

## MINUTES

South Carolina Massage Therapy/Bodywork Panel

10:00 A.M., September 10, 2004

Panel Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Toni Masters, Vice Chairman, of Greenville, called the meeting to order at 10:0 a.m. Other members participating in the meeting included: Kim Brewer, of Hilton Head, and Linda Pearson, of Spartanburg.

Staff members participating in the meeting included: Randy Bryant, Deputy Director; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Lisa Hawsey, Program Coordinator; Don Hayden, LLR-Operations Manager, OIE; and Eddie Jones, Administrator.

Members of the public attending the meeting included: Renea Eshelman, Cantor Sheldon Feinberg, Claire Hardick, Susan Harvey, Georgeline Jean-Charles, Arquimedes Valenti, Shane Watts, Rosa Williams, and Silas Williams.

Meeting Called to Order

Ms. Masters 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the November 7, 2003 Meeting Minutes

MOTION

Ms. Pearson moved the minutes of the November 7, 2003 meeting be approved. Ms. Brewer seconded the motion, which carried unanimously.

Chairman's Remarks - Carolyn Talley-Porter

Ms. Masters stated Ms. Talley-Porter was under the weather and that she would be chairing the meeting.

Administrator's Remarks, For Information - Eddie Jones

Mr. Jones had no remarks at this time.

Mr. Hall stated he is no longer an investigator, however, he would continue to handle inspections for the panel. He went on to say the lower courts are now working the illegal

areas.

### Unfinished Business

There was no unfinished business for the August 13, 2004 meeting.

### New Business

#### New Rules from National Certification Board - Renea Eshleman, SC Commission on Higher Education

Ms. Eshleman, of the SC Commission on Higher Education, briefed the panel on new rules from the National Certification Board. She presented the members with information comparing the requirements for the old exam and the new exam for basic massage and for massage and bodywork. She noted that the advanced exam has not yet been published. She indicated the Panel would have the challenge to determine if they wanted to change the requirements for licensure and that the Panel would need to determine if any of the three exams would be acceptable for licensure.

Ms. Dantzler stated the current statute indicates that any of the three national exams would be acceptable if as the school that prepared the students for the national exam has an accepted curriculum.

A discussion ensued on the Americans with Disabilities Act. Ms. Dantzler stated language is not an ADA issue. She indicated common ADA issues include learning disabilities that require additional time or a quiet room, or in extreme cases, an oral exam for language processing problem. She indicated a diagnosis and prescription letter from a licensed practitioner are required as proof for an ADA exam.

### Review/Approval of Licensure Applications

#### a. Rosa Williams

Rosa Williams has submitted educational documents from Honduras for the panel's consideration for licensure as a massage therapist. (Copies of these documents are herewith attached and become a permanent part of this record retained at the Panel's office.)

Rosa Williams and Silas Williams appeared before the panel at this time.

Mr. Williams stated Ms. Williams worked for seven years on a US air force base in Honduras. He further stated her work on the base included massage therapy. He also said that part of her work included patients referred from physicians. He went on to say in Honduras, the massage therapy schools are contained under the umbrella of Department of Education. He said she would like to apply for licensure in South Carolina. He indicated she is currently attending English language classes.

The panel received this information under advisement for discussion in executive session.

#### b. Claire Louise Hardick

Claire Louise Hardick has submitted an application to become licensed as a massage

therapist. She was born and raised in Cape Town, South Africa and took the International Therapy Examination in London, England in December 2002. The information she has submitted does not include proof of 500 hours of training. (Ms. Hardick is herewith attached and becomes a permanent part of the record retained at the panel's office.)

Ms. Hardick appeared before the panel at this time. Ms. Hardick stated in South Carolina as long as an individual held a diploma and had the qualifications the individual could complete massages. She indicated there was no licensure requirement in South Carolina.

Ms. Pearson suggested Ms. Hardick contact the schools for documentation regarding proof of the five hundred (500) hours of training.

The panel received this information under advisement for discussion in executive session.

c. Georgeline Jean-Charles

Mrs. Georgeline Jean-Charles has submitted an application to become licensed as a massage therapist, which includes a letter from Cantor Sheldon Feinburg and Reverend Kenneth Hodges. (Ms. Jean-Charles' application, with attachments is herewith attached and becomes a permanent part of this record retained at the Panel's office.) She has attempted on two occasions to pass the national exam, however, failed the exam on both attempts. The exam results show that areas of improvement include human anatomy, physiology, and kinesiology and theory, assessment and application.

Georgeline Jean-Charles and Canton Sheldon Feinberg appeared before the panel at this time.

Cantor Feinberg read the letter attached to Ms. Jean-Charles' application into the record.

Ms. Jean-Charles stated she was at the top of her class in school, which taught Swedish techniques. She went on to say the exam contained Asian techniques. She felt it was unfair since the school was not equipped to teach the techniques included on the exam. She further stated the school in New Jersey indicated she could be grandfathered into any state.

The panel received this information under advisement for discussion in executive session.

d. Erin Riddle

Erin Riddle has submitted transcripts from Steiner Beauty and Therapy School in London, England, regarding her training in massage therapy for the panel's review. (Ms. Riddle's application is herewith attached and becomes a permanent part of this record retained at the Panel's office.) She is petitioning the panel for licensure; however, she was unable to attend the meeting.

