

NORTH CAROLINA BOARD of MESSAGE & BODYWORK THERAPY

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



NEWSLETTER

December 2006

Message from the Board Chair, Susan Beam

I would like to begin by welcoming our four new Board members who began their service at the August 2006 meeting: Laura Allen, Jaime Huffman, Jean Middleswarth, and Nancy Toner Weinberger. They are a committed and energetic group and they each bring excellent credentials to this job. (See Who's On Board, pages 2 & 3) I look forward to serving with them.

We are a young Board in terms of service. I am the senior member with just over two years on the Board. However, I have been fortunate to serve my first two years with very dedicated and experienced members who were excellent models of public service and have provided me with thoughtful guidance. I would like to thank immediate past Chair Daisy Millett, past Vice-chair Wayne Saville, and Board members Rosemary Hill and Sue Ehrlich and of course, past Chair Bob Ward.

One of my first duties as Chair of the Board was to represent North Carolina at the annual meeting of the Federation of State Massage Therapy Boards (FSMTB). This is an organization of state agencies that regulate massage therapy. The FSMTB was formed a year ago with the mission of providing support to its member Boards. Of the states that currently license massage therapists, approximately two thirds are members of the FSMTB. The annual meeting was an opportunity to share concerns, issues, and solutions with other state Boards.

I am proud to report that North Carolina is one of the top Boards in terms of members, staff, organization, and problem solving. Due to the hard work of people

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COMMUNITY COLLEGE PROGRAM EXEMPTION

The Community College System introduced a bill in the 2005 Session of the Legislature to exempt community college massage and bodywork therapy programs from approval by the Board. The bill was not brought up in committee, and the exemption language was inserted into the State budget bill. The Legislature made the effective date of the exemption July 1, 2006, and asked the Board and the Community College System to come to an agreement before the Legislature's May 2006 Session.

Several representatives of the Board met with the President of the Community College System to seek an agreement that would allow the massage and bodywork therapy programs and schools in North Carolina to continue to be approved by one entity. The Board believed then, and believes currently, that consistent, quality, comprehensive training and education would be best served by continued oversight and approval of massage and bodywork therapy programs and schools by one entity, such as the Board. No agreement was reached between the Board and the President of the Community College System and on July 1, 2006 the massage and bodywork therapy programs of community colleges, and some technical colleges, became exempt from Board approval. Graduates of these massage and bodywork therapy programs are, however, still eligible to apply for licensure in the State of North Carolina.

NEWSLETTER ARCHIVES

The North Carolina Board of Massage & Bodywork Therapy has published a newsletter yearly since 2003. Past issues can be downloaded from the Document Center page on the Board website at www.bmbt.org

These issues include such information as statistics about the practitioners in our State, past disciplinary actions, frequently asked questions about the licensure process, information about the status of the Practice Act, changes in rules, scheduled board meetings, the website, and much more.

If you have questions about anything pertaining to the NCBMBT, chances are it has been addressed in the newsletter before, or the answer is on the website. Check it out!

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WHO'S ON BOARD

Several new members have been appointed to serve three-year terms on the Board and some members have been elected to new positions. The board members are:

Laura Allen is a therapist member newly appointed to the Board by the President Pro Tempore of the Senate. Laura has been practicing energy work since 1993 and massage therapy since 1998. She is an Approved Provider of Continuing Education under the NCBTMB and is on the faculty of the Asheville School of Massage & Yoga and the visiting faculty of the Obus School of Healing Therapies in Dublin, Ireland. Laura is the author of "[The Plain & Simple Guide to Therapeutic Massage & Bodywork Certification](#)" and has also authored a second book, [One Year to a Successful Massage Practice](#) that will be published next year. Laura and her husband Champ are the owners of an alternative wellness clinic in Rutherfordton that employs more than a dozen practitioners of different disciplines.

Susan Beam is a therapist member appointed to the Board in 2004 by the Governor. She has served on the Licensure Standards Committee and the School Approval Committee for the past two years. She has served as treasurer of the Board for the past year and in August was elected Board Chair. Susan graduated from massage school in 1995. Since that time, she has worked in private practice, in a spa, and has taught massage therapy in two schools. She has provided massage to Hospice patients and to emergency responders during Hurricane Katrina. She currently maintains a private practice in Wilmington, NC.

