resort in Asheville, NC. She earned a MPH from the University of North Carolina at Chapel Hill and a B.S. degree in Psychology/Health Behavior from Appalachian State University. She is a licensed massage and bodywork therapist and is certified in Spa Supervision, Systematic Stress Management Training, Deep Tissue, Prenatal/Perinatal Massage, Reflexology, and as a Reiki Master-Teacher.

Raphael Orenstein, MD was re-elected as Board treasurer. Dr. Orenstein was appointed to the Board May 8, 2005 by the Governor and serves as the physician member to the Board. Dr. Orenstein has served as treasurer of the Board since August 2007. Dr. Orenstein has previously served on the School Approval Committee and now serves on the Communications Committee and the Policy Committee for the Board. Dr. Orenstein is a Psychiatrist, or physical medicine and rehabilitation specialist. He is Board Specialized in pain medicine and electrodiagnosis. He is currently the medical director of Durham Rehabilitation Institute which is housed in Durham Regional Hospital.

Officers were elected at the August 2009 Board meeting. The Board discussed and approved future elections of officers to be held in June.

Newly Approved Massage and Bodywork Therapy Schools

The following new schools have been approved by the Board to provide massage and bodywork therapy instruction since the last newsletter:

- College of Wilmington, Wilmington, NC
- Kneaded Energy School of Massage, Greensboro, NC
- Living Arts Institute, Winston Salem, NC
- Miller Motte College, Greenville, NC
- Privai Academy, Asheville, NC

MOVED? CHANGED JOBS?

Rule 21 NCAC 30 .0403 requires that all licensees notify the Board in writing of any changes of trade name, mailing address, telephone number or primary place of business within thirty (30) days of the change. The "Notification of Change" form is available at the website at www.ncbmbt.org. Changes will also be accepted by email to admin@bmbt.org.

Please note that all address changes must be in writing. The Board staff is prohibited from accepting verbal changes of address.

INTRODUCING NEW BOARD MEMBER KEVIN POWELL

Kevin E. Powell was appointed by the Speaker of the House of Representatives, Joe Hackney, to serve as a therapist member of the Board in 2009. Mr. Powell's appointment was effective September 1, 2009 and continues until June 30, 2012. Mr. Powell has a Master of Science degree from NC State University and a Bachelor's degree in Biology from The College of William & Mary. He has more than twenty years of experience as an industrial hygienist and environmental consultant. He lives north of Pittsboro in Chatham County and is the owner of Pandion Health Solutions, Inc. where he provides massage and bodywork therapy services to the public.

www.ncbmbt.org

2010 Board Meeting Dates

- February 18, 2010
- April 15, 2010
- June 17, 2010
- August 12, 2010
- October 21, 2010
- December 9, 2010

Board meetings are held at 10:00 AM 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.

ADMINISTRATIVE DIRECTOR'S REPORT

Licenses Currently Active.....6,650
Licenses Issued
through 11/30/20099,543
Late Renewal letters mailed for
the 2010-2011 renewal period 719

MESSAGE FROM THE BOARD CHAIR

(Continued from Pg 1)

often people who had made a career change into massage and bodywork, often from healthcare or counseling careers. They were almost all female. Some had transferable skills from other fields; some went to one of the few schools then operating; some learned through on-the-job training or mentoring. Nowadays, the path to licensure is more predictable and often pursued as an initial career choice. Many students go directly from high school to massage school. While women still far outnumber men, the number of male therapists has grown dramatically.

I give this summary to give context for some of my beliefs about where we are and what opportunities and challenges the future holds. While I believe everyone will agree that the significant expansion of the field is a good thing, we must nevertheless be vigilant about protecting the public by making sure all licensees are adequately trained.

The proliferation of massage and spa "businesses" provides great employment opportunity and affordable access. However, since the Board licenses individual therapists and not businesses or facilities, there is currently no meaningful oversight of these facilities. A few states do regulate such facilities and our board will be exploring that possibility.

