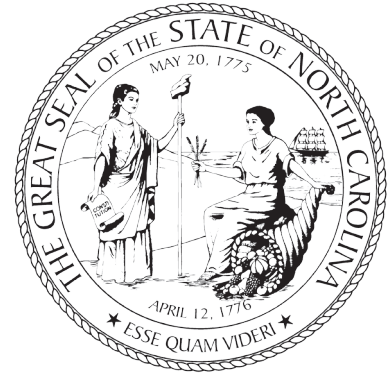


# NORTH CAROLINA BOARD of MASSAGE & BODYWORK THERAPY

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



**NEWSLETTER**

**WINTER 2012**

## **Message from the Board Chair, Jaime Huffman KEEPING PACE WITH INFORMATION TECHNOLOGY**

The Board is committed to expanding its use of information technology (IT) as it strives for greater success in carrying out its mission of serving and protecting the public. To accomplish this, IT has been included in the Board's strategic plan since 2010 and will remain on the front burner for as long as necessary to ensure that pertinent information is readily accessible to all who need it.

The Board's database is continuously monitored and upgraded for efficiency. As a result, the Board is able to promptly disseminate information, respond to licensing questions, assist with disciplinary actions, and address other concerns expressed by those it serves.

Several IT projects are being developed and some will soon be implemented. The first of these is the Jurisprudence Learning Exercise discussed elsewhere in this newsletter. The second provides the option of online renewals for current licensees, and is expected to be available to licensees renewing in 2013. Thirdly, the Board is working to provide online access to a licensee's personal information so that information can be easily updated when necessary. A fourth project will result in online access to continuing education information, allowing licensees to update information as courses are completed, thus facilitating their license renewal process. Lastly, the Board is seeking to make its license application and supporting documentation readily available to potential applicants by placing as much of the application package online as possible.

As with any change, there will be a learning curve, and the Board will roll out these IT changes gradually over the next few years. The end result will make the application, renewal, continuing education, and disciplinary processes more transparent, accessible, and efficient.

Your Board thanks you in advance for your cooperation, patience, and support as these various projects are implemented. As ever, your comments and suggestions are welcome.

## **JURISPRUDENCE LEARNING EXERCISE**

Beginning January 1, 2012, applicants for a license will be required to take and complete a learning exercise based on the Practice Act and Rules of the Board. The Jurisprudence Learning Exercise (JLE) is offered online and consists of 30 multiple choice questions. The JLE is "open book" and requires that the applicant answer each question correctly before successful completion. The purpose of the JLE is to familiarize applicants with the existence, content and importance of the Practice Act and Rules as the applicant begins the practice of massage and bodywork therapy in North Carolina.

## **STRATEGIC PLANNING UPDATE**

The Board had its first strategic planning retreat January 2010 and a follow-up retreat April 2011. The Board and various committees have successfully completed 80% of the action items identified at the 2010 Strategic Planning Conference and work is continuing on the remaining items as well as additional items identified such as the Public Education Campaign and the of licensing massage establishments. The primary remaining issues on the retreat agenda and their current status are:

1. Investigate resources for dealing with substance abuse and mental health issues in the licensing and disciplinary process.
2. Consider how the Board may more effectively regulate businesses that employ LMBTs or offer massage or bodywork therapy services.
3. Use more technology in Board operations. Online renewal procedures and the Jurisprudence Learning Exercise are underway.
4. Consider an education program to decrease the number of applicants with criminal records.
5. Consider whether additional educational and/or testing standards should be established for certain professional disciplines practicing massage and bodywork therapy.
6. Consider the education and training requirements for initial licensure.
7. Finalize and administer the jurisprudence learning exercise.
8. Consider adequacy of continuing education standards.

### **IN THIS ISSUE**

Administrative Director's Report .....	2
Board Meeting Dates .....	2
Board Needs Your Email Address .....	2
Disciplinary Actions .....	3 & 4
Facebook Page .....	2
Jurisprudence Learning Exercise .....	1
Introducing New Board Member .....	2
Message From the Chair-Information Tech 1	
New Board Members .....	2
New Officers Elected .....	2
Strategic Planning Update.....	1

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## NEW BOARD MEMBERS

THE HONORABLE PHIL BERGER, PRESIDENT PRO TEMPORE OF THE SENATE, APPOINTED JOSH HERMAN OF MEBANE, ALAMANCE COUNTY AND DARINDA DAVIS OF ASHEVILLE, BUNCOMBE COUNTY TO THE POSITIONS PREVIOUSLY HELD BY LAURA ALLEN AND NANCY TONER WEINBERGER. THEIR TERMS BEGAN JULY 1, 2011 AND EXPIRE JUNE 30, 2014.