Richard Gammon graduated from Campbell University in 1978 and Campbell Law School in 1981. He has been in private practice as a trial attorney in Raleigh, NC since 1981 and with Dement, Askew, Gammon and Dement since 1987. His area of concentration is criminal litigation, defending individuals and companies charged with various state and federal crimes. Mr. Gammon served on the North Carolina Disciplinary Hearing Commission (attorney discipline issues) for nine years and as Chairman for three of those years. He was appointed to the Board by Governor Easley in 2005. His interests are saltwater fishing, golf, and following college sports.

Jaime A. Huffman, MPH, is a therapist member newly appointed to the Board by the Speaker of the House. She is Executive Spa Director and member of the Senior Operations Team at The Grove Park Inn Resort and Spa in Asheville, North Carolina. She has over 15 years of leadership experience in massage therapy, education, hospitality, and healthcare, and holds a Master's degree in Health Policy and Administration and a B.S. degree in Psychology/Health Behavior. Jaime serves on the education committee of International Spa Professionals Association and the Advisory Committee of Asheville-Buncombe Technical College and is an active member of American Massage Therapy Association and International Resort Management Association. Her work has been published in the "*Quality Management in Healthcare Journal*" and she has contributed to various other publications.

Jean E. Middleswarth, MSW, is a therapist member newly appointed to the Board by the Speaker of the House. She has practiced in North Carolina as a psychotherapist and massage therapist. She also is a nationally known presenter of workshops on professional and personal growth, and professional ethics for massage and bodywork therapists. Jean is currently adjunct faculty and Clinical Coordinator for the Forsyth Technical Community College Therapeutic Massage Program, and adjunct faculty at Natural Touch School of Massage Therapy in Greensboro.

Raphael Orenstein, MD serves as the physician member of the Board appointed by Governor Easley in 2005. He is a physiatrist, or physical medicine and rehabilitation specialist, practicing in North Carolina for the last eight years. 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. As physiatrists are familiar with and use a holistic approach in treating patients, Dr. Orenstein believes that massage and bodywork therapy is a valuable healing modality. He is honored to be a member of the Board.

Nancy Toner Weinberger is a therapist member newly appointed to the Board by the President Pro Tempore of the Senate. Nancy was originally licensed as a massage therapist in New York State in 1976, where she maintained a part time practice until

1985. She then established the Long Island Center for the Healing Arts, where she practiced and taught until 1995, when she moved to North Carolina with her husband, Michael. Nancy currently maintains a small private practice at her home office in Youngsville. Nancy was the Director of Medical Arts Massage School in Raleigh from 2001 to 2003. She currently teaches continuing education courses for massage therapists and bodyworkers, massage schoolteachers and workshop leaders. Her company, Dynamic Equilibrium, publishes "*PERG*" (Professional Education & Resource Guide), a guide to continuing education offerings for massage therapists and bodyworkers in North Carolina.

Bonnie Kennedy is the Administrator for the Board. Bonnie is originally from Randleman, NC. In 1998, she moved to the Raleigh area where she attended IntraMed Institute and Wake Technical College. Prior to her position with the Board she worked for the North Carolina Chiropractic Association as Membership Director and Assistant to the Executive Director.

Benjamin E. Thompson, III graduated from North Carolina State University in 1993 and Campbell Law School in 1997. Mr. Thompson has been in private practice as a trial attorney in Raleigh, NC, with Broughton, Wilkins, Smith, Sugg and Thompson, PLLC since 1997. Most of his practice relates to civil litigation, defending individuals and companies involved in disputes, ranging from auto accidents to construction contracts. He has worked with the Board since 2003, focusing primarily on disciplinary issues. He is an avid NC State fan.

Charles Wilkins serves as Legal Counsel to the Board. He graduated from the University of North Carolina and UNC Law School. Mr. Wilkins has been in private practice as a trial attorney in Raleigh, NC with "Broughton, Wilkins, Smith, Sugg & Thompson, PLLC", or predecessor entities, since 1970. Charles has represented the Board since its formation in 1999 and has represented the NC Board of Occupational Therapy since 1984. He currently represents or has represented many other North Carolina Boards and Associations, individuals and corporations, as well as serving on the Boards of various banking institutions and non-profit corporations. Charles is an avid sports fan, particularly UNC athletics.

MESSAGE FROM THE BOARD CHAIR

(Continued from Pg 1)

who served before me, we are a full, active, working Board that meets at regularly scheduled times. We currently have five committees that research various issues and perform preliminary work to present to the Board. We have detailed rules and guidelines that help provide consistency and objectivity while following the requirements of our Practice Act. We have established a school approval process (that no other state Board currently does) with clear standards and accountability. We continue to make changes to improve our Practice Act, our Rules, and our Guidelines.

