

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.

2014 NEWSLETTER

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

“The purpose of the North Carolina Board of Massage and Bodywork Therapy, as expressed in GS 90–621, is ”.....to ensure the protection of the health, safety, and welfare of the citizens of this State receiving massage and bodywork therapy services. This purpose is achieved by establishing education and testing standards that ensure competency in the practice of massage and bodywork therapy. Mandatory licensure of those engaged in the practice of massage and bodywork therapy assures the public that each individual has satisfactorily met the standards of the profession and continues to meet both the ethical and competency goals of the profession.”

2014 was a busy year for the North Carolina Board of Massage and Bodywork Therapy. It was engaged in evaluation and approval of proprietary schools of massage and bodywork therapy, licensing, and renewal of licenses for massage and bodywork therapists (14,335 licenses issued in total and 8653 licenses currently active), disciplinary undertakings and hearings, and public education.

In June the Board established an Ad Hoc Committee for Continuing Education. The mission of this committee is to keep the Board informed about developments which seek to improve the vetting of providers of continuing education and assure that appropriate coursework is provided for continuing education. In advancing these goals, the Board continues its relationship with the National Certification Board for Therapeutic Massage and Bodywork, NCBTMB, and the Federation of State Massage Therapy Boards, FSMTB. In August the Board approved a resolution developed by the Continuing Education Task Force of the Federation of State Massage Therapy Boards for the “Federation” to develop a program for vetting CE providers and CE courses.

The Board provided its opinion to the State regarding the State’s consideration of organizing a single State agency that would provide administrative and regulatory functions of the State’s occupational licensing agencies. This exploration is ongoing but at this time the Board does not believe such an arrangement will work as efficiently as the present arrangement.

Early in the year 2015, the Board will gather in retreat to explore in depth establishment regulation and continuing education. Additionally, it will set goals for the future and explore ways in which to improve the delivery of massage and bodywork therapy services to the public.

We anticipate 2015 will be a busy and productive year for the Board. The support of the public and the LMBT’s in North Carolina is appreciated. Your comments and suggestions are always welcomed.

FSMTB and NCBTMB Agreement

Early October 2014, the FSMTB (Federation of State Massage Therapy Boards) and NCBTMB (National Certification Board in Therapeutic Massage and Bodywork) came to an agreement that NCBTMB will no longer provide examination for entry level licensure and that the MBLEX (Massage and Bodywork Licensing Exam) will be the sole entry level licensure exam for the profession. This decision supports the common goal of each of the following organizations, ABMP (Associated Bodywork and Massage Professionals), AMTA (American Massage Therapy Association), and AFTME (Alliance for Massage Therapy Education) to improve and facilitate licensure portability for therapists. Going forward, NCBTMB’s main focus will be providing its Advanced Board Certification credential (BCTMB), which is the highest attainable certification level in the massage and bodywork therapy profession, and to continue working towards ensuring that it’s nationally recognized Approved Provider Program is of the highest quality.

As of November 1, 2014, NCBTMB stopped accepting licensure exam applications and will cease offering licensure exams effective February 1, 2015. The FSMTB and NCBTMB will continue to work with state licensing boards, agencies, candidates and schools to ensure a smooth transition. This agreement moves the massage and bodywork therapy profession in a positive direction and benefits the regulatory community by having a more standard and simplified licensing process.

Applicants seeking licensure information regarding the MBLEX may contact FSMTB at mblex@fsmbt.org and applicants seeking Board Certification offered by NCBTMB may contact info@ncbtmb.org.

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NEW BOARD MEMBERS

The Honorable Phil Berger, President Pro Tempore of the Senate, appointed Nancy Harrell of Wake County to the position previously held by Josh Herman. Her term began August 15, 2014 and will expire June 30, 2017.

Nancy Harrell:

Nancy Harrell, LMBT is originally from Durham, NC. She graduated from Meredith College with a degree in Dance Education and worked at the American Dance Festival and taught dance classes at a private studio to students who ranged in age from preschool to adult. She was also a member of Art in Motion Dance Company in Raleigh, NC. She returned to school and received a second undergraduate degree in Social Work with a concentration in school social work.

