

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.

2012 NEWSLETTER

Message from the Board Chair, Ed Preston M.D.

CONTINUING EDUCATION PROVIDERS AND COURSES

“The mission of the North Carolina Board of Massage and Bodywork Therapy is to regulate the practice of massage and bodywork therapy in the State of North Carolina to ensure competency and to protect the public health, safety and welfare.”

A concern of the Board is the competence of continuing education providers and the appropriateness of continuing education courses. The NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) and the FSMTB (Federation of State Massage Therapy Boards) are developing standards which may assist the Board in making these determinations.

Massage therapists from other states who relocate to North Carolina are sometimes short of the educational standards required to obtain a North Carolina license. The Board is working to develop makeup options for these applicants and will be assisted in this work by public and private massage therapy schools.

Continuing progress is being made to integrate information technology into Board activities. The Jurisprudence Learning Exercise is functioning well. Current licensees are beginning to renew their licenses online and within the coming year the Board will assist new applicants for a license by placing much of the application package online. The Board is continuing its work to provide online access to a licensee’s personal information so it can be updated when necessary. Eventually, the Board will provide online access to continuing education information allowing licensees to update information as courses are completed. This will facilitate the license renewal process.

The Board and staff members are well along in their effort to reduce the use of paper and reduce mailing costs by posting Board and Committee documents in the “Dropbox” software application. This software allows Board members to have ready access to all needed information as they prepare for Committee and Board meetings. And finally, Board members will be issued computers to assist with Board work. These computers will remain the property of the Board.

Your Board appreciates your cooperation and support and welcomes your comments, suggestions and attendance at Board meetings.

INTRODUCING ONLINE LICENSE RENEWAL

For licensees needing to renew their licenses in 2013 the task has become easier. Beginning August 13, 2013, the licensee will have the option to renew your license on line. Information about the on line renewal is currently on the Board website. To complete your online renewal you will need the following:

1. Your North Carolina Massage Therapy license number
2. The last four digits of your social security number
3. A minimum of 24 continuing education contact hour of approved continuing education
4. A valid MasterCard, Visa or debit card with an expiration date, security code, and complete billing address.

The Board is accepting credit cards for online renewal only. The Board does not keep or store your credit card information. Transactions are processed through a secure payment site. Because the Board is sensitive to the privacy and interests of licensees and believes that the protection of the licensee’s financial information is a significant responsibility, a privacy policy has been adopted which is available on the website.

The easy three page online renewal process can be reviewed in detail on the Board website. The process should take about 15 to 20 minutes.

- Renewal Page One (1) updates personal and employment information.
- Renewal Page Two (2) is for entering continuing education hours.
- Renewal Page Three (3) contains a declaration of moral character questions.

Each page must be completed in order for the renewal process to continue. Upon completion of the information and payment of the \$100.00 renewal fee, the licensee will be able to print a copy of their license. With the addition of the online renewal service, the licensee will have access to other online services during the year. The online services include:

Manage My Profile:

Contains your personal and employment information from the Board’s files. The licensee will be able to review and correct that information during the year so that the Board’s information can be kept current. *(Continued on Page 2)*

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NEW BOARD MEMBERS

THE HONORABLE THOM TILLIS, SPEAKER OF THE HOUSE, APPOINTED RENEE D. HAYS OF WAKE COUNTY AND DAVID E. BEDINGTON OF CATAWBA COUNTY TO THE POSITIONS PREVIOUSLY HELD BY JAIME HUFFMAN AND KEVIN POWELL. THEIR TERMS BEGAN JULY 1, 2012 AND EXPIRE JUNE 30, 2015.

David Bedington:

David Bedington is a native of Hickory, NC but has worked, taught, and studied in the Hickory, Charlotte, Asheville, Winston, and Raleigh areas in his 9 years as a massage therapist. David originally went to Southeastern School of Neuromuscular Massage of Charlotte in 2003, and began a career focused on the clinical aspect of massage therapy - addressing pain, posture, and dysfunction.

David has a passion for teaching and got involved at the earliest opportunity at Miller-Motte College of Cary, becoming a full-time instructor and having taught most of the core curriculum. After moving back home to Hickory with his wife to have their first child, David began teaching at Natural Touch School of Massage of Hickory until its closure in 2010. David was approved by the National Certification Board as a continuing education provider in 2010 also, and teaches small intimate classes out of his office in Conover.

In May 2012 David completed a 230 hour program in Advanced Clinical Massage and Structural Bodywork at The North Carolina School of Advanced Bodywork - taking his practice to a new level in pain reduction and postural correction.

David also has a passion for energy healing; having become a Reiki master in 2007 and completing a 150 hour Associate Polarity Practitioner training program in 2008. David's other interests include spending time with his wife and daughter, computers and technology, and renovating his home.