The growth in the number of schools likewise creates more opportunity for individuals to pursue education and careers. The Board has endeavored to establish and maintain reasonable standards for the schools. However, the lack of direct oversight responsibility for community college and certain other programs creates the possibility of disparity between them and the private sector schools. It is one of my personal and the Board's goals to make sure that all schools and programs meet standards which will enhance the profession and protect the public.

Since the Board only issues one basic license designed to set an appropriate standard for entry-level practitioners, certain specialized modalities and higher levels of training are not specifically recognized through any type of licensure. A number of programs and certification boards issue and regulate various certifications and designations used by their practitioners. Some have asked whether our Board should con-

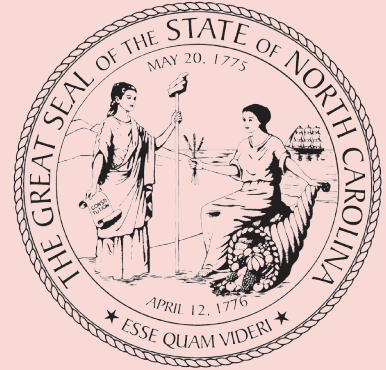
Based on previous Board opinions, the following modalities require a North Carolina Board of Massage and Bodywork Therapy license and the licensee must be trained and competent to administer the modality and such competency must have been demonstrated and documented:

1. Amma Therapy
2. Amma Massage Therapy
3. Acupressure
4. Bowen Technique
5. Bowtech Technique
6. Craniosacral Therapy
7. Cupping
8. Endermologie
9. Endermology
10. Hot Stone Massage
11. Hydrotherapy
12. Infant Massage (unless exempt under NCGS 90-624)
13. Kiatsu
14. Lymph Star Pro Machine
15. Lymphatic Drainage Machine
16. Neurostructural Intergration Technique
17. Ortho-Bionomy
16. Phytobiadermie Vacuum Suction Massage
19. Pregnancy Massage
20. Roling
21. Shiatsu
22. Synergie AMS Device
23. Thai Yoga Massage
24. Watsu

sider a tiered licensure or even specific licensure for some of the more specialized modality practitioners. This will be a topic of discussion but would likely require statutory changes.

North Carolina continues to be one of the fastest growing states. The number of massage and bodywork therapists relocating to North Carolina is significant. The Board continues to deal with the many issues presented by such a mobile profession.

So, I am fortunate to be on this Board at a time when so many of the startup issues have been resolved and the licensing and renewal procedures run pretty smoothly. The issues I've discussed above provide the opportunity for the Board to do more to fulfill its basic mandate of protecting the public through licensure. I'm honored to be part of it.



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

POST OFFICE BOX 2539
RALEIGH, NC 27602

Phone: 919-546-0050
Fax: 919-833-1059
email: admin@bmbt.org
web: www.bmbt.org

Offices located at the
Wachovia Capitol Center
150 Fayetteville Street
Suite 1900
Raleigh, NC 27601

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Jaime Huffman, LMBT
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Legal Counsel
Benjamin E. Thompson, III
Legal Counsel
Bonnie Kennedy
Administrative Director
Elizabeth Welden
Administrative Assistant
Barbara Williams
Newsletter Editor

DISCIPLINARY ACTIONS TAKEN BY THE BOARD

FROM DECEMBER 1, 2008 THROUGH NOVEMBER 30, 2009

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

HEARINGS AND ORDERS

Yehuda Julian Lev - Sexual assault on a client; Civil Penalty of \$1000.00 and \$300.00 Costs; License Revoked. Appealed to Orange County Superior Court; Board's decision upheld by Order of Superior Court Judge April 27, 2009.

Michael Matthew Chandler - A hearing was held February 19, 2009, to determine if there was sufficient convincing evidence to support the allegations that Mr. Chandler was negligent while administering a hot stone massage on a client. The Board was of the opinion that the procedure Mr. Chandler followed was proper and correct. The Board entered an Order dismissing the complaint.