After visiting several spas in the area as a client, she became interested in alternative health practices and decided to pursue certification in aromatherapy through the Atlantic Institute of Aromatherapy. From there she decided to attend the American & European Massage School and graduated in December, 2003. She opened her own massage therapy practice in Apex and later worked at both Synergy Spa in Raleigh and Syeni Spa in Apex. Being from a family of educators, Nancy always had an interest in teaching and in 2006, she began doing just that as an adjunct instructor in the massage therapy department at Miller-Motte College in Cary. In 2009, she became the Massage Therapy Program Director at the school and has been in that position ever since.

In her continuing quest to learn more about health and wellness, Nancy completed her master's degree in Health Education and Health Promotion at the University of Alabama and is also a Registered Yoga Teacher and a Certified Personal Trainer.

In her spare time you can find her reading, working out at the gym or taking a continuing education class.

Nancy currently lives in Cary and has two wonderful sons who are seniors in high school.

NEW BOARD OFFICERS

The Board, at its June 2014 meeting, elected the following officers:

Chair – Dr. Ed Preston
Vice Chair – Holly Foster
Treasurer – David Bedington

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.

2015 BOARD MEETING DATES

February 19, 2015
April 16, 2015
June 4, 2015
August 20, 2015
October 15, 2015
December 10, 2015

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 the end of each meeting. Those interested in addressing the Board must sign up in person before the start of a meeting.

NCBTMB EXAMINATION

The Board has been notified the NCBTMB has ceased giving the NCETM and NCETMB examinations. The Board's Guidelines will be amended to reflect that action.

ADMINISTRATIVE DIRECTOR'S REPORT

Licenses currently active..... 8,027
Licenses issued
through 12/31/2014..... 14,505

ESTABLISHMENT REGULATION

In 2011, the North Carolina Board of Massage and Bodywork Therapy (Board) formed the Establishment Regulation Committee (ERC) in response to complaints regarding unlicensed persons being hired to perform massage and bodywork therapy and allegations of other illegal activity taking place in massage and bodywork establishments. After receiving information from other states that regulate establishments as part of their practice acts, and getting feedback from therapists the ERC completed multiple revisions of rules for licensing establishments. The final product was sent to the Rules Review Commission for feedback and suggestions. The ERC is reviewing these suggestions and will bring the final proposed rules to the Board for approval. At that point the rules will be filed with the Office of Administrative Hearings, published in the NC Register and the Board will then receive written public comment and will hear verbal public comments during a regularly scheduled Board meeting. After evaluating the comments and making any additional amendments to the proposed rules, the Board will present the proposed rules to the Rules Review Commission for a formal review of the rules. It is only after this process is complete and approval is received from the Rules Review Commission that the new rules can be in effect and published as a part of the Board's Rules and Regulations.

The purpose in developing rules to license massage and bodywork therapy establishments is to help improve the safety of the clients who are receiving treatments. Currently the Board has no authority over an establishment that employs unlicensed persons to provide massage and bodywork therapy. Likewise, the Board cannot hold accountable establishments that allow illegal and inappropriate activity to take place in their facilities under the guise of massage or bodywork therapy. The Board looks forward to support from the massage and bodywork therapy professionals in the State who would also like to see an end to these activities. The Board will continue to seek ways to protect the public from improper, illegal, and sometimes illicit practices and with the assistance of the LMBTs in the State will seek to enhance the profession of massage and bodywork therapy.

HUMAN TRAFFICKING

Merriam Webster's Dictionary defines human trafficking as "organized criminal activity in which human beings are treated as possessions to be controlled and exploited (as by being forced into prostitution or involuntary labor)." It is one of the fastest growing criminal industries in the world, and it has chosen to use the massage profession as one of the fronts for this illegal activity. The North Carolina Board of Massage and Bodywork Therapy is aware of this activity and has been working with law enforcement to stop this activity and educate the public on the laws governing massage and bodywork therapy in this State.

At the June, 2014 meeting, the Board listened to a presentation by a special agent from the Charlotte office of the Department of Homeland Security that pertained to this topic. What the board learned was that many human traffickers will lure individuals, whose first language is not English, to work in North Carolina by promising to pay their way here for jobs, and stating they will help the individual get their North Carolina massage and bodywork therapy license, or just not telling them they need a license to practice in this State. Once the individual is here, they are trapped by the trafficker who expects them to repay their debt. They are then under the control of the owner of the establishment, corporation or gang.