The panel received this information under advisement for discussion in executive session.

e. Susan Z. Harvey

Susan Harvey has submitted an application to become licensed as a massage therapist. The application indicates Ms. Harvey successfully completed the International Therapy Council exam in Chiswick, London, England. (Ms. Harvey's application is herewith attached and becomes a permanent part of this record retained at the Panel's office.)

Susan Harvey appeared before the panel at this time.

Ms. Harvey stated she has been living abroad and at one time was applying for licensure under the grandfather clause. However, she was offered a job in Paris, France and cancelled the application. She has now come back to live in the United States. She received training from the Arnould-Taylor Education Limited School. She has not provided proof of the 500 hours of training needed by the national certification board to take the exam.

The panel received this information under advisement for discussion in executive session.

f. Arquimedes Valenti

Arquimedes Valenti has submitted an application for licensure as a massage therapist. Mr. Valenti graduated from the School of Professional Masseurs in Caracas, Venezuela. The application includes documentation a credential from the school; however, it does not include documentation indicating the hours of training. (Ms. Valenti's application is herewith attached and becomes a permanent part of the record retained at the Panel's office.)

Arquimedes Valenti appeared before the panel at this time.

Mr. Valenti has submitted an application to become licensed as a massage therapist. He is waiting on the scores and transcripts to be sent to the panel.

The panel received this information under advisement for discussion in executive session.

Recess

At 10:55 a.m., the panel took a ten-minute recess.

Return to Public Session

The Panel returned to public session at 11:05 a.m.

Executive Session

MOTION

Ms. Pearson moved the panel enter executive session. The motion was seconded by Ms. Brewer and unanimously carried.

Return to Public Session

Ms. Masters noted that no votes were taken during executive session.

Ms. Masters called for a motion regarding the applications. Hearing no motion, Ms. Masters stated that because the panel is bound by the South Carolina State Massage statute and regulations to uphold these laws, pursuant to Section 30-10 any and all applicants would have to conform to these statutes and regulations. She further stated each applicant must have 500 hours training exclusively in massage therapy and successful completion of the National Certification Board's Therapeutic Massage and Bodywork exam. She asked if each of the applicants understood what is expected of them. She indicated that two of the applicants have taken the exam in their native country.

#### Consolidation of Agency Investigators (OIE)

Mr. Hayden stated in July 2004 the investigators attached to each Board became attached to the Office of General Counsel. He is operations manager in the Office of Investigations. He went on to say the complaints would continue to be received by each board administrator and should the complaint warrant an investigation would be forwarded to OIE.

#### Home Study Courses as Continuing Education Credit - Carolyn Talley-Porter

Ms. Masters stated she spoke with Ms. Porter regarding this matter. She went on to say that Ms. Porter has received phone calls regarding home study courses that were not approved by the National Certification Board. She further stated the Panel had previously determined that any home study courses must be approved that the National Certification Board (NCETM).

#### International MT's Requesting Licensure based on Their Extensive Training and Exempted from Taking National Certification

Ms. Masters stated the only exception for international massage therapists requesting licensure based on their extensive training and being exempted from taking the national certification exam is if the applicant has taken a licensing exam equivalent to the national certification exam. She noted that the applicant must have the 500 hours of training as well as the exam.

#### Beauty Salons Offering Massage by Unlicensed Personnel

Ms. Masters stated Ms. Porter has had several complaints regarding beauty salons offering massages for compensation. She further stated Ms. Porter's suggestion is for the Panel to send a letter to the Board of Cosmetology to alert that Board of these complaints.

#### Penalties for Students Working without License

Ms. Masters stated Ms. Porter has been confronted with complaints in regard to students who have been performing massages and receiving payment. Ms. Porter's question is should the panel invoke a probationary period or a period time that the Panel would not offer a license.

Mr. Bryant stated the agency would request information regarding the complaint and, following the investigation, the panel would issue a license under a sanction. He further stated the Panel could deny the license if the student was convicted of criminal misconduct.

### Students Obtaining Licenses Prior to June 30th and Renewal on June 30th

Ms. Masters stated there is an allowance for those applicants who pass the exam and become licensed in April. She further stated there is an allowance as the individual would pay the full licensure fee and then would renew the following year. For example if an individual becomes licensed in April 2004, the individual would renew that license in June 2005.

### Business Cards for Students

Ms. Masters stated Ms. Porter has received a complaint regarding business cards for students. She further stated some members of the SC American Massage Therapists Association had an issue with students producing business cards and distributing the cards. She noted that the cards indicated the individuals are students. She further stated the panel's position is that anyone can make business cards as long as the cards stipulate the individual is a student. Ms. Brewer suggested the panel provide a template or sample of a business card for students.

### Discussion Items

No discussion items were presented for the Panel's review.

### Public Comments

There were no public comments made during the September 10, 2004 meeting.

### Adjournment

There being no further business at this time, Ms. Brewer moved the meeting be adjourned. The motion was seconded by Ms. Pearson and unanimously carried.

The September 10, 2004 meeting adjourned at 11:45 a.m.