

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: WILLIAM ERIC EBERHARDT, L.M.T.**  
**License Number: 0019-005404**  
**Case Number: 176265**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board held a formal administrative hearing on May 17, 2017, in Henrico County, Virginia, to inquire into evidence that William Eric Eberhardt, L.M.T., may have violated certain laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

William Eric Eberhardt, L.M.T., appeared at this proceeding and was represented by James Creekmore, Esquire.

**NOTICE**

By letter dated March 17, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Eberhardt notifying him that a formal administrative hearing would be held on May 17, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT**

1. On June 14, 2005, the Board issued License Number 0019-005404 to William Eric Eberhardt to practice massage therapy in the Commonwealth of Virginia. Said license was summarily suspended on March 17, 2017. At all times relevant hereto, said license was in full force and effect.

2. During the course of Mr. Eberhardt's employment at Body Balance Spa, Blacksburg, Virginia ("BBS"), he was sexually inappropriate with clients as evidenced by the following:

- a. In 2014, while providing a massage to Client A, Mr. Eberhardt exposed the client's breasts, brushed the client's breasts, nipples, and genitals with his hands and fingers, and placed his penis against her head.
- b. On May 9, 2015, while providing a massage to Client B, Mr. Eberhardt grazed her nipples five or six times with his hand and massaged his thumb on her genitals several times.
- c. On June 27, 2015, while providing a massage to Client C, Mr. Eberhardt massaged her breasts and nipples, touched her genitals and inserted his finger in her vagina.
- d. On January 9, 2016, while providing a massage to Client D, Mr. Eberhardt massaged her breast and rubbed his finger along her panty line.
- e. On January 14, 2016, while providing a massage to Client E, Mr. Eberhardt rubbed his pinky finger against her vaginal area, pulled the draping above her hips exposing her buttocks, massaged between her legs repeatedly and inserted his finger into her vagina. Client E testified at the formal hearing, and the Board found her testimony to be credible and consistent. Client E testified that this incident negatively impacted her emotionally, personally, professionally, socially, and her relationship with her family.
- f. By his own admission, in 2014, while providing a massage to Client F, Mr. Eberhardt improperly draped the client during a couples' massage, leaving her breast exposed.

3. During the course of Mr. Eberhardt's employment at BBS, Mr. Eberhardt practiced outside the scope of his massage therapy licensure in that on January 14, 2016, while providing a massage to Client E, Mr. Eberhardt placed her into position and pulled one arm across the other and thrust into the shoulder with his hand, adjusting her spine. Client E heard a "popping" of her spine.

4. The Board considered all the evidence.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2(a) through 2(f) constitute a violation of Virginia Code § 54.1-3007(2), (5), and (8), 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Licensure of Massage Therapists (“Regulations”), and §§ VII, XII, XIV, and XVI of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork.

2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-50-90(2)(a) of the Regulations.


### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The right of William Eric Eberhardt, L.M.T., to renew his license to practice massage therapy in the Commonwealth of Virginia is REVOKED.
2. The license of William Eric Eberhardt, L.M.T., will be recorded as REVOKED.
3. Pursuant to Virginia Code § 54.1-2408.2, should William Eric Eberhardt, L.M.T., seek reinstatement of his license after three years, the reinstatement of Mr. Eberhardt’s license shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Mr. Eberhardt to demonstrate that he is safe and competent to return to the practice of massage therapy. Mr. Eberhardt shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

May 26, 2017

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By   
Virginia Board Of Nursing