

## MINUTES

South Carolina Massage Therapy/Bodywork Panel

October 6, 2000

The Koger Office Park, Kingstree Building Room 108

Columbia, South Carolina

Ms. Carolyn Talley, of Greenville, called the regular meeting of the Massage Therapy/Bodywork Panel to order at 11:00 a.m., October 6, 2000. Other panel members participating during the meeting included: Ms. Toni Masters, of Greenville; Ms. Rebecca Russ, of Piedmont and Mr. Joseph Norris, of Columbia.

Staff members participating during the meeting included: Ms. Lisa Hawsey, Program Coordinator; Mr. Eddie Jones, Administrator; Mr. Dwight Hayes, Assistant Administrator; Mr. Larry Hall, Investigator; Mr. Raymond Lee, Investigator; Mr. Blaine Mosher, Administrative Assistant; and Ms. Sandra Dickert, Administrative Assistant.

Members of the public attending the meeting included: Ms. Denise Hendler, Mr. Mark Hendler and Ms. Kathie Gay-Hamilton.

Ms. Talley noted the meeting was being held in accordance 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 Board office is located.

### Pledge of Allegiance

All present recited the Pledge of Allegiance.

### Administrator's Remarks

Mr. Jones stated staff was happy to host the panel meeting. He went on to say he had been attempting to get in touch with the Office of Public Information regarding the video of the Board Member Symposium. He hopes to get in touch with Public Information prior to the end of today's meeting.

### Assistant Administrator's Remarks

Ms. Hawsey stated she didn't really have any remarks.

### Legislative Update

There was no legislative update given during the October 6, 2000 meeting.

### Advisory Opinions

There were no advisory opinions given during the October 6, 2000 meeting.

## New Business

### Reactivation of Inactive Massage Therapists

Mr. Hayes stated that an individual who does not renew automatically reverts to inactive status for a period of up to four years. He further stated most boards have programs set up that will show the license as being expired and will allow the licensee to renew the license with a normal renewal fee plus applicable late fees within the first year. If the license is then cancelled if it is not renewed in the first year of expiration. Some board have a process which will still allows renewals after the first year of expiration, however, after that the licensee must be reinstated. He said one year seems to be a good compromise. He gave the following example: If a massage therapist initially became licensed in 1997 and did let the license expire in 1998, then came into renew in 1999, one and one-half year later. He indicated the law is not specific concerning the dates for which a renewal would be good at that point in time. Staff has interpreted the law to mean a \$250.00 fee for reactivation begins at the time the license went to inactive status. He asked the panel for a recommendation on how to change the law for clarification to reactive the massage therapists who are inactive status.

A discussion regarding this matter ensued. Ms. Talley stated the panel would discuss the matter further and make a recommendation to staff at a later time.

### Request from Susan Stier

Ms. Talley read Ms. Stier's letter, dated August 10, 2000, for the record. Ms. Stier is suggesting the panel review a portfolio presented by individuals that contain the transcripts of their training hours and the passing of the National Board. She is also suggesting the requirements should remain the same as in-state applicants, 500 hours minimum of in-class hours, as well as having to pass the National Board. The school transcripts should have the class breakdown that in-state schools have as to hours of specific training in the various areas required.

After a brief discussion regarding the Commission on Higher Education approving schools and LLR reviewing approved schools from other states, Ms. Talley asked that the panel members consider making a recommendation on what the agency should do regarding international students.

### Future Licensing of Massage Therapy Establishments

Mr. Larry Hall, investigator, stated he is asking the panel for guidance in reference to massage therapy establishments. He went on to say there are several illegal establishments, most of which are in Myrtle Beach, that are bringing individuals in from other states, getting them licensed as massage therapists, and displaying their licenses in the lobby of the building. He noted it puts staff at a disadvantage since all the inspectors are supposed to do is check licenses. He noted staff needs something in the statute to give them more authority to inspect the whole facility.

During the discussion that followed, Mr. Hayes made suggestions of what could be done to deny an establishment a license and reasons for closing an establishment. Ms. Talley stated that having an establishment license would require an additional license. She is

not sure she could make a decision regarding this matter at this time. She indicated several massage therapists would be upset over having to obtain another license. Mr. Hayes stated an initial establishment permit would cost approximately \$50 and the renewal fee would be approximately \$25. It was suggested that a photo be included on the license.

### Facial Massage

Ms. Talley stated Ms. Kathie Hamilton has a business in Anderson and that she attended the Charleston School of Massage. She noted that Ms. Hamilton has received training in spa treatment. She was issued a citation for \$1,000.00 by a staff inspector because the Cosmetology Board thought she was conducting esthetic work. Mr. Hayes noted that the citation was later dismissed. She went on to say the panel felt that this matter should be brought forward because all massage therapists do facial massages in some form of manipulation to the tissues. She indicated massage therapists look at the body as a whole when treating the patient. She asked Ms. Hamilton to explain what she does in her practice.

Ms. Hamilton stated she treats the body as a whole and her scope of practice is whether she is massaging feet or a face it is important to her for the individual to feel good about themselves. In her educational training they were always trained to do facial work. She has always had the lotions to remove makeup, toner and moisturizers to complete her practice. It was a shock to her when the inspector came to her establishment. She has 500 hours of training from a school in North Carolina and 100 hours from the Charleston School of Massage.

Ms. Hamilton state when she realized she didn't know quite as much about the aging process of the skin, she attended the Charleston School of Massage to take additional courses because she wanted to ensure she was taking care of her patients when they asked questions about their skin.

Ms. Hamilton stated she received two citations: one citation states she was operating a salon without a license and one citation was doing esthetician work with a license.

Ms. Denise Hendler, of the Charleston School of Massage, stated she attended the hearing before the Cosmetology DRC committee, and attempted to speak with the committee. She wanted to understand what their grievance was with Ms. Hamilton. She further stated the committee felt that massage therapists didn't have the education to be doing what they are doing. She went on to say that in explaining the education massage therapists have the committee began to grasp it. She said the conversation then turned to facial massages are not under the scope of practice of massage therapists. At the end of the hearing it was determined that they would discuss the scope of practice with the panel. She noted that the position she took was that massage therapists was in their scope of practice because they use herbal preparations and dealing with the health of the skin and that massage therapists were not going into the same area of esthetics.

Ms. Hendler requested the panel give the massage therapists a statement to give them official guidance in this matter.

Further discussion in this matter ensued. The discussion included the use of herbal products and esthetics versus massage therapy, the definition of facial massage in the statute, the concerns of the Cosmetology Board, and advertising facial massages. Mr. Hayes would like to see the definition changed to encompass what the panel feels is in the scope of practice of massage therapy. He stated this change would give the inspectors clarification of what is or is not allowed within the scope of practice.

Ms. Talley asked that Mr. Jones arrange a meeting between the Massage Therapy Panel and the Board of Cosmetology.

Mr. Jones stated the Board of Cosmetology would be conducting a retreat later this month during which this issue may arise.

#### Adjournment

There being no further business to be brought before the panel, the meeting adjourned at 1:08 p.m.