Renee Hays:

Renee D. Hays attended the Medical Arts Massage School in 2001, and received her license to practice massage in 2002. She has eleven years experience working as a massage therapist in NC and specializes in pain relief/management. Renee lives in the Cary area and is currently the Lead Therapist at the new Massage Envy in Morrisville.

NEW BOARD OFFICERS

The Board at its June 2012 meeting elected the following officers:

Chair – Dr. Ed Preston
Vice Chair – Darinda Davis
Treasurer – Josh Herman

KEEP INFORMATION UP TO DATE

To optimize communications between the Board and licensees, please email your current email address to the Board at admin@bmbt.org.

2013 BOARD MEETING DATES

February 21, 2013
April 18, 2013
June 13, 2013
August 15, 2013
October 17, 2013
December 12, 2013

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.

INTRODUCING ONLINE LICENSE RENEWAL *(From Page 1)*

Name changes cannot be made on that page. In order to advise the Board of a name change you must complete the "Notification of Change" form located on the Board website.

Manage My CE's:

Following the renewal period, the licensee will be able to enter continuing education activities as completed during the year. When the licensee is ready to renew, the continuing education already entered will automatically appear. The licensee is no longer required to submit copies of continuing education certificates. The Board will be conducting random audits of continuing education certificates of licensees during the year.

View Certificate of Renewal:

A licensee will be able to view and print a copy of their license at any time.

Renew Online:

Online renewals are recommended and encouraged.

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.

ADMINISTRATIVE DIRECTOR'S REPORT

Licenses currently active..... 7,451
Licenses issued through 12/31/2012..... 12,765

A MESSAGE THERAPIST GUIDE TO MALPRACTICE

Jennifer Flynn, Manager for Healthcare Risk Management and Kate Mager Fox, Account Manager for Healthcare for the Healthcare Providers Service Organization (HPSO) were presenters at the American Massage Therapy Association (AMTA) Convention in Raleigh NC during the first week in October 2012. The subject was “A Massage Therapist’s Guide to Malpractice” HPSO are the providers of malpractice insurance for healthcare professionals and partner with the AMTA to provide their members with liability coverage. Their presentation focused on understanding the elements of malpractice, increasing awareness of massage therapy liability risks, and providing recommendations to manage professional liability risks.

Malpractice is a type of negligence that pertains to professionals. Malpractice is defined “negligence or failure to provide the degree of care required of a professional under the scope of license resulting in injury, death or damage.” Massage therapists as well as other health care professionals can be sued for malpractice when a client suffers harm. If a client perceives he or she has been injured because of the care the licensee provided or failed to provide that client could choose to file a claim. That can result in a complaint to a regulatory board such as the NC Board of Massage and Bodywork Therapy and a complaint of malpractice to the therapist’s malpractice insurance carrier. Flynn & Fox remind us that “unhappy clients sue” and that developing a therapeutic relationship with a client where the focus is on the safe and effective practice of massage therapy can prevent the perception of wrongdoing by a client.

To prevent the perception of wrongdoing, managing a client’s perceptions is the key. Flynn and Fox state that even the most excellent massage therapist can fail to connect with a client. Good communication skills are essential. It is important that the massage therapist determine client expectations and ensure the client is educated in a realistic way about the benefits of the therapy to be provided.

The three most powerful tools to help protect against malpractice are (1) documentation, (2) compliance with rules and regulations, and (3) the use of professional liability insurance.

Documentation: Medical records are legal documents and can provide evidence against any miscommunication and misunderstanding. Good documentation can guard against the litigation process. Remember if you don’t document there is no record of your session with the client. Good documentation can demonstrate that you are a competent therapist and keep you out of litigation. Remember to always follow the Board rules regarding documentation by providing the date of massage, the type of massage given, a summary of the techniques used, and the client’s response to the treatment.

Knowing the Rules: Understanding and working within your scope of practice goes a long way to protect yourself against misperceptions and liabilities. If there is any question about the client’s suitability for massage, require a physician’s clearance before giving massage. Don’t try to be the hero, practice what you are trained to do and refer out when needed.

Liability Insurance: Professional liability insurance is insurance purchased by the massage therapist to cover the cost of being sued for malpractice. It provides you protection for medical malpractice liability suits. If accused, you will be provided with legal representation. Professional liability insurance will also indemnify you from economic damages.

According to Flynn and Fox, the three most severe injury allegations made by clients are inappropriate behavior of the massage therapist, burns, and disc injuries. If the massage therapist is found to be guilty of inappropriate behavior, professional liability insurance will not cover any costs associated with damages.