One of the primary activities of the FSMTB at this time is developing an entry-level national examination for massage therapists. In preparation for this, the FSMTB is conducting a Job Task Analysis Survey. The Survey will provide a snapshot of what is currently being done in the field. Each of you is invited to participate in this survey located at the FSMTB website: www.fsmtb.org. Massage therapists with all levels of experience are needed to share how frequently they perform various tasks and the importance of these tasks to entry-level therapists. The more therapists who participate, the more complete and valid the data will be. The FSMTB has promised to carefully analyze your responses and read all your comments. The results of this survey will be made public. Share your experience and opinions now: www.fsmtb.org.

AMENDMENTS TO THE COSMETIC ARTS PRACTICE ACT

Amendments to the Cosmetic Arts Practice Act passed the 2006 Session of the Legislature and were enacted into law on July 27, 2006. The act contained some clarifications to the scope of practice of estheticians and cosmetologists; removed the word "massage" from the definition of "Cosmetic Art"; and stated that the practice of cosmetic art shall not include the practice of massage and bodywork therapy as set forth in the Massage and Bodywork Therapy Practice Act.

Unfortunately, the Bill included in the definition of "esthetics" the following: "or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices,

Frequently Asked Questions

Why does the Board publish all the disciplinary actions it has taken?

The Board does not publish ALL disciplinary actions taken, only the most serious since the last newsletter. The purpose of publishing disciplinary actions is to let the licensees and the public know what issues the Board considers serious and the type and severity of disciplinary actions taken.

What is a Consent Order?

A Consent Order is an Order of the Board entered into between the Board and a licensee who has a complaint filed against them. A Consent Order allows a licensee who has violated the Practice Act or Rules and the Board to avoid the expense and time of a public hearing. A Consent Order can only be entered if the licensee agrees to its terms. If the Board cannot enter into a Consent Order with a licensee, a public hearing is held and an Order is entered.

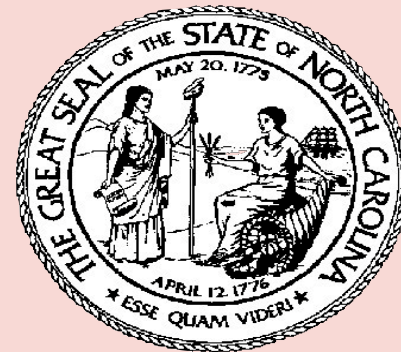
If an LMBT's license is revoked, is it possible to get licensed again in NC?

Yes. Once the terms of the revocation are met, a licensee may reapply for a license. The licensee must demonstrate rehabilitation and that the circumstances that led to the revocation are not likely to occur in the future.

apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams." There may still be confusion among some estheticians as to their limitations in offering "manipulation" to persons receiving skin care. Hopefully, this issue can be clarified between the Cosmetic Arts Board and Licensing Board Coordination Committee of the Massage and Bodywork Therapy Board.

AMENDMENTS TO THE RULES THAT AFFECT SCHOOLS

The School Approval Committee is reviewing Rules Section .0600, "Massage and Bodywork Therapy Schools", to consider what additional changes, if any, should be made to Section .0600 before submission to the Office of Administrative Hearings to begin the rule approval process.



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

Members of the Board

Susan Beam, LMBT
Chair

Richard T. Gammon, J.D.
Vice-chair

Raphael Orenstein, MD
Treasurer

Laura Allen, LMBT
Jaime Huffman, LMBT
Jean Middleswarth, LMBT
Nancy Weinberger, LMBT

Board Staff

Charles P. Wilkins, J.D.
Legal Counsel

Benjamin E. Thompson, III, J.D.
Legal Counsel

Bonnie Kennedy
Administrator

Barbara Williams
Newsletter Editor

Reference Index for Previous Editions of the Board Newsletter

Spring 2003

The Board's First Four Years – “A look back at the collaborative efforts”

Frequently Asked Questions:

- How many hours of “distance learning” can I apply towards my license renewal?
- The deadline for submitting my renewal application is November 1, but my license doesn't expire until December 31. Why the difference?
- What happens to my license fees?
- I'm a Reiki practitioner. Do I have to get licensed by the Board?