Patrick Santa Lucia - A hearing was held April 16, 2009, to determine if there was sufficient evidence presented to support the allegations that Mr. Lucia had, (1) violated Rule .0503(3) during a massage session with a client due to his failure to obtain written informed consent from the client; (2) violated Rule .0506(4); improper draping during the massage session, or (3) improperly touched the client's breasts. The Board determined there was not sufficient convincing evidence that Mr. Lucia violated the provisions of Rule .0506(4) or that he improperly touched the client's breasts during the massage. The Board did determine Mr. Lucia failed to comply with Rule .0503(3) in that the form signed by the client was not sufficient informed consent to allow Mr. Lucia to provide massage and bodywork therapy services to the client. The Board entered an Order that Mr. Lucia provide to the Board a copy of his current intake/consent to treatment form to determine compliance with the Rules of the Board.

CONSENT ORDERS:

Geoffrey Richard Amidon - Alleged sexual battery and improper draping of a client; Civil Penalty of \$500.00 and \$300.00 Costs; License revoked.

Ariel LaShawn Boone - Practicing massage and bodywork therapy without a license; Civil Penalty of \$200.00 and \$200.00 Costs; One year probation.

Jeffrey Lawrence Bryant - Alleged sexual misconduct and improper draping of a client; Civil Penalty of \$500.00 and \$300.00 Costs; Voluntarily surrendered license.

Thomas Bryant Clephane - Alleged inappropriate sexual behavior with a client; Civil Penalty of \$750.00 and \$200.00

Costs; Two years probation; attend six (6) hours of in-class training in ethics, roles and boundaries before November 1, 2009.

Rochelle Lynette Davis - Practicing massage and bodywork therapy while license was expired. Civil Penalty of \$300.00 and \$100.00 Costs.

Candida G. Grogg - Knowingly allowed an unlicensed therapist to practice massage and bodywork therapy in her business; Civil Penalty of \$500.00 and \$200.00 Costs; One year probation.

Seung Ok Kim - Practicing massage and bodywork therapy without a license from 2002 through 2008; Civil Penalty of \$2000.00 and \$200.00 Costs; Two years probation.

Estelle Ledbetter - Alleged sexual misconduct with male clients; Pay investigative costs of \$1,146.00; License revoked.

Angela Nichole McCall - Practicing massage and bodywork therapy without a license; Civil Penalty of \$1000.00 and \$200.00 Costs; Two years probation.

Nicole Laverne Murphy - Practicing massage and bodywork therapy without a license; Civil Penalty of \$250.00 and \$200.00 Costs; Two years probation.

Gregg Leslie Steinberger - Practicing massage and bodywork therapy without a license; Civil Penalty of \$1000.00 for practicing without a license; Civil Penalty of \$500.00 for filing a false Practicing Disclosure Form and \$500.00 Costs; One year probation.

Young MacDonald Wood, III - Practicing massage and bodywork therapy without a license; Civil Penalty of \$1000.00 and \$200.00 Costs; Two years probation.

LETTERS OF REPRIMAND:

There were five hundred forty-three (543) Letters of Reprimand issued to therapists for late renewal and twenty-six (26) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks).

Brett Lee Rodgers, LMBT, was charged a \$250.00 Civil Penalty and issued a Letter of Reprimand for violating Rule .0505(1), client confidentially.