Working with clients who have orthopedic issues requires additional training beyond a minimum 500 hour program. Working too hard or working improperly can create strains, sprains, bruises and disc injuries. Advanced techniques require a thorough knowledge of anatomy and pathology. If you have any questions regarding the client’s condition, or you feel unable to handle the complaint refer appropriately.

Burns are also a common form of injury to a client. Never leave your clients with hot packs or hot stones alone while you go out of the room. If the stone or the hot pack is too hot for you to safely handle it can cause burns to your client. Take appropriate safety precautions when using adjunct therapies.

To protect yourself against malpractice Flynn and Fox advise:

<u>Document</u>	<u>Emphasize</u>	<u>Comply</u>	<u>Communicate</u>
Follow documentation standards established by professional organizations and comply with your employer’s standards.	Emphasize ongoing client assessment and monitoring.	Know and comply with your state scope of practice requirements, massage therapy practice act, and facility policies, procedures and protocol.	Develop, maintain and practice professional written and spoken communication skills.

DISCIPLINARY ACTIONS TAKEN BY THE BOARD FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2012

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

SUPERIOR COURT HEARINGS:

Yehunda Lev – Prior to a hearing scheduled for December 12, 2011 in Wake County Superior Court, Mr. Lev entered into a Consent Order with the Board agreeing to a Permanent Injunction against Mr. Lev for practicing massage and bodywork therapy after his license to practice massage and bodywork therapy had been revoked. The Consent Order approved by the Superior Court provided that Mr. Lev, 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 January 30, 2012 and remains in effect pending further orders of the Court. The Order specifically prohibits Mr. Lev 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. Lev is punishable by contempt of court.

Nancy Salazar-Aldana - Prior to a hearing scheduled for February 13, 2012 in Wake County Superior Court, Ms. Salazar-Aldana, a non-licensed person, entered into a Consent Order with the Board agreeing to a Permanent Injunction against Ms. Salazar-Aldana for practicing and advertising massage and bodywork therapy under the name and license number and under the business name of a LMBT. The Order was effective upon entry on February 28, 2012 and remains in effect pending further orders of the Court. The Order specifically prohibits Ms. Salazar-Aldana from:

- any express or implicit holding out or representation to others in her own name or under any pseudonym or business name that she is licensed and may provide massage and bodywork therapy services to the public for a fee;
- fraudulently stating, advertising or in any way indicating she is a LMBT;
- any express or implicit holding out or representation to the public by advertising, promotional materials, by internet sites, word of mouth, or otherwise, that she 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. Lev is punishable by contempt of court.

HEARINGS, ORDERS, AND CONSENT ORDERS:

Anthony Gawlik - Prior to a hearing scheduled for February 9, 2012 upon allegations of a sexual relationship during massage and bodywork therapy sessions with a client, Mr. Gawlik entered into a Consent Order whereby his massage and bodywork therapy license was revoked effective February 8, 2012 and he agreed to pay a civil penalty of \$1000 and cost of \$250.

Joe N. Martin - Prior to a hearing scheduled for August 9, 2012 Mr. Martin entered into a Consent Order whereby his massage and bodywork therapy license was revoked effective July 30, 2012. The Consent Order was entered due to allegations of a sexual assault and battery during massage and bodywork therapy sessions with a client and evidence that on July 13, 2012 Mr. Martin had entered an “Alford Plea” in Mecklenburg County Superior Court to two separate counts of assault on a female during a massage session.

Michael “Myk” Joseph Haury - Prior to a hearing scheduled for June 21, 2012 upon allegations of inappropriate sexual conduct with a female client during a massage and bodywork therapy session, Mr. Haury entered into a Consent Order whereby his massage and bodywork therapy license was revoked effective May 24, 2012 and he agreed to pay a civil penalty of \$1000 and cost of \$250.

Kelly Huang Tao - Prior to a hearing scheduled for August 9, 2012 upon allegations of inappropriate sexual conduct with a female client during a massage and bodywork therapy session, Mr. Tao entered into a Consent Order whereby his massage and bodywork therapy license was revoked effective June 26, 2012 and he agreed to pay a civil penalty of \$1000 and cost of \$250.

Radian Delecia Ray – Following a hearing scheduled for December 13, 2012 Ms. Ray entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby she agreed to pay a civil penalty of \$1000 and cost of \$250.

Hansel Lee Lucas – Prior to a hearing scheduled for April 5, 2012 upon allegations of inappropriate sexual conduct with a female client during a massage and bodywork therapy session, Mr. Lucas entered into a Consent Order whereby his massage and bodywork therapy license was revoked effective March 30, 2012 and he agreed to pay a civil penalty of \$1000 and cost of \$250.

LETTERS OF REPRIMAND:

There were five hundred (500) Letters of Reprimand issued to therapists for late renewal and twenty-five (25) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks).

