

## MINUTES

### OFFICE OF MASSAGE/BODYWORK THERAPY

Advisory Panel Meeting

April 20, 1999

The Koger Executive Center

The Kingstree Building

110 Centerview Dr., Room 111

Columbia, South Carolina

Mr. Randall Bryant, Assistant Deputy Director of the S.C. Department of Labor, Licensing and Regulation, Office of Business and Related Services, called the meeting of the Advisory Panel (hereafter referred to as "the Panel") of the Office of Massage/Bodywork Therapy to order at 2:00 P.M., on Tuesday, April 20, 1999, at 110 Centerview Drive, Room 111, Columbia, South Carolina, with a quorum present. Members of the Advisory Panel present were as follows: Ms. Kathleen Fuller, of Lugoff and Ms. Carolyn Talley, of Greenville.

Members of the staff participating at various times in the meeting included: Randall Bryant, OBRS-Assistant Deputy Director; Eddie L. Jones, Administrator; Sarah Clingman, Staff Counsel, LLR-Office of General Counsel; Larry Hall, LLR-Investigator; Lisa Hawsey, Assistant Administrator; Blaine Mosher, Administrative Assistant; and Carole Chauvin, Administrative Assistant.

Members of the public audience included: Tom Ryan, Palmetto Jujitsu Academy.

All votes by the Panel reported in these minutes were unanimous unless otherwise indicated.

Mr. Bryant announced that the meeting was being held in with the Freedom of Information Act [§ 30-4-80 (e)] by notice mailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards located at both of the main entrances of the Kingstree Building where the Massage/Bodywork Therapy office is located.

#### INVOCATION.

The group was led in prayer by Mr. Jones.

#### PLEDGE OF ALLEGIANCE.

#### ASSISTANT DEPUTY DIRECTOR'S REMARKS.

Mr. Bryant thanked everyone for coming.

#### ASSISTANT ADMINISTRATOR'S REMARKS.

1. Legislative Update - Misty Goldstein, LLR Legislative Liaison

a. Update on Bill S. 333

Mr. Bryant stated Ms. Goldstein would not be present during the meeting today. However, Ms. Goldstein talked to Ms. Talley prior to this meeting about the Panel's legislative issues and he asked Ms. Talley to give an update on their conversation. Ms. Talley stated there was a companion bill [S 333] (attached as Addendum A) in the Senate and the House to amend Sections 40-30-180 and 40-30-190 of the Massage/Bodywork's current Practice Act. The proposed amendment [S 333] provides for an exemption from continuing education for those massage therapists who have been in practice for twenty-five years continuously. To qualify for exemption, one must have proof of massage certification prior to January 1, 1974. She stated the Panel opposed the bill in writing (attached as Addendum B). It is the Panel's position this amendment would be a set back for the massage therapy legislation. Massage therapy legislation was enacted to protect the public and everyone performing massage therapy should obtain continuing education. Ms. Talley stated she would be appearing before the House LCI sub-committee tomorrow to advise them of the Panel's position. The amendment has already passed the full Senate LCI committee.

b. Discussion of procedure for notification of bill introductions, hearings, etc.

The Panel members had asked for clarification on LLR's procedure for notifying panel members about pending legislation. Mr. Bryant explained the procedure:

If a bill is proposed that would affect the Massage/Bodywork Therapy Practice Act, the LLR Legislative Liaison would notify the LLR Massage Therapy staff members who would in turn notify the Panel members. The Panel members would instruct the staff to state the Panel's position in writing to the appropriate persons or the panel members would appear themselves at the hearings to testify on the Panel's position.

Mr. Bryant suggested the Panel meet during the summer with national and state associations to discuss any legislation they might want to introduce in the 1999-2000 legislative session. Any proposed legislation would be pre-filed in November 1999.

2. Discussion about the continuing education program

Ms. Talley stated the process of approving someone as a continuing education provider takes a long time because she has to check out all the course information. Mr. Bryant stated currently there were approximately twenty-five approved continuing education providers. They include all of the schools approved by the Commission on Higher Education, the National and State Association, and three private providers.