The Board is doing what it can to stop this illegal activity. The Board has created a public service message that will be run in the common foreign language newspapers where these massage jobs are regularly advertised. The message will be translated into targeted dialects such as Chinese-Mandarin, Chinese-Cantonese, Chinese-Fujinese and Korean as these have been identified by Homeland Security to be the primary languages spoken by individuals most exploited by the traffickers.

While human trafficking isn't restricted to individuals who are not native English speakers, the Board has put information in place that can help protect the public from being the victim of human trafficking. The Board's website has online verification of licensure, and has created videos to help protect the public from unlicensed individuals. The Board has also submitted language for the creation of a regulation that will require establishments that advertise or provide massage therapy to have an Establishment License. This license will further enable the Board to take action against enterprises that use unlicensed individuals, and hopefully, let organizations, corporations or gangs that deal in human trafficking know they are not welcome in North Carolina.

DISCIPLINARY ACTIONS TAKEN BY THE BOARD FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

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

HEARINGS BEFORE THE BOARD:

Robert Denniston – Following a hearing scheduled for February 27, 2014, upon allegations of inappropriate sexual activity with a client during a massage session, the Board Ordered that Mr. Denniston's license be revoked and he pay a civil penalty of \$1000 and cost of \$750.

Eric Hooker - Following a hearing scheduled for April 10, 2014, upon allegations of being arrested and charged with first-degree murder for killing his ex-girlfriend and failure to report charges for first-degree murder, the Board Ordered that Mr. Hooker's license be revoked and he pay a civil penalty of \$1000 and cost of \$500.

HongLing Zhou - Following a hearing scheduled for June 5, 2014, upon allegations of engaging in an act or practice that aided and abetted illegal massage and bodywork therapy, the Board Ordered that Ms. Zhou's license be revoked and she pay a civil penalty of \$1000 and cost of \$500.

Louise Inch - Following a hearing scheduled for August 14, 2014, upon failure to provide the Board with proof of the completion of her 2014-2015 continuing education requirements, the Board Ordered that Ms. Inch's license be suspended until September 14, 2014, and she is given until September 14, 2014, to provide the certificates, surrender her license within ten days of the Order and pay a civil penalty of \$500 and cost of \$250. Ms. Inch failed to comply with the Order therefore her license was revoked.

Hong Qu - Following a hearing scheduled for October 16, 2014, upon failure to comply with the audit of his continuing education courses in a timely manner, the Board Ordered that Mr. Qu's license be placed on probation for one year, obtain additional continuing education hours, pay a civil penalty of \$500 and cost of \$250 and failure to comply with the Order will result in revocation of his license.

John Reeves – Following a hearing scheduled for October 16, 2014, upon practicing massage and bodywork therapy without a current license, the Board Ordered that Mr. Reeves obtain additional hours of continuing education or take the jurisprudence learning exercise and pay a civil penalty of \$500 and cost of \$500. Mr. Reeve's failed to comply with the Order therefore his license was revoked.

Erinn McCrary - Following a hearing scheduled for December 11, 2014, upon practicing massage and bodywork therapy without a current license, the Board Ordered that Ms. McCrary be issued a conditional license once she obtains additional hours of continuing education or takes the jurisprudence learning exercise and pays a civil penalty of \$1000 and cost of \$500.

James Spivey Jr. – Following a hearing scheduled for December 11, 2014, upon failure to review a client's intake form or discuss the intake form with the client prior to a massage and bodywork therapy session, the Board Ordered that Mr. Spivey's license be reprimanded and pay cost of \$300.

CONSENT ORDERS:

Levi Houser – Prior to a hearing scheduled for February 27, 2014, Mr. Houser entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby he agreed to pay a civil penalty of \$500 and cost of \$200.

Miranda Brown – Prior to a hearing scheduled for February 27, 2014, Ms. Brown entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby she agreed to pay a civil penalty of \$500 and cost of \$200.

James Fisher – Prior to a hearing scheduled for February 27, 2014, Mr. Fisher entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby he agreed to pay a civil penalty of \$500 and cost of \$200.

Jessica Trull – Prior to a hearing scheduled for February 27, 2014, Ms. Trull entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby she agreed to pay a civil penalty of \$500 and cost of \$200.

