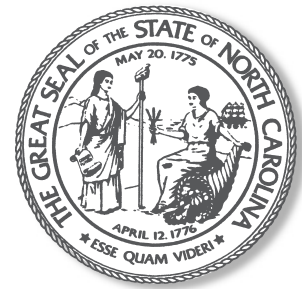


NORTH CAROLINA BOARD of MASSAGE & BODYWORK THERAPY

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



NEWSLETTER

June 2006

MESSAGE FROM THE BOARD CHAIR

The future of Massage and Bodywork Therapy depends on education and



DAISY MILLETT

growth in professionalism by its practitioners. Professionalism is defined as "Professional status, methods, character, or standards".

Graduation from a 500-hour course of massage is the minimum educational requirement to be Nationally Certified and qualify to apply for licensure in this state. That minimum is what it is... the minimum. As this profession matures, that minimum will soon be found (perhaps, I should say, is already being found) by the therapist to be inadequate. The body of knowledge out there is so phenomenal that one could study for the rest of their life and not master even a small portion of it. At this juncture it is up to the therapist to seek more education. The reason for continuing education is to keep therapists abreast of new information and enhance the level of professionalism. One course in an advanced therapy technique could more than fulfill the Board's minimum requirement of continuing education. A true professional recognizes the work required to stay abreast of new information and takes it upon themselves to seek out and learn that information.

A professional also is aware of their ethical duty to maintain boundaries for themselves and their clients. Ethics establishes the minimum standard of behavior. This standard is essential to providing safety for the client and success for the therapist.

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Purpose of the North Carolina Board of Massage and Bodywork Therapy

The purpose of the North Carolina Board of Massage and Bodywork Therapy, as stated in the North Carolina General Statutes, Article 36, paragraph 90-621 is as follows: **Declaration of purpose.** *The General Assembly recognizes that the improper practice of massage and bodywork therapy is potentially harmful to the public. Mandatory licensure of those engaged in the practice of massage and bodywork therapy is necessary to ensure minimum standards of competency and to protect the public health, safety, and welfare.*

This means the North Carolina Legislature created the Board to protect the public by enforcing the law that was enacted in November 1998 and the Rules of the Board. The Board answers to the North Carolina Legislature and, by inference, the public.

One of the responsibilities of the Board is to investigate bona fide complaints, hold hearings, if warranted, and impose sanctions, if deemed necessary. While this can be construed as "negative", it is, in fact, positive because it shows that the Board is doing its job and that "massage

therapists" who are practicing outside their scope of practice, taking sexual liberties with their clients, or participating in other illegal activities, will be disciplined. This is protecting the public.

The Board must remain impartial and without conflicts of interest. Sometimes this may be construed as "against massage and bodywork therapists". In reality, the Board is neither for nor against massage and bodywork therapists. It is *protecting the public health, safety, and welfare.*

The Massage and Bodywork Therapy Practice Act was supported by dedicated massage and bodywork therapists in the state who held a desire to be recognized as a licensed profession and not be confused with other types of "massage" that might be sexual in nature and illegal. This took many years of hard work but the result was a Practice Act and a profession of which we can all be proud.

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 was referred to the House Finance Committee on April 21, 2005, but was not considered. The Bill seeks to amend the North Carolina Massage and Bodywork Therapy Practice Act. A "Proposed Committee Substitute" for the Bill has been drafted to replace the original bill, but that substitution has not yet occurred. The "Proposed Committee Substitute" can be found on the Board's web page at www.bmbt.org. It is presumed that HB 1519 will be replaced by the "Proposed Committee Substitute" and will then be considered by the House Finance Committee soon after May 9, 2006, the date the Legislature convenes for its 2006 "short session".

AMENDMENTS TO THE RULES THAT AFFECT SCHOOLS

The Board has determined to postpone submitting any rules regarding the approval of massage and bodywork therapy schools to the Office of Administrative Hearings due to the possibility of amendments to the Massage and Bodywork Therapy Practice Act during the 2006 Session of the Legislature.

