

MINUTES

South Carolina Massage Therapy/Bodywork Panel

Panel Meeting

10:00 A.M., March 13, 2003

Synergy Business Park

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Carolyn Talley-Porter called the regular meeting of the Massage Therapy/Bodywork Panel to order at 10:00 a.m. Other members attending the meeting included: Isabelle Boyd, of Myrtle Beach; Kim Brewer, of Hilton Head; Toni Masters, of Greenville; Joe Norris, of Columbia; and Linda Pearson, of Spartanburg.

Staff member participating at various times during the meeting included: Randall Bryant, Sharon Dantzler, Sandra Dickert, Larry Hall, Lisa Hawsey, and Eddie Jones.

Members of the public attending the meeting included: Donna Bailey, Renea Eshleman, Anjenette Metly, Ruth Newell and Faye Townsend.

Ms. Talley-Porter 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. A quorum is present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the September 20, 2002 Meeting Minutes

Ms. Masters moved the Panel approve the minutes of the September 20, 2002 meeting.

Ms. Pearson seconded the motion, which carried unanimously.

Chairman's Remarks - Carolyn Talley-Porter

Ms. Talley-Porter the Panel has been developing guidelines as a result of massage therapists questioning the Panel members regarding draping and breast massage among other matters. She further stated LLR had asked the Panel three years ago to develop the guidelines. She thanked Ms. Brewer for her hard work with the other members in developing the guidelines.

Administrator's Remarks, For Information - Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the March 13, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the March 13, 2003 meeting.

Ms. Talley-Porter indicated Senator McConnell introduced a bill that would allow some licensees to overlap other scope of practices. She further stated the bill did not suit her well and that she understands the Board of Cosmetology opposes the bill.

Mr. Bryant stated staff has spoken with Senator McConnell in opposition of the bill.

Ms. Talley-Porter asked Mr. Larry Hall to update the Panel regarding disciplinary actions.

Mr. Hall stated he has been working with the Greenville County law enforcement regarding unlicensed massage therapists working in approximately five establishments. He further stated Ms. Masters worked with them in pointing out to the law enforcement personnel. He went on to say he has also been working with Richland County law enforcement regarding a facility in the Columbia area with unlicensed practice, escort service and prostitution. He continued by saying he has issued a cease and desist order on two establishments on St. Andrews Road. He said he also issued citations to five individuals for unlicensed practice in Charleston and he issued a cease and desist order on a facility in Rock Hill. He will be working a complaint in the Myrtle Beach area the weekend of March 15-16, 2003. He asked the members to let him know of any unlicensed practice.

Unfinished Business

Ms. Brewer questioned staff regarding the application of Mr. John Gerald Bowman. She indicated the Panel was asked to review his application. Ms. Hawsey stated she would have to check on the application.

New Business

1. Florence-Darlington Technical College

Ms. Townsend stated the school has a number of chiropractors who use massage therapy students or students who have graduated, but have not obtained licensure. She further stated there is a school where the students have graduated and a number of the students have been unable to pass the national certification exam, but are being used by chiropractors. She went on to say the chiropractors are using her graduate students as well. She questioned the Panel how to inform the students that this practice is not legal.

Ms. Dantzer stated if an individual believes unlicensed practice is occurring, a complaint should be filed with staff. She further stated the agency would follow with an investigation, which would determine the solution.

2. Review/Approval of Exam Waiver/Review/Approval of Licensure - Ruth Newell

Ms. Ruth Newell appeared before the Panel at this time.

Ms. Newell stated she moved to South Carolina from New Jersey, which issues certificates instead of licenses. She would like to continue working a couple more years is asking the

panel to grant her a license. She owned a business in New Jersey for twenty-eight years and has attended several seminars a year. She has been living in South Carolina for one year.

Ms. Newell is at least 18 years old and has a high school diploma. She attended Inga Laubell's school approximately four years ago. She completed volunteer work at Walter Reed Hospital in Washington, D.C. and completed some course work at the Swedish School of Massage in New York. She did not attend a formal school of massage, however, some of the courses taught in a school she attended in New Jersey included anatomy, manipulations, reflexology. She has not passed the national certification exam but has passed the Registered Massage Therapy (RMT) exam, which is a precursor to the national exam. She is a 29-year member of the American Massage Therapy Association.

The panel determined it would discuss this matter in executive session.

3. Discussion of Panels - Toni Masters/Carolyn Talley-Porter

Ms. Masters questioned the status of the panels. Mr. Bryant stated the appointment secretary is Jay Jay Darby. He went on to say there have been no appointments made by Governor Sanford.

Ms. Talley-Porter stated April O'Shields was to be appointed to the panel and the Governor's Office shows that the advisory panel is filled, however, Ms. O'Shields did not appear before the Senate for the confirmation hearing due to having a baby at the time of the hearing.

