

MINUTES

South Carolina Massage Therapy/Bodywork Panel

10:00 A.M., June 10, 2005

Panel Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Carolyn Porter, Chairman, of Greenville, called the meeting to order at 10:18 a.m. Other members participating in the meeting included: Toni Masters, Vice Chairman, of Greenville; 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; Carol Paquet, Administrative Assistant; Connie Huffstetler, Administrative Assistant; Larry Hall, Inspector; Lisa Hawsey, Program Coordinator; Larry Atkins, LLR - Office of Investigations and Enforcement; Mag Moton, LLR; and Eddie Jones, Administrator.

There were no members of the public in attendance at the meeting.

Meeting Called to Order

Ms. 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Administrator's Remarks

Advisory Opinions

There were no advisory opinions given for the June 10, 2005 meeting.

Legislative Updates

Mr. Jones noted that a copy of H.3781, which would amend the Engine Bill, had been given to each Panel member. He advised that Mr. Bryant would speak to the members later in the meeting regarding the proposed legislation.

Ratification of Mail Ballot

MOTION

Ms. Masters moved to ratify the mail ballot approving the minutes of the September 10, 2004. Ms. Pearson seconded the motion, which carried.

Unfinished Business

Georgeline Jean Charles

Ms. Hawsey advised the members that Ms. Charles is not currently licensed. Ms. Hawsey spoke with someone at the national certification board to inquire as to what accommodations are available for disabled individuals. She was told only that additional time to complete the exam is allowed for persons with disabilities.

New Business

Home Study Courses for Licensure

Ms. Porter opened the floor for a discussion of home study or distance learning to be counted towards the 500 hours of instruction to become licensed as a massage therapist in SC. She stated that in researching the matter, she spoke with the American Massage Therapy Association. The opinion of the Association is that massage therapy is somewhat different from other fields and they do not feel that the state boards should accept distance learning for any portion of the required hours. Ms. Porter stated that she is not in favor of distance learning but is open to hearing opinions from other panel members.

It was noted that the National Certification Board for Therapeutic Massage and Bodywork does accept home study courses to meet some of the requirements for testing. The members expressed concern that if NCTMB is going to accept these hours, how will the states that do not accept them screen applicants who completed part of their hours through home study. Ms. Hawsey explained that a transcript is required with each application and she would not accept hours submitted that were completed through home study.

The Panel members asked Ms. Dantzler for her opinion. Ms. Dantzler suggested that the Panel consider allowing a combination of classroom hours and home study or distance learning hours. She advised the Panel that they could put out a Notice of Intent to Draft and let interested parties provide evidence and comments. The other alternative, Ms. Dantzler noted, is to handle such applications on a case by case basis and to build a baseline for criteria. After further discussion, the members agreed that they would like input and opinions from others in the profession about the matter.

MOTION

Ms. Pearson made a motion to post a Notice of Intent to Draft on the matter of home study, or distance learning, for Massage Therapy. Ms. Masters seconded the motion, which carried.

Provisos

Ms. Masters asked Ms. Dantzler about a recent situation in which the Panel was told that a Proviso signed by the governor would apply, then learned that the proviso had actually expired. Ms. Dantzler explained that there are two types of provisos and that the agency had been monitoring only one type in the past but now had taken steps to ensure that both types of provisos are monitored.

Mr. Bryant noted that the professional associations are also encouraged to keep abreast of all such changes in legislation. He suggested that Susan Duncan be asked to attend

the next meeting to make a presentation on how to monitor legislation.

Medical Massage

Ms. Masters opened a discussion of medical massage and noted that there is currently no such designation recognized by the SC Massage Panel. The following statement was read: "The AMTA believes that it would be premature for a state regulatory board, state legislature or municipal body to make decisions on special credentials for medical massage, until all stakeholders in the massage therapy profession have an opportunity to define the term". The members were all in agreement with the statement of the AMTA.