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MESSAGE FROM THE BOARD CHAIR

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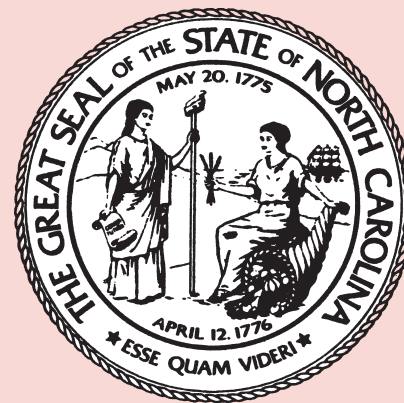
The North Carolina Massage and Bodywork Therapy Practice Act was enacted into law in 1998. The first meeting of the Board was held in the spring of 1999 and the initial licensing of over 1,280 applicants was accomplished by November of 2000. Since that time the Board has approved over 30 schools that teach Massage and Bodywork Therapy. One school has had its approval revoked. Two schools have closed. We have held eleven hearings involving sexual misconduct resulting in eight licenses being revoked. The rules and regulations have been amended once and are in the process of being amended again. The Guidelines have been revised several times. More than 6,000 therapists have been licensed; however, approximately 1,300 therapists have not renewed their licenses. Eight people have served on the Board and eight more members have been appointed. The dream that was begun many years before the Practice Act was passed is now beyond a fledgling reality.

The development of Massage and Bodywork Therapy in our state only reflects what is

happening on the national level. There are now 36 states along with the District of Columbia that regulate Massage and Bodywork Therapy. Massage has been featured in many nationally televised programs, written about in national magazines and national advertising campaigns have been launched. There are more researchers doing work with the efficacy of massage. Many primary care practitioners now recognize the benefits of massage and refer their patients to qualified massage therapists.

Education and professionalism are the keys. Educating the public about the benefits of massage, educating the therapists in effective treatments and educating primary care practitioners in how massage can benefit their patients. The massage profession is gaining recognition as an option for the treatment of pain as well as for relaxation. Trade organizations have helped in this education.

I urge each of you to continue to educate yourselves in the fields of techniques and ethics. This is imperative if we wish to enhance our image of professionalism.



Official Newsletter
of the
NORTH CAROLINA BOARD of
MASSAGE & BODYWORK
THERAPY

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- Raphael Orenstein, MD
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Legal Counsel

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Administrator

NEWS FROM THE BOARD

2006 Board Meeting Schedule

The Board meets in downtown Raleigh at the Wachovia Capital Center at 150 Fayetteville Street Mall; meetings are open to the public and begin at 10:00 AM.

The remaining schedule for 2006 is on the following Thursdays: June 15, August 17, October 19 and December 14. There is a 15-minute period of Public Comment at each meeting; those interested must sign up in person before the start of a meeting.

License Renewals for 2006

If your license to practice massage and bodywork therapy in the State of North Carolina expires this year on December 31, 2006, you will need to renew your license by November 1, 2006. The 2006 renewal packets will be mailed during the month of June. You are required to take 25 hours of continuing education in order to renew your license. At least 3 hours of your continuing education must be in ethics. A maximum of 12 hours of distance learning and 3 hours of business management will be accepted.

Licenses Granted and Renewed

Licenses issued through

| | |
|-----------------------------------------------------------------------|------|
| April 20, 2006..... | 6203 |
| Licenses in good standing..... | 4903 |
| Licenses scheduled to renew for December 31, 2005 | 1450 |
| Licenses renewed to date (renewal period 2006-2007) | 1220 |
| Licenses scheduled to renew by 12/31/03 that expired on 12/31/05..... | 118 |

Scams Reported

A number of possible scam operations targeting massage therapists in the USA have been reported. Be careful of persons who say they will be coming to the State and want to schedule a series of massage therapy treatments. Bogus prepayment checks are sent, the appointments are later canceled, and the person asks for a partial refund. Avoid this scam. Or make sure the check you accept is "good" before you send a refund.