**Josh Herman** is a native North Carolinian. He attended East Carolina University where he obtained his Bachelor of Science in Exercise and Sport Science with a concentration in Athletic Training. After graduating, Josh worked as a Certified Athletic Trainer and physical therapy aide in Raleigh, NC. It was there he became interested in therapeutic massage.

In 2001, Josh graduated from Medical Arts Massage School and opened a private practice in Raleigh, NC. Soon after graduation, he also began working as a teaching assistant and eventually an instructor at Medical Arts Massage School where he worked until 2005. In 2002, he moved his practice to Mebane, NC and ran a successful business until 2005 when he closed his practice and took a full time position as the Program Director of the massage therapy program at Miller-Motte College in Cary, NC. After four years as Program Director, Josh was promoted to the Director of Education overseeing all educational programs and faculty. In 2009, Josh received his Masters Degree in Adult Education from the University of Arkansas. In his free time, Josh enjoys spending time with his wife and two children, hiking, watching sports, and working to trace his family history.

**Darinda Davis**, Director of Training & Quality Assurance  
Innovative Spa Management, Asheville, NC  
Licensed Esthetics Instructor, Licensed Esthetician

Darinda received her massage diploma from Professional Massage Training Center in Springfield, Missouri, and her National Certification in 1999. Esthetics technology certificate from Blue Ridge Community College in Flat Rock, North Carolina, 2005.

With many specialty and advanced classes to support her passion for the spa industry, unyielding work ethic and dedication to teaching excellence she gained her Esthetics Teaching License, and International Dermal Institute Post Graduate Certificate in 2010.

Darinda continues to provide 5 Star resort spa services, employee training, and national and continuing education with Innovative Spa Management. Darinda offers expertise in implementing operational systems as well as developing training programs that build upon a spa's brand. She specializes in creating classes that offer comprehensive learning objectives and outcomes and consistently attracts a high caliber student following.

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## NEW OFFICERS OF THE BOARD

The Board at its June 2011 meeting elected the following officers:

Chair – Jaime Huffman  
Vice Chair – Kevin Powell  
Treasurer – Dr. Ed Preston.

## FACEBOOK PAGE

The Board has established a page on Facebook to provide updated information on a variety of issues that affect the practice of massage and bodywork therapy in North Carolina. You can access the Facebook page at the Massage and Bodywork Therapy webpage at [www.bmbt.org](http://www.bmbt.org).

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## NCCAOM EXAMINATION

The Board has been notified the NCCAOM plans to cease giving the Asian Bodywork Therapy examination at the end of 2013. The Board's Guidelines will be amended to reflect that action when appropriate.

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[www.ncbmbt.org](http://www.ncbmbt.org)

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## 2012 Board Meeting Dates

February 9, 2012  
April 5, 2012  
June 21, 2012  
August 9, 2012  
October 18, 2012  
December 13, 2012

Board meetings are held in the large conference room on the 13th floor of the Wells Fargo Capitol Center at 150 Fayetteville St., Raleigh, NC 27601. Meetings begin at 10:00 am and are open to the public. 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..... 7,732  
Licenses Issued  
through 12/31/2011 ..... 11,677

The Board needs your current email for future News and Announcements. Please email your current email address to the Board at [admin@bmbt.org](mailto:admin@bmbt.org) or mail your current email address to the Board at PO Box 2539, Raleigh, NC 27602.

# DISCIPLINARY ACTIONS TAKEN BY THE BOARD

## FROM DECEMBER 8, 2010 THROUGH DECEMBER 31, 2011

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

### SUPERIOR COURT HEARINGS:

James Sanches Hartsfield – A hearing was held December 12, 2011 in Wake County Superior Court at which time the Board’s attorneys requested a preliminary injunction against Mr. Hartsfield for practicing massage and bodywork therapy after his license to practice massage and bodywork therapy had been revoked. The Superior Court Judge, after reviewing the evidence and exhibits presented, determined Mr. Hartsfield had been practicing massage and bodywork therapy while his license was revoked. The Court ordered that Mr. Hartsfield, in his own name or under any pseudonym or business name of any nature, and his agents, servants, employees, attorneys, and all persons acting in concert with him, are immediately enjoined from engaging in acts and activities constituting the practice of massage and bodywork therapy in North Carolina. The Order was effective upon entry on December 12, 2011 and remains in effect pending further orders of the Court. The Order specifically prohibits Mr. Hartsfield from:

- any express or implicit holding out or representation to others that he is licensed and may provide massage and bodywork therapy services to the public for a fee.
- any express or implicit holding out or representation to the public by advertising, promotional materials, by internet sites, word of mouth, or otherwise, that he is licensed and may provide massage and bodywork therapy services to the public for a fee; and
- providing massage and bodywork therapy services to the public for a fee.
- Any violation of the Order of the Court and the Injunction by Mr. Hartsfield is punishable by contempt of court.