3. License Renewal Process

Mr. Bryant told the Panel that Mr. Mosher was handling the license renewals for the Massage Therapists. Mr. Mosher said the renewals were scheduled to be mailed out around the first of May. The licensees will be advised of the fee schedule at that time and will be provided an affidavit of continuing education. Once the licensee gets the renewal, signs the affidavit and returns both forms with a check or money order for the renewal fee, they will be given a two-year license. Ms. Fuller asked how were students who were

graduating at the end of April or the end of June being handled. Ms. Hawsey stated they get a new license good until June 2000. Ms. Talley said she received a letter from the President of the S.C. Chapter of the American Massage Therapy Association, Teresa Lewis, stating the Association opposes the way licenses are being issued. The Association is getting a lot of calls and the general consensus of the phone calls is that the procedure is unfair since new graduates have to pay the full fee for a license until June 2000 and then within one year they are paying the full fee again. Ms. Fuller and Ms. Talley both agreed this seemed unfair, particularly for someone who graduates in March and has to pay the full license fee to have a license for only three months and then are required to pay the full fee again to get a two-year license. Mr. Bryant explained that wasn't exactly true. The office has adopted a policy that if those persons licensed in the last quarter of the renewal period [April, May, or June] would be issued a license that would be good until June 30th of the following year. Therefore, if someone graduates in January, February, or March, then it would be best for them to wait and get their license in April in order to get fifteen months of licensure instead of only three months of licensure. Ms. Fuller asked if the schools had been notified of this policy. Ms. Hawsey stated she didn't notify them in writing and Ms. Fuller suggested she do so.

Ms. Talley brought up the issue of provisional licenses. She said it takes six to eight weeks to for a student to be able to take the National Certification exam. She said most of her students have jobs available to them due to their externships but they can't take the job until they get licensed. Ms. Clingman said a provisional license would require legislative change. Mr. Bryant stated he opposed a provisional license because the Panel would be giving a provisional license to someone who hasn't shown competency to practice by passing an exam. He said the way to handle this problem was to ensure that students were tested more quickly. He said he talked to the National testing service and they told him it was the schools' responsibilities to get the information to them and if the schools could get the information to them earlier the process could be sped up. Ms. Talley said she didn't know they could do that and she would check into this possibility. He suggested the schools electronically notify the testing service of the students who have passed the course.

Ms. Talley asked if it would be a problem for South Carolina to develop their own exam and give people the option of either taking S.C.'s exam or the national exam. Mr. Bryant said the Panel could do that or they could look into using other testing providers to give the National exam. He said he thought the national exam was the way to go and that the Panel probably needed to advise the current testing service [ASI] of any changes or improvements the Panel wanted in order to keep their business. Ms. Talley stated there were only three states out of twenty-nine that currently did not use the national exam for certification. She said a positive aspect of using the national exam was because of reciprocity [a massage therapist being able to go from state to state and work]. It was determined that the Panel needed to meet with all of the massage therapy schools to update them on current matters involving testing, license renewal, etc. Ms. Hawsey was instructed to contact the massage therapy schools and invite their representatives to attend a meeting with the Panel to discuss issues and concerns about testing, etc. which they may have and to update them on pertinent issues.

Ms. Hawsey was instructed to contact Frank Hatcher with ASI, the testing provider, and advise him of the schools' concerns with accelerating the testing process. Mr. Bryant said he had already talked to Mr. Hatcher and it was his understanding that the holdup on the testing process was ASI receiving the certificate of graduation from schools. If ASI could receive this document several weeks earlier then the student could be scheduled to take the exam faster.

#### 4. Complaints

Mr. Hall stated LLR was receiving quite a few complaints against individuals and establishments allegedly violating the Massage Therapy Practice Act. He advised the Panel that LLR Inspectors were running into a problem when trying to investigate these complaints since the establishments weren't permitted. Oftentimes the inspector(s) is denied entrance into the establishments to look for possible violations. He asked the Panel consider drafting legislation to license establishments so the inspectors could properly enforce the laws.

#### NEW BUSINESS.

#### 1. Request from Tom Ryan for Panel to review the DanZan Seifukujitsu Institute Massage Exam as an alternative exam for state licensure

Mr. Ryan is a licensed massage therapist and owner of the Palmetto Jujitsu Academy and Healing Arts Center in Columbia. He is nationally certified with the American Oriental Bodywork Therapy Association (AOBTA) as an instructor for a non-western style of massage called Okazaki Restorative Massage. He is also the State representative of the AOBTA. He appeared before the Panel to ask if AOBTA's national exam could be approved as an alternative exam for licensure. Prior to his appearance, he had submitted the exam to the Panel for their review. He told the Panel the exam was a style-specific exam for their 500-hour program and was comprised of four basic sections:

1. Evaluation of hands-on technique - must score 80% or better to pass- allowed 60 minutes to complete the massage which includes the interview process and the follow-up at the end
2. A & P
3. Traditional Chinese Medicine
4. Business & Ethics