Name, Address and Telephone Changes

Please remember to inform the Board within thirty days when your have a name, address or telephone number change so we can keep information such as renewal packets and newsletters coming to you. You will find a name/address/telephone number change form on the Board's website at www.bmbt.org or you may email any changes to admin@bmbt.org.

DISCIPLINARY ACTIONS OF THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY FROM SEPTEMBER 2005 THROUGH APRIL 2006

Due to the extraordinary amount of time the Board and Board staff were required to devote to issues surrounding the proposed amendments to the Board's rules and the proposed amendments to the Practice Act in the 2005 Legislature and the 2006 Legislature, fewer disciplinary investigations were completed and hearings held these past 8 months. Additionally, the Community College System and some proprietary schools are seeking to exempt their massage and bodywork therapy programs from Board approval. This issue has taken and will continue to take an extraordinary amount of time of the Board and Board staff. The Board and Board staff will also be required to spend additional time on the Section .0600 Rules that will soon be resubmitted and the proposed amendments to the Practice Act. It is anticipated that the timely investigation and prosecution of violations will continue to suffer. However, investigations are proceeding and, in some cases, hearings have been held or scheduled.

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 September 2005 through March 2006:

MESSAGE AND BODYWORK THERAPISTS

LETTERS OF REPRIMAND:

A letter of reprimand is an expression of displeasure: the mildest form of administrative action. This formal expression of disapproval will be retained in the licensee's file but shall not be publicly announced.

There were four (4) Letters of Reprimand issued to therapists.

CEASE AND DESIST ORDERS:

A Cease and Desist Order is an Order entered by the Board directing a person or entity to cease and desist from a certain activity, such as practicing massage and bodywork therapy without a North Carolina license. This is published.

There were six (6) Cease and Desist Orders served on persons and eight (8) 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
Susan Bennett..... Hamlet
Kristy C. Davis..... Wilson
Malulani Grantham Fayetteville
Khaki..... Thomasville
Jonathan Vu..... Cary

Businesses:

24 Hr Salon Charlotte
Ambiance Salon Southern Pines
Merle Norman Studio..... Rockingham
Pure Gold..... Aberdeen
Ross McDaniel Salon Wilson
Salon French Day Spa Greenville
Studio 96 Fayetteville
Tong Ren Acupressure, Inc. Cary

REVOCATIONS/SUSPENSIONS:

Prior to September 2005, there were 30 licenses of therapists revoked for failure to comply with their Conditional License or for violation of the Practice Act and Rules. From September 2005 to March 2006, there have been six licenses revoked or revocation affirmed:

EDMOND OBREGON

A hearing was held at which time the Board considered the evidence presented and, upon motion made, seconded and approved, an Order was entered finding that Mr. Obregon had practiced massage and bodywork therapy in North Carolina during a time his license to practice massage and bodywork therapy in North Carolina was revoked. The Board specifically found that Mr. Obregon (1) was properly notified of the Hearing; (2) his license to practice massage and bodywork therapy in

North Carolina was revoked by Order of the Board on April 18, 2002 and had not been renewed or reissued; (3) practiced massage and bodywork therapy in North Carolina during a time his license to practice massage and bodywork therapy in North Carolina was revoked; (4) provided massage and bodywork therapy services to a client between September 2002 and September 2003; (5) received massage and bodywork therapy referrals from "Phase II", a personal training center in Raleigh, North Carolina, after April 18, 2002; and (6) during 2003, on behalf of Stress Recess, Inc., an Atlanta, Georgia company, provided massage therapy services to persons at different IBM sites in North Carolina. Upon motion duly made, seconded, and passed, the Board entered an Order that (1) Mr. Obregon's license to practice massage and bodywork therapy shall remain revoked; (2) Mr. Obregon shall be fined the sum of \$3,000; and (3) Mr. Obregon shall pay costs for the disciplinary Hearing in the amount of \$750.

AMMAR MARK ATTAR

Mr. Ammar Mark Attar pled guilty to a criminal charge assault on a female. He has surrendered his license. A hearing was held at which time the Board considered the evidence presented and, upon motion made, seconded and approved, an Order was entered revoking his license immediately for sexually assaulting a client during a massage session. He was also assessed a civil penalty of \$1,000 and costs of \$550 that are to be paid on or before February 15, 2006.