### HEARINGS AND ORDERS:

Ryan Kavan Elliott - A hearing was held June 16, 2011 to determine if there was sufficient evidence to support allegations that Mr. Elliott had inappropriately touched a female client during a massage session. The Board, having heard the evidence and reviewed the exhibits presented, determined Mr. Elliott had inappropriately touched a female client during a massage session. An Order whereby Mr. Elliott’s license to practice massage and bodywork therapy was revoked effective immediately and Mr. Elliott surrendered his certificate of licensure to the Board.

Byung Yoon Kim - A hearing was held June 16, 2011 to determine if there was sufficient evidence to support allegations that Mr. Kim had employed unlicensed persons in his place of business. The Board, having heard the evidence and reviewed the exhibits presented, determined Mr. Kim had knowingly employed and allowed unlicensed female persons to practice massage and bodywork therapy in his place of business. The Board entered an Order whereby Mr. Kim’s license to practice massage and bodywork therapy was revoked effective June 17, 2011. It was further ordered that Byung Yoon Kim pay a civil penalty of one thousand (\$1000.00) dollars and pay costs of three hundred (\$300.00) dollars.

Igor Fooks – A hearing was held December 8, 2011 to determine if there was sufficient evidence to support allegations that Mr. Fooks had sexually assaulted a female client during a massage session. The Board, having heard the evidence and reviewed the exhibits presented and hearing the testimony of the female client as well as that of Mr. Fooks, determined Mr. Fooks had sexually assaulted the female client during a massage session. An Order whereby Mr. Fooks’ license to practice massage and bodywork therapy was revoked effective immediately and that Mr. Fooks was to surrender his license to practice massage and bodywork therapy on or before December 15, 2011. It was further ordered Mr. Fooks pay a civil penalty of one thousand (\$1000.00) dollars and pay costs of three hundred (\$300.00) dollars on or before December 31, 2011.

### CONSENT ORDERS:

Christopher Sean Hirst - Alleged inappropriate behavior with female clients; civil penalty of five hundred (\$500.00) dollars and two hundred fifty (\$250.00) dollars costs; one year probation with completion of 10 additional hours of ethics during probationary period.

Hong Wei Zhang - Allowing an unlicensed person to practice massage and bodywork therapy in his place of business; civil penalty of five hundred (\$500.00) dollars and two hundred (\$200.00) dollars costs; one year probation; shall not violate the North Carolina Board of Massage and Bodywork Therapy Practice Act or the Rules during his period of probation.

### LETTERS OF REPRIMAND:

There were nine hundred ninety (990) Letters of Reprimand issued to therapists for late renewal and thirty-six (36) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks).

### CEASE AND DESIST ORDERS:

There were twenty-nine (29) Cease and Desist Orders served on persons for allegedly practicing without a license and fifteen (15) 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:

Kristen W. Blevin.....	Morganton
Rhonda Bailey.....	Cary
Tav Sparks.....	Hayesville
Maridel Gonzalez.....	Burlington
Megan E. Hull.....	Jacksonville
Deb Lazer.....	Winston Salem
J. Ione Linker.....	Chapel Hill
Thelma Martin.....	Cary
Misty Long.....	Dallas
Brandy Menser.....	Jacksonville

Nadia Moore.....	Cherry Point
Sara Michael.....	Jacksonville
Sara Jo Nelson.....	Topsail Beach
Valerie Holden Norris.....	Ocean Isle Beach
Melisa Barry Roberts.....	Ocean Isle Beach
Stacy Maready.....	Jacksonville
Amy Dawn Ostrowski.....	Sneads Ferry
Whitney Taylor Smith.....	Wilmington
Andre Vazaquez.....	Cary
“Vantha”.....	Jacksonville
Kylie Bryan.....	Morganton
Patricia Goodhue.....	Arden
Yang Mei Lu.....	Raleigh
Laura Henderson.....	Charlotte
Joey Wall.....	Greensboro
Naomi Clark.....	Raleigh
James Kantor.....	Raleigh
Tipeka A. Adkins.....	Holly Springs
Jenny Mok.....	Gastonia

**BUSINESSES:**

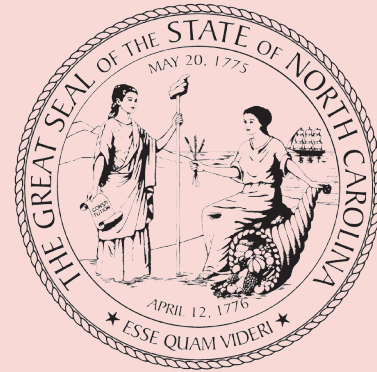
Deja Groove Salon and Spa.....	Burlington
Luxor Day Spa.....	Raleigh
Deluxe Day Spa and Salon.....	Jacksonville
Natural Look Salon and Spa.....	Cary
Super Relax Oriental Spa.....	Raleigh
VIP Massage Spa.....	Youngsville
Fusions Spa.....	Morganton
Hot Stone Massage Spa.....	Flat Rock
Yucca Asian Massage.....	Cary
Shear Excellence.....	Charlotte
Acupressure Massage.....	Raleigh
JPQ Nail Spa.....	Winterville
Diva Nails and Spa.....	Raleigh
Hot Hands Off The Press.....	Holly Springs
Health Massage/Health Spa.....	Concord