The members discussed the AMMA and the curriculum required to receive certification. Ms. Porter noted that she had completed the course and it was quite difficult. After further discussion, the Panel members agreed that the AMMA exam should be considered as the equivalent of the national exam.

MOTION

Ms. Masters made a motion that the staff should continue to accept the AMMA exam as the equivalent of the national exam. Ms. Brewer seconded the motion, which carried.

Insurance Billing

Ms. Pearson noted that she had several questions from massage therapists as to whether they can bill insurance companies for their work. Since billing is not covered in the practice act, she feels that massage therapists can submit insurance billing but cautions that the diagnostic codes must come from the referring physician or chiropractor. It will then be up to the insurance company as to whether to accept the billing. She explained that there are continuing education courses to teach how to do insurance billing. Ms. Porter remarked that some will accept the billing from massage therapist and some will not. She noted that work is being done now on new codes for massage therapy.

Massage Therapy in a Chiropractor's Office

Ms. Porter stated that she had been made aware of a situation where a chiropractor was using a member of his staff to perform massage therapy. Ms. Moton explained that to her knowledge this should not be allowed and she would consult with Mr. Hayden. Mr. Atkins stated that in talking with Ms. Dantzler, the chiropractor can have members of his staff perform such duties under his direction, but cannot advertise or bill it as massage therapy. Ms. Porter advised that in the case in question, the chiropractor was advertising massage therapy but was having the service performed by an unlicensed staff member.

Posting of Minutes on the LLR Website

Ms. Hawsey noted that minutes from previous meetings have been posted on the website.

Complaint Report

Mr. Hall advised that the Office of Investigations and Enforcement is now handling complaints.

Mr. Hall noted that the question had been raised about spas advertising massage therapy without posting a license number. He advised that per Ms. Dantzler, a spa is not required to post the license number since massage therapists change from one spa to another on a frequent basis.

New Disciplinary Process

Ms. Brewer stated that her questions regarding the matter had been resolved. Her concerns were mainly with Yellow Page advertising that did not include license numbers. Ms. Porter said she understood that an agreement had been reached with the national yellow pages to advise all the directories that the license number is required to be included with the yellow page advertisement.

Advisory Panel and Disciplinary Panel Vacancies

Mr. Bryant noted that there were a number of vacancies on Boards and Commissions and he cannot say when they will be filled.

Ms. Masters stated that her term expires on June 30, 2005 and she does not wish to serve until another appointment is made.

Auditing of CEU Subsequent to License Renewals

Mr. Bryant advised that after the renewal period is over, an audit for proof of continuing education will be done of five percent of licensees who renewed.

Posting of Disciplinary Actions on the LLR Website

Mr. Bryant stated that all consent orders have been posted on the website.

Review of H. 3781

Mr. Bryant gave the members a brief explanation of H.3781 for their review and offered to answer questions that they may have.

Ms. Porter asked how it would directly affect the Massage Therapy Panel. Mr. Bryant said in his opinion it would not change the way the Panel operates. He said that it allows such things as letting LLR set renewal dates but that the Practice Act for each program will continue to determine how the Boards and Commissions operate.

MOTION

Ms. Pearson moved the Panel endorse passage of H.3781. Ms. Masters seconded the motion, which carried.

Budget Report

Mr. Bryant presented to the members a budget summary for their review and discussed some of the items.

Carol Paquet was called to the meeting to explain some of the items on the budget

summary.

The members discussed reducing the fees for licensing in their program and Mr. Bryant advised that a study could be done by the agency.

MOTION

Ms. Masters moved that LLR take the necessary steps to determine how much licensing fees for Massage Therapy can be reduced. Ms. Pearson seconded the motion, which carried.

Discussion Items

Ms. Masters suggested that in the future, conference calls be set up rather than trying to resolve issues by email.

Public Comments

There were no public comments during the June 10, 2005 meeting.

Adjournment

MOTION

Ms. Brewer moved to adjourn the meeting. The motion was seconded by Ms. Masters and carried.