For Your Information: Board Meetings and Public Comment; LMBT Advertising Requirements

Winter 2004

Message from the Board Chair: The Importance of Effective Disciplinary Sanctions

Board Gains New Enforcement Tools: General Assembly grants right to assess civil penalties

Schedule of Civil Penalties

Professional Ethics: Board adopts new continuing education requirement for license renewal

Frequently Asked Questions

- Why did my initial license period last less than two years? Because it was less, why do I still have to pay the entire fee and take the full 25 hours of continuing education?
- Why is it that you can only take 12 hours of continuing education via distance learning? Why not all 25 hours?
- What happens to me if I am an LMBT and I know of someone practicing outside the Laws and Rules and I don't turn them in?
- Why can't my name be kept confidential if I turn someone in for disciplinary reasons? I'm concerned about possible repercussions.
- I have been to a Board meeting and I find it hard to sit through because I can't say anything even when I have something that would be helpful to the discussion. Why is this so limited?
- Why can't I be “grandfathered in” any longer?
- I plan to move to NC in the near future, and I'm licensed in my state. Can I get a NC license via reciprocity?

News from the Board: Board Pursues Revisions to the Rules.

LMBT Advertising Requirements.

Spring 2005

Interview with Board Chair, Bob Ward

Proposed Practice Act Amendments Presented to the 2004 Legislature: Controversy Stalls Process (historical)

Status of Proposed Rule Revisions: Rule .0600 Withdrawn from Amendment

News from the Board: Ethics Requirement for License Renewal

The Rules Adoption Process: How it Works

Permanent Rulemaking Process (Chart)

Code of Ethics (historical)

Fall 2005

Summary of Rules Changes

Two Systems of School Approval

Art of Healing Privilege Tax Required by NC Department of Revenue

Spring 2006

Purpose of the North Carolina Board of Massage and Bodywork Therapy

Practice Act Amendments

Amendments to the Rules that Affect Schools

News from the Board: Scams Reported; Name, Address, and Telephone Changes

Every issue includes a Message from the Board Chair, as well as a list of Disciplinary actions taken by the Board since the previous newsletter was published.

DISCIPLINARY ACTIONS OF THE BOARD

FROM MAY 2006 THROUGH OCTOBER 2006

The Board is authorized to investigate complaints and take a range of disciplinary actions, as set forth in Section .0900 of the Rules. The following is a summary of such actions taken by the Board from May 2006 through October 2006:

Salon French & Day Spa..... Greenville
 Studio 96 Fayetteville
 Tong Ren Relaxation..... Carolina Place Mall

MASSAGE AND BODYWORK THERAPISTS

LETTERS OF REPRIMAND:

There were 263 Letters of Reprimand issued to therapists for late renewal from November 2, 2005 through October 24, 2006.

CEASE AND DESIST ORDERS:

There were twenty-one (21) Cease and Desist Orders served on persons and fourteen (14) Cease and Desist Orders served on businesses upon information they were practicing massage and bodywork therapy in North Carolina without a North Carolina license.

Individuals:

Gina Allen Lumberton
 Traci Baird Durham
 Dr. Kit Barker..... Highlands
 Katherine Brendlen Durham
 Ron Capps..... Fayetteville
 Jennifer Fair Fayetteville
 Malulani Granthan Fayetteville
 Khaki..... Thomasville
 Carol McDade..... Gamewell
 Christopher Moore..... Raleigh
 Linda Pleasants O'Tool Durham
 Jenrikiza Platz Greenville
 Dee Schumacher Jamestown
 Rachelle Sweetenberg..... Charlotte
 Jonathan Vu..... Cary
 Rebecca Walters..... Southern Pines
 Wendy Iceline Williams..... Washington
 Mary Elizabeth Winn Winton Salem
 Todd Zevoteck Mooresville

Businesses:

24 Hour Salon Charlotte
 255 Day Spa Chapel Hill
 Ambiance Salon Southern Pines
 Elements Day Spa Kernersville
 Evolve Studio..... Durham
 Far East Health Spa..... Arden
 Healing Ways Jamestown
 Merle Norman Studio Rockingham
 My Day Spa Cary
 Nirvelli Day Spa Cary
 Noelyne Limited Fayetteville
 Pure Gold Aberdeen
 Raleigh Yoga Center Raleigh
 Renaissance European Day Spa..... Fayetteville
 Ross McDaniel Salon..... Wilson

REVOCATIONS/SUSPENSIONS:

From May 2006 to October 2006, there has been one license revocation affirmed:

JOSE' VIERA

Mr. Viera appealed the Board's Order (fining him for practicing with a revoked license) to the Superior Court of Wake County. A motion to dismiss the appeal was heard in Superior Court and his appeal was dismissed. Mr. Viera gave notice of appeal to the Court of Appeals. Mr. Viera did not perfect his appeal to the Court of Appeals and an Order was entered dismissing his appeal. The matter is now closed and the Board's Order was affirmed.