**DENIAL OF LICENSE:**

The Board denied licenses to thirteen (13) applicants. Four (4) applicants were denied a license due to criminal charges pending or being on probation: Kelvin Lee Morris, Stacie Elizabeth Wallace, James Edward Lutcavage and Zachary Dean Tumbleson. Four (4) applicants were denied a license due to lack of moral character: Theresa Ann Saulter, Aubrey Nichole Marett, Ying Chen and Mary Lacy Williamson. Two (2) applicants were denied a license because the curriculum of the massage school they attended did not meet the Board’s minimum requirements: Sanaa El Achqu and Michele M. Freiburghouse. Three (3) 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: Xiao Hong Wang Flood, Xianzhao Xu and Lizhu Guo.

**CONDITIONAL LICENSES:**

The License Standards Committee of the Board issued fifty-five (55) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, or other minor improper conduct.



Official Newsletter  
**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

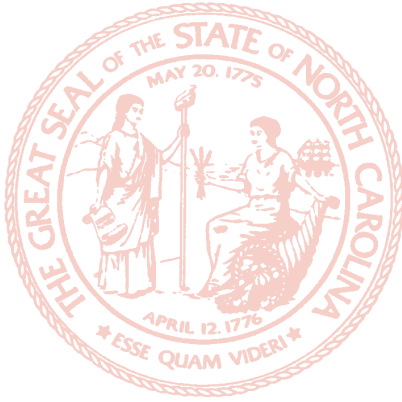
Offices located at the  
 Wells Fargo Capitol Center  
 150 Fayetteville Street  
 Suite 1900  
 Raleigh, NC 27601

**Members of the Board**

- Jaime Huffman, LMBT  
Chair
- Kevin E. Powell, LMBT  
Vice-Chair
- Dr. Ed Preston  
Treasurer
- Josh Herman, LMBT
- Darinda Davis, LMBT
- Candace Frye, LMBT
- Robert Brown, Jr.

**Board Staff**

- Charles P. Wilkins  
Legal Counsel
- Benjamin E. Thompson, III  
Legal Counsel
- Bonnie Kennedy  
Administrative Director
- Elizabeth Welden  
Administrative Assistant
- Barbara Williams  
Newsletter Editor

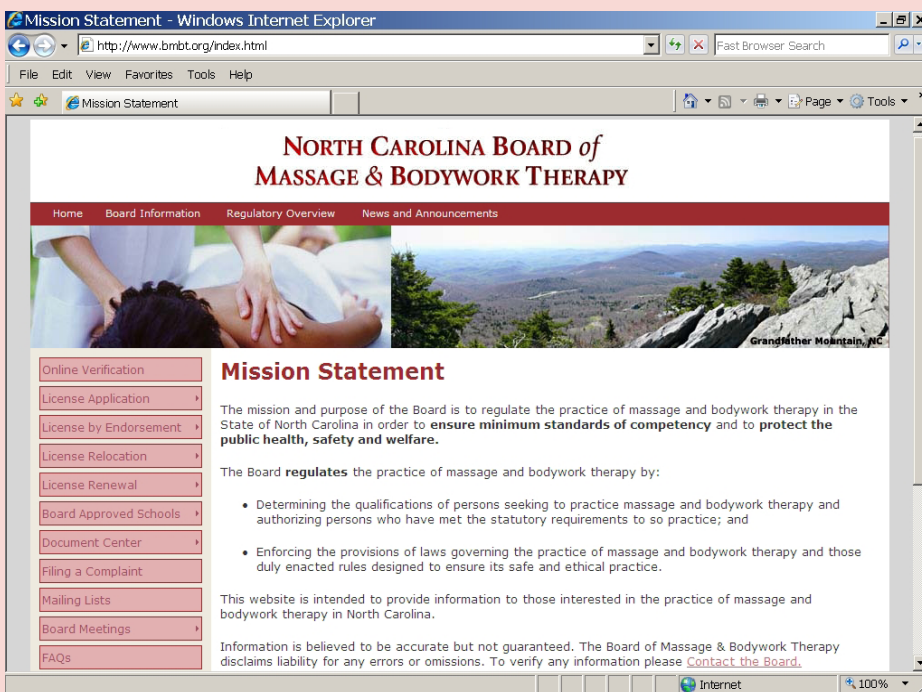


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 RALEIGH NC 27602

www.bmbt.org

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