CEASE AND DESIST ORDERS:

There were twenty-four (24) Cease and Desist Orders served on persons for allegedly practicing without a license and eight (8) 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:

Richard Shane Bridgers	Fuquay-Varina
William Paul Bronson	Charlotte
Jerry Callicutt	Randleman
Naomi Sarah Clark	Raleigh
Edward Justin Coker	Rocky Mount
Michael Edwards	Fayetteville
Sara Nicole Fields	Charlotte
Chrystal Lauren Moore Henderson	Rutherfordton
Lisa Robertson Jefferson	Randleman
Stephen Keith Kaufman	Kill Devil Hills
Janice R. Muhr	Pineville
Marcus Pierce	Monroe
Aisha N. Sanders	Durham
Nabila Smith	Fayetteville
Dana Marie Taylor	Greensboro
Angel Tonemah	Washington
Kim Webster	Waynesville
Tamara Ann Richards	Camden
Clifford David Henshaw	Asheville
Christina Cleaton	Salisbury
Christy Greene Trull	Forest City
Julie Okimoto	Newton
Leigha Oatman	Southport
Maria Bithell	Manteo

BUSINESSES:

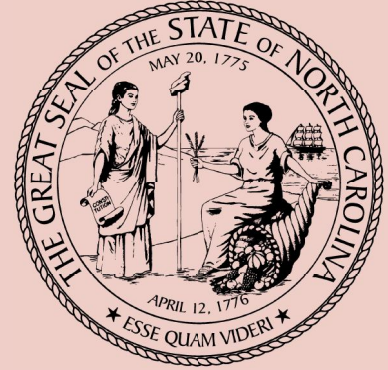
Studio Salon Massage	Cary
May Spa Massage	Greensboro
National Optimal Wellness Association	Clemmons
Panache Spa	Greensboro
Shanghai Day Spa	Goldsboro
Relax Wellness	Concord
Relaxation Station	Hickory
Keep Healthy	Greenville and Raleigh

DENIAL OF LICENSE:

The Board denied licenses to thirty (30) applicants. Eleven (11) applicants were denied a license due to criminal charges pending or being on probation: John Robert Aiello, Thomas Chandler, Kevin Lee Grove, James W. Hardin, III, Devon L. Kinder, Jacqueline Candace Long, Kevin Lee Morris, Litisha Michelle Starr, David Joshua Thompson, Beatriz Lorenza Trivino, and Kelly T Warren. Three (3) applicants were denied a license due to lack of moral character: Jian Ge, Ok Chu Change Murone, and Varshay Lamon Stoudermire. Five (5) applicants were denied a license because the curriculum of the massage school they attended did not meet the Board's minimum requirements: Debbie Ann Bridley, Vasiliki Geros, Holmes, Songshun Lu, P. Cheryl McIlraith, and Tammilee N. Thorpe. Eleven (11) 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: Cammy Dou, Jian Ge, Kang Kang Ji, Zhaofa Lei, Guifang Li, Yiming Li, Wen Feng Liu, BuQin Wang, Yumei Xie, Xianzhao Xu, and Pei Yan Yan Capalbo.

CONDITIONAL LICENSES:

The License Standards Committee of the Board issued thirty-three (33) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, or other minor improper conduct.



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NORTH CAROLINA BOARD of
MASSAGE & BODYWORK
THERAPY

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Newsletter Editor

ELECTRICAL STIMULATION IS NOT WITHIN THE SCOPE OF PRACTICE FOR MASSAGE AND BODYWORK THERAPISTS

The North Carolina Board of Massage and Bodywork Therapy has been advised that companies are offering courses in MPS Therapy to licensed massage and bodywork therapists in North Carolina. It is not within the scope of practice of massage and bodywork therapists in North Carolina to practice MPS Therapy or any form of electrical stimulation. N.C.G.S. 90 623(d) provides: “The practice of massage and bodywork therapy shall not include any of the following: (1) The diagnosis of illness or disease. (2) Medical procedures, chiropractic adjustive procedures, **electrical stimulation**, ultrasound, or prescription of medicines.” (emphasis added)

Even though a company may be an approved provider by the National Certification Board for Therapeutic Massage and Bodywork the MPS Therapy courses are not eligible as continuing education for massage and bodywork therapists in North Carolina.

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
- License Renewals
- Licensure by Endorsement
- Online License Verification
- How to Contact the Board
- Board Members and Professional Staff
- Board Meeting Schedule
- Board Approved Schools
- How to File a Complaint
- Frequently Asked Questions
- 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:

Practice Act and Rules
Modalities Requiring Licensure in North Carolina
License Information and Application
License Renewal
Massage Therapy Schools