

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: WILLIAM ERIC EBERHARDT, L.M.T.**  
**License Number: 0019-005404**  
**Issue Date: June 14, 2005**  
**Expiration Date: February 28, 2017**  
**Case Number: 176265**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your license to practice massage therapy in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>May 17, 2017 10:00 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your right to renew your license;
- Revoke your right to renew your license.

### **ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

### **RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

### **COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

### **FILING DEADLINES:**

1. Deadline for filing exhibits: **April 7, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **April 12, 2017**. If no objections have been received by **April 12, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **April 17, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **April 7, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **April 7, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **April 7, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

**REQUEST FOR A CONTINUANCE:**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **April 7, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **April 7, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, William Eric Eberhardt, L.M.T., was licensed or certified to practice massage therapy in the Commonwealth of Virginia.
2. William Eric Eberhardt, L.M.T., violated 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 in that, during the course of his employment at Body Balance Spa, Blacksburg, Virginia (“BBS”):
  - a. In or about 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 or about 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 or about 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 or about 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 or about 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.

f. By his own admission, in or about 2014, while providing a massage to Client F, Mr. Eberhardt improperly draped the client during a couples massage, leaving her breast exposed.

3. Mr. Eberhardt violated Virginia Code § 54.1-3007(2), (5), and (8), 18 VAC 90-50-90(2)(a) of the Regulations, and §§ II, III, V, and X of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork in that, during the course of his employment at BBS:

a. In or about 2014, while providing a massage to Client A, Mr. Eberhardt pulled her leg over her body and “stretched” her to ascertain whether she was in proper alignment.

b. On or about June 27, 2015, while providing a massage to Client C, Mr. Eberhardt performed a “pelvic balance” procedure that involves “lining up” the pelvis to relieve back pain.

c. On or about January 14, 2016, while providing a massage to Client E, Mr. Eberhardt placed one hand under the client’s back and “popped” her spine.

d. By his own admission, Mr. Eberhardt performed a realignment of a client’s hips during a massage.

See Confidential Attachment for the names of the clients referenced above.



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

March 17<sup>th</sup>, 2017  
Date