Sara Lopez – Prior to a hearing scheduled for February 27, 2014, Ms. Lopez entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby she agreed to pay a civil penalty of \$500 and cost of \$200.

Melissa Burdeos – Prior to a hearing scheduled for February 27, 2014, Ms. Burdeos 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 \$500.

Roanne Welsh – Prior to a hearing scheduled for February 27, 2014, Ms. Welsh 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 \$500.

William Stoltz - Prior to a hearing scheduled for February 27, 2014, Mr. Stoltz entered into a Consent Order for engaging in inappropriate sexual activity during a massage and bodywork therapy session with a client whereby his massage and bodywork therapy license was revoked and he agreed to pay a civil penalty of \$1000 and cost of \$500.

Jean Rowe – Prior to a hearing scheduled for April 10, 2014, Ms. Rowe entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby she agreed to pay a civil penalty of \$750 and cost of \$300.

Kim Brackett – Prior to a hearing scheduled for April 10, 2014, Ms. Brackett 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 \$500.

Frank Recco - Prior to a hearing scheduled for April 10, 2014, Mr. Recco entered into a Consent Order for engaging in inappropriate sexual activity during separate massage and bodywork therapy sessions with clients whereby his massage and bodywork therapy license was placed on probation for four years and he agreed to pay a civil penalty of \$1000 and cost of \$500.

Rebecca Murray – Prior to a hearing scheduled for June 5, 2014, Ms. Murray 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 \$500.

Maridel Gonzelaz Crespo – Prior to a hearing scheduled for June 5, 2014, Ms. Gonzalez Crespo entered into a Consent Order for practicing massage and bodywork therapy prior to receiving a license whereby she agreed to pay a civil penalty of \$1000 and cost of \$500.

Yanhui Zhang – Prior to a hearing scheduled for June 4, 2014, Ms. Zhang entered into a Consent Order for failure to demonstrate proficiency in the English language and due to her education credentials not being substantiated as meeting the requirements of the Board whereby she agreed to revocation of her license and may reapply for a LMBT license when she is able to demonstrate proficiency in the English language and provide education credentials that meet the requirements of the Board.

Gerald Shean - Prior to a hearing scheduled for August 14, 2014, Mr. Shean entered into a Consent Order for engaging in inappropriate sexual activity during a massage and bodywork therapy session with a client whereby he voluntarily surrendered his massage and bodywork therapy license and he agreed to pay a civil penalty of \$500 and cost of \$200.

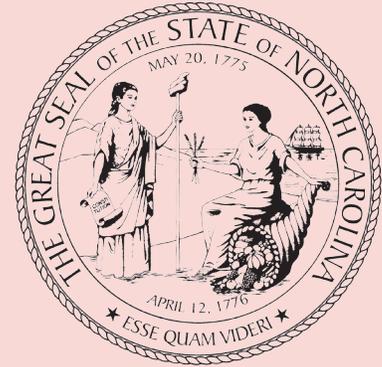
Olumakinde Ogundipe - Prior to a hearing scheduled for October 16, 2014, Mr. Ogundipe entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby he agreed to pay a civil penalty of \$1000 and cost of \$500.

Rafael Smith - Prior to a hearing scheduled for October 16, 2014, Mr. Smith entered into a Consent Order for practicing massage and bodywork therapy without a current license whereby he agreed to pay a civil penalty of \$500 and cost of \$200.

Takara Davis - Prior to a hearing scheduled for October 16, 2014, Ms. Davis entered into a Consent Order for practicing massage and bodywork therapy prior to receiving a license whereby she agreed to pay a civil penalty of \$500 and cost of \$250.

Jaline LaPlante - Prior to a hearing scheduled for December 11, 2014, Ms. LaPlante entered into a Consent Order for practicing massage and bodywork therapy prior to receiving a license whereby she agreed to pay a civil penalty of \$500 and cost of \$200.

Judy Ray - Prior to a hearing scheduled for December 11, 2014, Ms. Ray entered into a Consent Order for advertising massage and bodywork therapy services without a current license whereby she agreed to pay a civil penalty of \$250 and cost of \$100.