CEASE AND DESIST ORDERS:

There were forty-five (45) Cease and Desist Orders served on persons for practicing without a license and ten (10) 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:

Norma Benvenuti (Shasha)	Hickory
William Bronson	Charlotte
Dave Burrington	Lyndhurst, OH
Laura Burris	Weaverville
Tina Card	Asheville
Catherine B. Clarke	Swannanoa
Sung Ae Chon	Flushing, NY
Kim Connors	Manteo
Haywood "Woodie" Cope	Salisbury
Whitney Dills	Mountain Home
Sharon Draper	Burlington
Rowan Farrell	Hendersonville
Shannon Flood aka: Xiao Hong Wang	Statesville
Debbie Justice	Greenville
Denise Greenfield	Asheville
Young bok Kim	Matthews
Young Ja Kim	Matthews
Shauna Guyton	Leland
Shoshanna Hamburg-Dibetta	Chapel Hill
Brandon Scott Harrison	Matthews
Teresa Latendress	Statesville
Won C. Kim	Flushing, NY
Jaesup Lim	Flushing, NY
Tonya Martin	Greensboro
Angela Nicole McCall	Bennettsville, SC
Michelle Meyers	Charlotte
Tameka Moore	Durham
Tammy L. Miller-Ballard	Hendersonville
Blair Nalls	Concord
Joshua Patrick Nelson	Hickory
Valerie Norris	Charlotte
Panjwani, Mumtaj	Durham
Ann Marie Poplin	Monroe
Judy Lynne Ray	Hendersonville
Carrie Nye Rehkopf	Charlotte
Patricia Kaye Reed	Asheville
Katharine E. Richards	Greensboro
Lisa Louise Roberts	Charlotte
Misty Rollins	Swannanoa
Arleicha Russell	Mooresville
Dirk Simons, DC	Matthews
Don Juan Solis	Raleigh
Minca Thomas	Raleigh
Frank Trombetta	Horse Shoe
Cindy Winn	Charlotte

Businesses:

Hypnotix Spalon	Wilmington
Natural Wellness Centre	Monroe
Plenish Bodywork	Wilmington
Men's Club of Charlotte	Charlotte

Modern Salon and Spa	Waxhaw
Valerie's Healing	Charlotte
Hanes Mall	Winston Salem
H-Relax	Winston Salem
Smile Spa	Sunset Beach
VIP Spa	Wilmington

DENIAL OF LICENSE:

The Board denied a license to ten (10) applicants. Six (6) applicants were denied licensure because they had charges pending or were on probation; Heather Elizabeth Barefoot, LaTasha Lamara Fenn, Liza Marie McGuire, Dawn Michele Smyth, William Dean Vigus, and Ariel Joann Zimmerman. Three (3) applicants were denied licensure due to lack of moral character; Daron Stephen Gamon, Rebekah Anne Saylor and Zhen Wang. Two applicants were denied licensure for lack of proficiency in the English language; Young Suk Stinnette and Zhen Wang.

CONDITIONAL LICENSES:

The License Standards Committee of the Board issued twenty-seven (27) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, or other improper conduct.

RENEWING AN EXPIRED LICENSE

CLARIFYING BOARD POLICY ON RENEWING AN EXPIRED LICENSE

A licensee who has allowed a license to expire may reinstate their license within twenty-four (24) months from its expiration date. Depending on when during the 24-month period you choose to reinstate your license, you must complete and submit appropriate continuing education with your renewal application for either one or possibly two renewal periods. Any renewal application submitted after the required submission date of November 1 is considered to be a late renewal and is subject to the \$75 late fee in addition to the renewal fee of \$100. If the time your license was expired includes two renewal periods, you may be required to pay a total of \$350. The licensee will also receive a Letter of Reprimand for failing to renew by the November 1st deadline.

For example, if your license expired December 31, 2007 and you choose to reinstate your license after November 1, 2009, you must complete and submit 25 hours of appropriate continuing education with your application for the 2008-2009 and 24 hours of appropriate continuing education with your application for the 2010-2011 renewal periods for a total of 49 hours. You must also pay a late renewal fee of \$75 and the renewal fee of \$100 for the 2008-2009 renewal period as well as for the 2010-2011 renewal period for a total of \$350.

A licensee who has allowed a license to remain expired for more than 24 months may not renew their license, but must submit an application for initial licensure and follow the procedure for a first-time applicant meeting all of the requirements existing at that time.



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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