4. Continuing Education for Blind Therapists - Carolyn Talley-Porter

Ms. Talley-Porter stated there are a couple of blind massage therapists who have questioned her regarding continuing education.

Mr. Norris stated that whatever the panel can do to assist the blind is welcome. He further stated verbal explanation of what is being performed during the video is a big assistance. He indicated cassette tapes are excellent tools.

Ms. Talley-Porter stated this is a matter on which the panel needs to work. She stated she has offered to conduct a free workshop on ethics in the Greenville area and has asked Mr. Norris about conducting a workshop in Columbia.

Ms. Masters stated she audited a stack of applications that contained continuing education hours. She further stated she had questions on two of the classes. She asked if it would be appropriate for the advisory panel to contact the state chapter of the AMCA in regard to offering continuing education for the blind. Ms. Dantzler replied affirmatively.

Ms. Dantzler suggested that Mr. Jones contact the Commission for the Blind in regard to co-sponsoring a workshop.

Mr. Norris suggested the panel contact the School for the Deaf and Blind, which teaches massage therapy. He indicated the biggest complaint from the Commission for the Blind right now is the budget. He noted he did not think the commission would allow something of this nature at this time.

It was determined that Mr. Jones would speak with the Commission of the Blind and the school for the Deaf and Blind and Ms. Pearson will speak with Spartanburg Tech.

5. Mission Statement and Fines for Violations - Linda Pearson

Ms. Pearson stated the mission statement was written as a foreword to the guidelines so the licensees would know why the guidelines were necessary and to emphasize that every massage therapist would have the opportunity to contribute to the process. She further stated the panel had mailed a questionnaire to all licensed massage therapists for their response to the guidelines and the panel received a small percentage of the questionnaires with responses. She further stated she has compiled an E-Bulletin for the web page regarding fines on violations. (This document is herewith attached and becomes a permanent part of this record.)

Ms. Dantzler stated she would ask that the sentence read, "The following fines have been approved by the Advisory Panel as the presumptive penalty for each type of violation."

A discussion ensued regarding what the panel feels is an advertisement.

MOTION

Ms. Brewer moved the panel, which is given the authority to interpret this statute, interpret the phrase "advertisement in a telephone directory" to include only such advertisements as are more than a business phone listing. Ms. Masters seconded the motion, which carried unanimously.

MOTION

Ms. Pearson moved the panel approve the fines for posting on the web site and for inclusion in the AMTA newsletter. The motion was seconded by Ms. Masters and unanimously carried.

Discussion Items

Ms. Brewer questioned the coding issue brought before Congress by the American Massage Therapy Association. Ms. Talley-Porter stated a bill had been introduced regarding alternative health care that states that all insurance companies would recognize massage therapy in the health care profession. She further stated that massage therapists could have referrals from physicians and the insurance companies would begin paying for massage therapy if there is a prescription or recommendation from a physician. She went on to say that massage therapists that work with health care practitioners would have to CPT coding to complete insurance forms.

Mr. Bryant asked Ms. Eshleman if she would be able to disseminate the disciplinary guidelines and the other guidelines to the schools. Ms. Eshleman replied affirmatively.

Public Comments

There were no public comments made during the March 13, 2003 meeting.

Executive Session

Ms. Brewer made a motion, seconded by Mr. Norris and unanimously carried, the panel enter executive session to discuss Ms. Newell's request.

Return to Public Session

Ms. Talley-Porter noted for the record that no motions were made and no votes were taken during executive session.

Ruth Newell

MOTION

Ms. Masters made a motion, seconded by Ms. Pearson and unanimously carried, the Advisory Panel grant the license to Ms. Newell contingent upon receipt of the documentation of 500 hours of training.

6. Guidelines - Kim Brewer

Ms. Brewer presented the members with revisions to the guidelines. She noted that this copy contains the revisions only and is not the complete document. The panel discussed amendments to

1. Section 40-30-140 (page 2) - insert telephone directory advertising language. An advertisement in a telephone directory is more than a single line business phone listing. All other types of telephone directory advertising must include the license number.
2. Remove "infrared" from electro-therapeutic device definition in Section 40-30-30.
3. Breast massage - the panel discussed a physician's referral when contraindications may be an issue.
4. Animal massage - leave language as is.
5. The language regarding trademarks and "modalities included, but not limited to" was removed during the previous meeting and replaced with "engaged in a profession with established standards."

(The guidelines and revisions are herewith attached and become a permanent part of this record.)

MOTION

Ms. Pearson made a motion, seconded by Ms. Masters and unanimously carried, that the Panel approve the guidelines as amended.

Adjournment

There being no further business to go before the Panel at this time, Ms. Brewer moved the meeting be adjourned. Ms. Masters seconded the motion, which carried unanimously. The meeting adjourned at 1:00 p.m.