A jury found Mr. Viera guilty of three charges of practicing without a license and sexual assault on two females during two separate massage sessions. He was sentenced to 175 days in jail. His license had been previously revoked.

CONSENT ORDERS/CONDITIONAL LICENSE

The License Standards Committee issued four "Conditional Licenses" to applicants on the condition that they submit a criminal record search for their next two renewals.

MASSAGE AND BODYWORK THERAPY SCHOOLS

THE HEALING ARTS & MASSAGE SCHOOL

Based upon an investigation of complaints from several students, the Board entered into a Consent Order with The Healing Arts & Massage School that provided for: (1) one year of probation, (2) a site visit by M&M Consulting within 60 days, paid by the school, (3) complaints by students be reasonably resolved, and (4) the school continue to work with its attorney to insure it is in compliance with the Practice Act and the Rules of the Board.

PRACTICE ACT AMENDMENTS

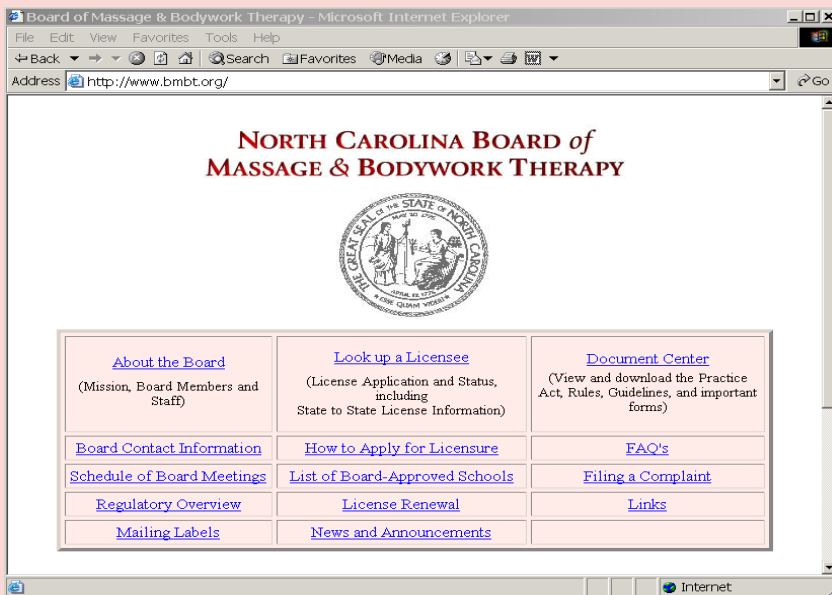
The AMTA-NC Chapter, with input from the Board, therapists, schools, and others, introduced House Bill 1519 into the 2005 Session of the North Carolina Legislature. The Bill sought to amend the North Carolina Massage and Bodywork Therapy Practice Act. Unfortunately, the 2005-2006 Session of the Legislature adjourned in July 2006 without considering the amendments to the Practice Act. The Legislature will begin its 2007-2008 Session at 12 noon on January 24, 2007. It is hoped the amendments to the Practice Act will again be introduced for consideration. A draft of the currently proposed amendments to the Practice Act entitled "Proposed Committee Substitute", can be found on the Board's web page at www.bmbt.org.

**NORTH CAROLINA BOARD of
MASSAGE & BODYWORK THERAPY**

**POST OFFICE BOX 2539
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:

- An overview of the regulatory process
- Contact information for the Board
- List of Board members and professional staff
- Meeting schedule and map to the Board Office
- Information on how to apply for initial licensure
- List of Board-approved schools
- Frequently Asked Questions
- Look up a Licensee - search by last name or license number to verify license status
- 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:

- | | |
|--------------------------------|---|
| <i>Practice Act</i> | <i>Request Form for Initial Application</i> |
| <i>Rules & Regulations</i> | <i>Application for License Renewal</i> |
| <i>Guidelines</i> | <i>Orientation Handbook - New Licensees</i> |