

MINUTES

South Carolina Massage Therapy/Bodywork Panel

10:00 A.M., September 20, 2002

Panel Meeting

Synergy Business Park

110 Centerview Drive, Conference Room 111

Columbia, South Carolina

Carolyn Talley, chairman, of Greenville, called the regular panel meeting to order at 10:00 a.m. Other panel members participating during the meeting included: Kim Brewer, Linda Pearson and Toni Masters.

Staff members participating during the meeting included: Randall Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Eddie Jones, Administrator; Larry Hall, Investigator; and Lisa Hawsey, Program Assistant.

Members of the public attending the meeting included: Jan Carter of Aiken Technical College and Renea Eshleman of the S.C. Commission on Higher Education.

Ms. Talley announced that public notice of this meeting was properly posted at the S. C. Massage Therapy/Bodywork Panel office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. She also noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

All present recited the Lord's Prayer.

Ms. Talley introduced the panel members and staff members.

Approval of the June 14, 2002 Meeting Minutes

Ms. Pearson moved the minutes of the June 14, 2002 meeting be approved. Ms. Brewer seconded the motion, which carried unanimously.

Chairman's Remarks

Jan Carter of Aiken Technical College introduced herself.

Ms. Talley thanked staff for all of their assistance.

Administrator's Remarks, For Information

1. Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the September 20, 2002 meeting.

1. Legislative Update, If Needed, Legislative Liaison Office

Mr. Bryant presented the members with copies of the proposed Cosmetology statute and regulations for their review.

Action Items

Unfinished Business

There was no unfinished business during the September 20, 2002 meeting.

New Business

1. Review of Belavi Facelift Massage Seminar Offered by Susan Jones

Ms. Talley stated seminars offered by schools and individuals that have been approved by the national association are automatically approved by the State. She noted that the panel has received information from Mr. Mark Hendler, of the Charleston School of Massage Therapy, regarding the Belavi Facelift Massage Seminar being offered by Susan Jones. She indicated the panel would come back with an answer on Mr. Hendler's letter at a later time.

2. Massage Therapists Practicing with an Expired License - Should They be Fined? How much?

Ms. Masters stated that there have been several instances of unlicensed practice in the Greenville area. She has had some concern that the massage therapists who do not know that they must renew their licenses probably do not know that they must complete continuing education.

MOTION

Ms. Masters moved that licensees who are practicing without a license be ordered to cease and desist. Before renewing they must provide written documentation of continuing education courses to LLR and the courses must be audited by LLR for authenticity. In addition, the following fines will be imposed: first offense - a public reprimand and a fine of no less than \$500; and for a second offense - probation and a \$1,000 fine. The reprimand and fine should be listed on the LLR website. The motion was seconded by Ms. Brewer and, following a brief discussion, the motion carried unanimously.

Mr. Bryant suggested the panel consider producing an e-bulletin to be posted on the panel's webpage. He asked that a panel member be assigned to assist staff in this endeavor.

3. Continuing Education Discussion

Ms. Masters questioned how the continuing education classes are being audited. She offered her time in auditing continuing education classes.

Mr. Bryant stated most of the Boards located within the agency do conduct audits of their

continuing education classes. He suggested that the panel, during the renewal season pick a percentage of the total number of licensees to audit. He also stated that another way to conduct an audit would be to audit the provider. The audit should provide a statement on the renewal form that the licensee swears or affirms that the continuing education class has been taken.

Ms. Talley stated she has been approving the providers. She noted that she has been informing the providers they must keep a list of attendees.

MOTION

Ms. Pearson moved that the panel allow the Dept LLR to audit at random five percent of the Massage Therapy licensees for the next renewal period. Ms. Brewer seconded the motion, which carried unanimously.

MOTION

Ms. Masters moved, in regard to a licensee who has fraudulently obtained a license, the panel follow the precedence that was set for licensees who have lapsed license: public reprimand and not less than a \$500 fine, second offense probation and \$1,000 and third offense to be brought before the panel. Ms. Pearson seconded the motion, which carried unanimously.

Ms. Masters asked if there is a way to flag the database to alert staff of licensees with offenses. Staff replied affirmatively.

A brief discussion ensued regarding students completing internships and public reprimands versus private reprimands.

4. License Number on Advertisements

Ms. Pearson stated she believes that license numbers should be on all printed materials. She further stated that the phone book is the problem. She added that there are individuals who cannot afford a block advertisement under the yellow pages. She noted that Bell South is charging \$16 a month to add the license number because the addition of the number becomes a block advertisement.

A discussion regarding the use of license numbers in telephone books ensued.

Recess

The panel recessed at 11:00 a.m. and returned to public session at 11:34 a.m.

Return to Public Session

Ms. Masters stated she had noted at the June 2002 meeting some instances occurring in the Greenville area. She asked if the publications and licensees have been notified and if so, that the publications be notified again and asked to comply and to contact the individuals and inform them they must comply.

Mr. Hall stated he has been contacting licensees regarding the license numbers in publications. He is not sure that the publications have been informed in writing to comply. He discussed license matters he finds during his inspections/investigations and received guidance from the panel how to handle the situations.

Further discussion on this matter ensued.

Discussion Items

Ms. Talley stated the panel would take the information provided with Dr. Hendler's letter regarding the Belavi seminar being offered by Susan for review and discuss the matter during the next meeting.

Ms. Talley stated the panel is in the midst of setting guidelines to go along with the statute and regulations. She acknowledged that Ms. Masters and Ms. Brewer have done a lot of work on the guidelines.

The panel discussed guidelines on breast massages, draping, mechanical devices and sexual misconduct. It was noted during the discussion that the guidelines must be submitted to the panel's attorney for review prior to being made public.

Public Comments

Executive Session

Ms. Masters moved the panel enter executive session to seek legal advice. Ms. Brewer seconded the motion, which carried unanimously.

Return to Public Session

Ms. Talley noted that no motions were made and no votes were taken during the time the Panel was in executive session.

Adjournment

There being no further business to be brought before the panel at this time, Ms. Pearson moved the meeting be adjourned. Ms. Brewer seconded the motion, which carried unanimously. The meeting adjourned at 2:10 p.m.