He said the actual written exams [items 2, 3, & 4] were about two hours for each section. He said he had to bring people in from either Chicago or California to proctor the exam which costs him about \$1000 out-of-pocket expenses. Ms. Talley asked him how many hours did his students obtain in anatomy and physiology and he said they got about 50 class hours in the two subjects. Ms. Talley asked Mr. Ryan if his school was approved by the Commission on Higher Education. He told her it wasn't because he couldn't meet their current requirements. The Commission requires 100 hours of anatomy and physiology and he currently teaches 50 hours. Ms. Talley asked if this exam would be given only to his people (oriental body workers) or was he asking that they have a choice. Mr. Ryan

said he thought they should have a choice. If his students felt comfortable in taking the national exam he thought they should. Ms. Talley asked Mr. Ryan why his students couldn't take the national exam. He said he didn't think they were qualified. If the national exam was 50% oriental medicine and 50% western medicine then he would agree it was a fair test for everybody across the board. Ms. Talley asked him if he was aware that a lot of oriental body workers had passed the national exam. He said he knew that. She told him there was a new national certification test that was 40% testing on oriental massage. Mr. Bryant referred to Section 40-30-110 (3) which identifies the following three types of exams that are acceptable and must be passed in order for someone to be licensed as a massage/bodywork therapist:

1. The National Certification Exam for Therapeutic Massage and Bodywork;
2. Or any other national examination for massage/bodywork therapy that meets the educational requirements of the Massage Practice Act and has been certified by the National Commission for Certifying Agencies;
3. Or an examination that meets the standards recommended by the advisory panel as set forth in regulation by the department.

Mr. Bryant asked Mr. Ryan if he was proposing the AOBTA exam be considered as alternate exam as identified in Item 3. Mr. Ryan said yes or to allow their particular style to take AOBTA's exam. Mr. Bryant asked did he mean in addition to taking the national exam. Mr. Ryan said he would need to review the national exam to see what components are on the exam. Mr. Bryant said the General Assembly has stated that it has to be one or the other exam taken and passed to get licensed so his oriental body workers would have to take either the national exam or the alternate exam Mr. Ryan was proposing in order to get licensed. Mr. Ryan said AOBTA's exam would have to be modified for other styles. It was determined that AOBTA's exam would not be thorough enough to give as an alternate exam in place of the national exam. Massage therapists would not be able to take the AOBTA exam and be considered as competent to practice in South Carolina since the exam is style specific. The AOBTA exam is more like an exam someone would take who specializes in a certain field of practice and who wanted to get certified in that specialty area much like physicians who get certified in specific areas of medicine.

Ms. Talley said based on her impression of the discussion so far, it appeared to her that Mr. Ryan wanted oriental body workers to be licensed to do the type of massage they do. However, oriental body workers are having trouble passing the national certification exam because they don't do the modalities that western massage does. She said she thought their type of massage therapy was very good work but it was slightly different than what she does. She suggested Mr. Ryan get in touch with the Federation and try to gain their backing because at this point the American Massage Therapy Association (AMTA) was working towards blending everybody together. She said the AMTA had invited the oriental body workers to become a member of the AMTA and it was her understanding that oriental body workers have said they would like to have an affiliation with AMTA but do not want to be a part of what the AMTA is doing. She said she really thought the oriental body workers should be licensed but she was concerned that the Federation would oppose this which is why she suggested Mr. Ryan contact them to find

out what they think and to ask them to put in writing their feelings on this matter. Mr. Bryant said that maybe Mr. Ryan could work with the Panel this summer towards his school offering a certification in the specific style of oriental bodywork. Mr. Bryant asked him if the Panel acknowledged his school. He said it wasn't acknowledged because the Commission on Higher Education would not approve his school unless he taught a western curriculum.

Ms. Clingman suggested Mr. Ryan find out who sponsored the acupuncturists' bill and talk to them since oriental body workers work with acupuncturists. Mr. Bryant asked him how many states currently license the oriental style and Mr. Ryan replied there were very few. Ms. Fuller said the Panel would be interested in feedback from any states that currently license this style of massage and how they went about it. Mr. Ryan said that Louisiana would be the best example.

It was decided that the exam proposed by Mr. Ryan was not the answer to what he was trying to accomplish (licensure). Instead, it would be something to be approached legislatively and the Panel and LLR staff would assist Mr. Ryan in that task. The Panel could only use the AOBTA exam as an additional exam and not as an alternate exam.

5. Request from Tom Ryan for AOBTA to be approved as a continuing education provider  
The Panel received a written request (attached as Addendum C) dated March 17, 1999 from Mr. Ryan for the AOBTA to be approved as a continuing education provider. It was determined that Mr. Ryan had previously applied to the Department for approval and was denied because his school wasn't approved. Mr. Bryant told him the Department had adopted a different policy for approving CEU providers since the time of first application and he recommended Mr. Ryan re-submit an application to be reviewed by Ms. Talley for possible approval.

#### ADJOURNMENT.

There being no further business the meeting was adjourned at 3:40 PM.

/clc