Official Newsletter
NORTH CAROLINA BOARD of
MASSAGE & BODYWORK
THERAPY

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Members of the Board

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Vice Chair
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Nancy Harrell, LMBT
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Dianne Layden

Board Staff

Charles P. Wilkins
Legal Counsel

Benjamin E. Thompson, III
Legal Counsel

Elizabeth Kirk
Administrative Director

Julia Lancaster
Assistant Administrative Director

Elizabeth Kirk
Newsletter Editor

Brad Virgil – Prior to a hearing scheduled for December 11, 2013, Mr. Virgil entered into a Consent Order for allegedly engaging in inappropriate sexual activity during a massage and bodywork therapy session with a client whereby his massage and bodywork therapy license was suspended for two weeks and placed on probation for one year and he agreed to pay a civil penalty of \$1000 and cost of \$500.

LETTERS OF REPRIMAND:

There were six hundred and fifteen (615) Letters of Reprimand issued to therapists for late renewal and two (2) Letters of Reprimand issued to therapists for Non-Sufficient Funds (bounced checks).

CEASE AND DESIST ORDERS:

There were nineteen (19) Cease and Desist Orders served on persons for allegedly practicing without a license and fourteen (14) 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:

Brad Amberheart.....	Asheville
Amber Anthony.....	Charlotte
Mernil Bickmore.....	Winston Salem
Michael Meka Bunch.....	Asheville
Takara Davis.....	Raleigh
Jason Goldsmith.....	Jacksonville
Jennifer Graham.....	Gastonia
James Haggerty.....	Asheville
Amy Hargis.....	Highlands
Vasiliki Geros Holmes.....	Concord
Hallie Johns.....	Asheville
Stephen Kaufman.....	Kill Devil Hills
Devon Kinder.....	Asheville
Jaline LaPlante.....	Kill Devil Hills
Charles Marshall.....	Asheville
Felicia Michelle Pressley.....	Gastonia
Judy Ray.....	Hendersonville
Paul Schakelaar.....	Wilmington
David Serra.....	Asheville

BUSINESSES:

Apex Massage Spa.....	Raleigh
Bella Nova Spa.....	Mooreville
Ella’s.....	Mooreville
Japanese Oil Massage.....	Mooreville
Lotus Living Arts Studio.....	Concord
Mengmei Spa.....	Goldsboro
Moonlight Massage.....	Mooreville
Nail Studio.....	Wilkesboro
Oasis Spa.....	Fayetteville
Oriental Massage.....	Raleigh
Sun City Spas.....	Raleigh
Sunrise Bodycare.....	Cary Triad
Essence Energy & Wellness.....	Greensboro
Up Town Spa and Body Work.....	Concord

DENIAL OF LICENSE:

The Board denied licenses to fifty (50) applicants. Eight (8) applicants were denied a license due to criminal charges pending or being on probation: Mary Adkins, Gillian Cunningham, Delisa Johnson, Andrew Neff, Angela Pearson-Colon, Josiah Stansberry, Kenneth Turner and FNU Youlacairang. One (1) applicant was denied a license due to lack of moral character: Garrett Pesta. Twenty Five (25) applicants were denied a license because the curriculum of the massage school they attended did not meet the Board’s minimum requirements: Holly Bish, Liu Burgess, Chunmei Cao, Hong Chen, Jia Dai, Nutjarin Faith, Yingzhi Guo, Lina Hall, Weiming Han, Ru He, Mary Kleepa, Talia Li, ZhaoPing Liu, Chong Ma, Hui Mei, Yingqing Monast, Lin Ling Na, Petcharat Phetkhilai, Traci Sutton, Cong Wang, Wei Zhang, Weina Zhang, Hong Xia Zhao, Jian Zhao and Xiaohong Zheng. Sixteen (16) applicants were denied a license due to lack of proficiency in the English language: Hui Feng, Yukun Helle, Xue Hou, Jian Hu, ZhiYan Jiang, Guifang Li, JianJun Li, Fengying Lu, Jin Sun, RiYing Wang, Jing Wei, Lixia Zhang, Xiao Zhang, Yande Zhang, Meili Zhao and Min Zhou.

CONDITIONAL LICENSES:

The License Standards Committee of the Board issued forty-nine (49) Conditional Licenses to persons whose applications showed evidence of past minor criminal behavior, possibility of practicing without a license, or other minor improper conduct.

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
- Update your Personal Profile
- 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
Formal Complaint Form