

NCBMBT LIST OF CIVIL PENALTIES

PURSUANT TO §90-634.1. CIVIL PENALTIES; EFFECTIVE OCTOBER 1, 2007, THE BOARD MAY ASSESS A CIVIL PENALTY NOT IN EXCESS OF ONE THOUSAND DOLLARS (\$1000) FOR THE VIOLATION OF ANY SECTION OF THIS ARTICLE (PRACTICE ACT) OR THE VIOLATION OF ANY RULES ADOPTED BY THE BOARD. THE CLEAR PROCEEDS OF ANY CIVIL PENALTY ASSESSED UNDER THIS SECTION SHALL BE REMITTED TO THE STATE OF NORTH CAROLINA CIVIL PENALTY AND FORFEITURE FUND IN ACCORDANCE WITH G.S. 115C-457.2.

The following are suggested fines for various violations of the Practice Act and the Rules and Regulations of the Board, however fines will be assessed by the Board on a case-by-case basis.

ACTIONS BY MASSAGE AND BODYWORK THERAPISTS THAT MAY RESULT IN FINES

Up to \$250

1. Violation of Professional Designations Requirements(Rule .0301).
2. Violation of Display of License Requirements(Rule .0302).
3. Violation of Trade Names Requirements (Rule .0402).
4. Violation of Change of Address Requirements (Rule .0403).

Up to \$500

5. Violation of Continuing Education Requirements (Rule .0701).
6. Violation of Draping Of Clients Requirements (Rule .0506).
7. Violation of the Hygiene Requirements (Rule .0507).
8. Violation of the Facility Requirements (Rule .0513).

Up to \$1000

1. The employment of fraud, deceit, or misrepresentation to obtaining or attempting to obtain a license or the renewal of a license (§90-633).
2. The use of drugs or intoxicating liquors to an extent that affects professional competency (§90-633).
3. Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law until proof of rehabilitation can be established (§90-633).
4. Conviction of a felony or other public offense involving moral turpitude until proof of rehabilitation can be established (§90-633).
5. Engaging in any act or practice in violation of any of the provisions of this Article or of any of the rules adopted by the Board, or aiding, abetting, or assisting any other person in the violation of these provisions or rules (§90-633).
6. The commission of an act of malpractice, gross negligence, or incompetency (§90-633).
7. Practice, advertise, represent or hold oneself out as a licensee under this Article without a valid certificate or renewal (§90-633).
8. Engaging in conduct that could result in harm or injury to the public (§90-633).
9. The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals, or other business professionals (§90-633).

10. Falsely holding out himself or herself as licensed or certified in any discipline of massage and bodywork therapy without successfully completing training approved by the Board in that specialty (§90-633).
11. Violation of Advertising Requirements (Rule.0404).
12. Violation of Sexual Activity Prohibited (Rule .0509).
13. Violation of the requirement to report Crimes and Civil Suits (Rule .0515).
14. Violation of Business and Ethical Requests (Rule .0511).
15. Violation of Impairment Requirements (Rule .0512).

ACTIONS BY APPROVED SCHOOLS OF MASSAGE AND BODYWORK THERAPY THAT MAY RESULT IN FINES

Up to \$250

1. Late submittal of annual Renewal Application (Rule .0601).
2. Failure to submit a change form related to any aspect of the program within the thirty (30) day deadline (Rules .0601).
3. Failure to respond to Legal Counsel/Board requests for information, clarification and additional documents within a thirty (30) day deadline (Rules .0601).

Up to \$500

1. Failure to submit a change form related to aspect of the program within the thirty (30) day deadline (Rules .0601).
2. Failure to maintain at anytime the minimum requirements for school approval (Rule .0609).
3. Evidence of school permit and equipment infractions (Rule .0615).
4. Failure to administer standards for admission that are designed to ensure that only those students who have the ability to successfully complete the program will be admitted (Rule .0618).
5. Failure to maintain adequate instructional space, equipment or learning resources (Rule .0615; .0623).
6. Failure to maintain student records in a safe and secure manner (Rule .0621).
7. Exceeding the prescribed student-to-instructor ratio in hands-on classes (Rule .0620).
8. Any incident of direct compensation to a student for practicing massage and bodywork therapy prior to becoming a licensee (Rule .0626).
9. Granting transfer credit or advanced placement to a student, which does not meet all the requirements set forth in (Rule .0602) (r) or (s), respectively (Rule .0627).
10. Having a student enrollment contract or school catalog that does not meet all the requirements set forth in (Rules .0629; .0630).
11. Inappropriate or inaccurate use of approval designations (Rule .0604).
12. Failure to administer an internal complaint policy for students and staff (Rule .0625).
13. Failure to comply if an administrative or instructional school staff person is enrolled as a student in any course within the program (Rule .0635).

Up to \$1000

1. Submission of documents to the Board that contain false and/or misleading information (Rules .0609; .0632; .0633).
2. Failure to require students to complete the minimum requirements of a massage and bodywork therapy program in order to graduate or receive a credential (Rule .0609).

3. Failure to allow authorized representatives of the Board to conduct inspections of the school (Rules .0607; .0609).
4. Refusal to make available to representatives of the Board full information as requested (Rules .0605; .0607; .0609).
5. Operating an additional school location without first obtaining approval from the Board (Rule .0609).
6. Evidence of fire and safety infractions (Rule .0615).
7. Allowing the school's professional liability insurance policy to expire (Rule .0616).
8. Failure to conduct an annual review or audit by a CPA, or otherwise fail to maintain the financial requirements set forth in (Rule .0602(h)).
9. Employing or contracting with a program director who does not meet all of the qualifications set forth in (Rule .0611).
10. Employing or contracting with an instructor who does not meet all qualifications set forth in (Rule .0612).
11. Failure to maintain basic curriculum standards that ensure graduates have the education and skills necessary to carry out the safe and effective practice of massage and bodywork therapy (Rule .0620).
12. Failure to comply with the approval process for instructors (Rule .0613).
13. Failure to comply with the approval process for massage instructors (Rule .0614).
14. Failure to maintain financial management systems and economic stability (Rule .0616).
15. Failure to ensure that school personnel and students comply with the Standards of Professional Conduct set forth in Rule Section .0500, the Standards of Practice set forth by the National Certification Board for Therapeutic Massage and Bodywork, or the Board's standards regarding nudity where massage and bodywork therapy is taught or practiced (Rule .0624).
16. Failure to comply with advertising requirements (Rule .0628).
17. Operating or promoting an additional program without first obtaining approval from the Board (Rules .0601).
18. Transfer of approval without authority (Rule .0631).
19. Failure to properly close a school or terminate a program (Rule .0634).

ACTIONS BY NON-REGULATED PERSONS THAT MAY RESULT IN FINES

Up to \$1000

The Board may assess civil penalties to persons who are not licensed or entities which are not regulated by the Board for violations of the provisions of §90-634(a):

1. Practicing massage and bodywork therapy without a license.
2. Advertising, representing, or holding out to others to be a massage and bodywork therapist.
3. Using any title descriptive of any branch of massage and bodywork therapy, as provided in §90-623, to describe a practice or business activity.