

## MINUTES

South Carolina Massage Therapy/Bodywork Panel

December 1, 2000

Synergy Office Complex, Kingstree Building Room 108

Columbia, South Carolina

Ms. Kathleen Fuller, of Lugoff, called the regular meeting of the Massage Therapy/Bodywork Panel to order at 10:00 A.M. Other panel members participating during the meeting included: Advisory Panel members Carolyn C. Talley, Greenville, Toni A. Masters, Greenville, Sandy Russ, Piedmont. Also in attendance was Disciplinary Panel member Susan Jones, Greenwood. Mr. Joseph Norris, Columbia, did not attend the meeting.

Staff members participating during the meeting included: Janet Scott, Administrative Coordinator, Ms. Lisa Hawsey, Program Coordinator, Dwight Hayes, Assistant Administrator, Larry Hall, Investigator, Sharon Dantzler, Attorney, Office of General Counsel, Barry Moreland, Inspector.

Member of the public attending the meeting included: Ms. Renea H. Eshleman and Edna Strange, Commission on Higher Education, Dr. Mark Hendler, Denise Hendler, Pat Adams, Chairman, Cosmetology Board, Linda Vickery, Kathie Hamilton, Joyce Fields, Melissa Kembring, Duane Etheridge, Elizabeth MacKercher, Dianna Sanders and Lisa Pitts.

Ms. Fuller 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.

Approval of the October 6, 2000 Meeting Minutes

Ms. Fuller stated due to a discrepancy in the minutes, the Advisory Panel would be providing corrections to LLR to revise the minutes of that meeting.

Administrator's Remarks

Mr. Bryant advised the panel that any questions they or the members of the audience may have regarding the legalities of the Massage/Bodywork Practice Act or the industry, should be submitted in written form to Randy Bryant, Eddie Jones, Lisa Hawsey, Dwight Hayes or Sharon Dantzler, so legal opinions can be issued. Also, the Legislative Liaison Office will be monitoring bills that may be forthcoming during the upcoming legislative season that may affect the Massage Therapy industry. Mr. Bryant asked that a member of the panel or a person within the industry be named as a contact person for legislative matter. That person may be asked to appear before legislative committees if needed.

## Remarks from the Disciplinary Panel

There were no remarks at this time.

## Remarks from the Advisory Panel

### Old Business - Action Items

The Advisory Panel for the Board of Massage/Bodywork Therapy makes the following recommendations:

1. Regarding Reciprocity for International LMTs: We make no recommendation at this time. Cases will be reviewed on an individual basis.
2. Regarding Renewal of Licenses: We recommend that renewal notices be sent to all therapists three months prior to expiration. We further recommend that a sixty-day grace period be allowed for renewal to allow for continuing education or other extenuating circumstances. Failure to renew will result in the therapist having to re-certify meeting current educational requirements and passing the National Certification Exam. We recommend no prorating of fees occur under any circumstances. Full fee payment is required for renewal.
3. Regarding Licensing of Establishments: It is the consensus of the panel that licensing of establishments will not solve the problem of unlicensed therapists continuing to practice. We will continue to look for other avenues of assistance in this matter. One possibility is meeting with and working more closely with law enforcement in each county since they are ultimately responsible for policing the activities with which we are concerned.
4. Regarding Scope of Practice: We recommend that no action be taken at this time to change any part of the Massage/Bodywork Practice Act with regards to the scope of practice of massage therapists, specifically sections 40-30-20 and 40-30-30. Further discussions are necessary with the Cosmetology Board, Department of LLR, SC Commission on Higher Education, and massage school institutions to obtain additional information.
5. Regarding Inactive License Status: Massage/Bodywork therapy licenses that are not renewed by their expiration date, automatically revert to inactive status and may only be reinstated upon application and payment of the reactivation fee of \$250 and proof that the licensee has completed the required number of hours of continuing education required since the license went into inactive status. Any inactive license that has been in that status more than four (4) years automatically expires. An expired license is null and void and is not eligible for renewal or reactivation.

When the reactivation of inactive license is requested, the license is activated as of the beginning (July 1st) of the current license period and will be for a two (2) year term. For example:

a. License expired on June 30, 1999

Reactivation requested October 15, 2000

Six (6) hours of continuing education required (6/30/1999 to 7/1/2000)

License will be issued for the period July 1, 2000 to June 30, 2002

b. License expired on June 30, 1998

Reactivation requested May 1, 2000

Six (6) hours of continuing education required (6/30/1998 to 7/1/1999)

License will be issued for the period July 1, 1999 to June 30, 2001

c. License expired on June 30, 2000

Reactivation requested December 1, 2000

No continuing education required at activation

License will be issued for the period July 1, 2000 to June 30, 2002

d. License expired on June 30, 1998

Reactivation requested December 1, 2000

Twelve (12) hours of continuing education required (6/30/1998 to 7/1/2000)

License will be issued for the period July 1, 2000 to June 30, 2002

This procedure assumes that the licensee has not practiced Massage Therapy/Bodywork Therapy at any time during the period of inactive status. Licensees that have illegally practiced with an inactive license are subject to disciplinary action prior to reactivation.

Ms. Fuller stated the panel is interested in pursuing a meeting between the Massage Therapy Panel and the S. C. Board of Cosmetology in January 2001. Mr. Bryant's office will coordinate a date and time and notify all parties concerned.

#### New Business

Body Wrap Discussion - Ms. Fuller advised that body wraps are not regulated in South Carolina.

#### Discussion Items

Regarding Scope of Practice, Ms. Linda Vickers stated this subject was discussed during a recent meeting of Massage Therapy school owners and Commission on Higher Education staff. A discussion ensued regarding the definition of massage therapy and the different modalities of massage. Ms. Fuller suggested Ms. Vickers and others who made recommendations regarding Scope of Practice to submit their recommendation to the panel in writing. Mr. Bryant stated that he has requested the Board of Cosmetology and the Massage Therapy Panel to discuss and possibly establish the Scope of Practice regarding Massage Therapy at a meeting to be held in January 2001. Ms. Fuller stated the panel represents massage therapists but does not establish criteria for schools or school curriculum.

Mr. Ward Bradley, Attorney at Law appeared with Ms. Kathie Hamilton, Massage Therapist to request clarification of the law regarding the definition of a facial massage performed by massage therapist verses estheticians. Ms. Susan Jones suggested that the panel upon establishing the scope of practice consider the intent of the facial massage. Ms. Fuller requested Ms. Jones submit her thoughts and recommendations to Mr. Bryant's office. Ms. Masters advised Ms. Hamilton to make sure her advertising contains "facial massage" and to stay away from the term "facials". Ms. Hamilton stated she did exactly what the panel instructed her to do. However, she was informed that an insurance agent came to her clinic, under cover. Mr. Bryant stated this individual was not employed by LLR. He further said that this type of under cover activity is not part of LLR's investigative

policy. Mr. Bryant suggested they meet following the meeting do discuss this issue.

Executive Session

No Executive Session

Adjournment

Ms. Fuller thanked everyone who attended the meeting. She asked that those making comments regarding massage therapy scope of practice or other comments send those comments in writing to the office for the panel to review. She further instructed Mr. Bryant to schedule a meeting in January for members of the panel and the Cosmetology Board to discuss the scope of practice for massage therapists. The meeting adjourned at 11:30 A.M.