DARREN VARNER

Mr. Darren Varner's license expired December 31, 2004 for failure to renew. A hearing was held at which time the Board considered the evidence presented and, upon motion made, seconded and approved, entered an Order revoking his license immediately for inappropriate sexual actions against a client during and immediately following a massage session. He was also assessed a civil penalty of \$1,000 and costs of \$750 that are to be paid on or before February 15, 2006.

JAMES A. BARBOUR

Mr. James Barbour's license expired December 31, 2004 for failure to renew. A hearing was held at which time the Board considered the evidence presented and, upon motion made, seconded and approved, entered an Order revoking his license immediately for inappropriate sexual actions with a client during a massage session. He was also assessed a civil penalty of \$1,000 and costs of \$500 that are to be paid on or before February 15, 2006.

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 of North Carolina.

A jury found Mr. Viera guilty of all 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 was previously revoked.

JAMES SMILING

A hearing was held at which time the Board considered the evidence presented and, upon motion made, seconded and approved, entered an Order revoking his license immediately for inappropriate sexual actions with a client during a massage session. He was also assessed a civil penalty of \$1,000 and costs of \$500 that are to be paid on or before February 15, 2006.

CONSENT ORDERS/CONDITIONAL LICENSES:

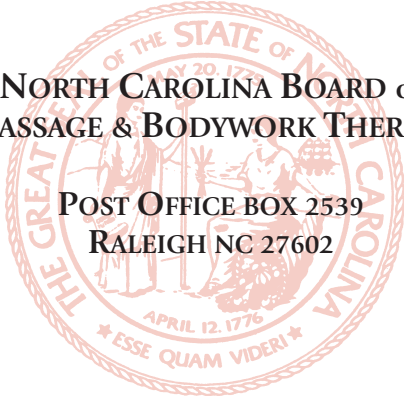
Matthew Balsley, Wilmington, NC,
Richard Washington, Asheville, NC,

MESSAGE AND BODYWORK THERAPY SCHOOLS

There have been no disciplinary actions taken against massage and bodywork therapy schools between September 2005 and April 2006. Site visits have been suspended by the Board until funds are available for that purpose.

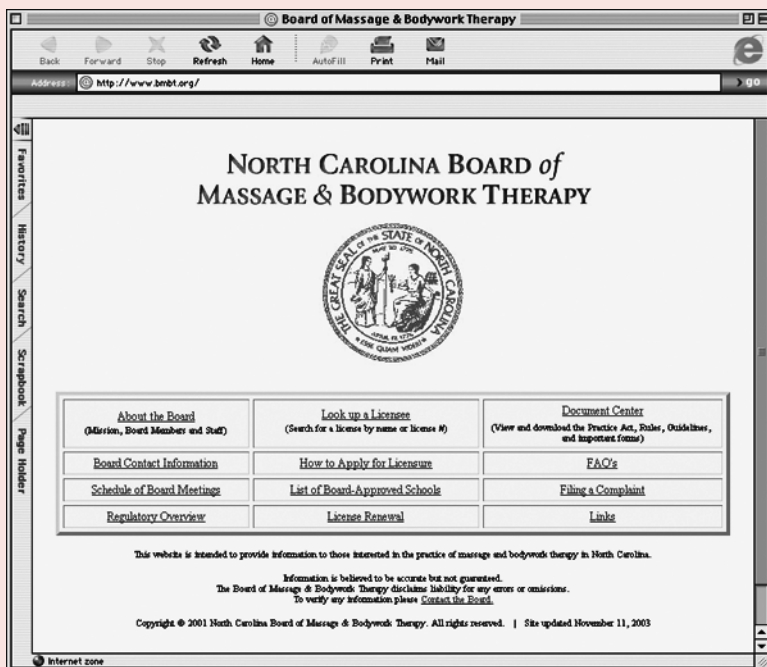
**NORTH CAROLINA BOARD of
MASSAGE & BODYWORK THERAPY**

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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> |