

MINUTES

South Carolina Massage Therapy/Bodywork Panel
10:00 A.M., March 10, 2006
Board Meeting
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Carolyn Porter-Talley, Chairman, of Greenville, called the meeting to order at 10:02 a.m. Other members participating in the conference call included: Kim Brewer, of Hilton Head; and Linda Pearson, of Spartanburg.

Staff members participating in the meeting included: Connie Huffstetler, Administrative Assistant; Lisa Hawsey, Program Assistant; Eddie Jones, Administrator; Brett Sims, Investigator, Office of Investigations and Enforcement, and Rick Wilson, Deputy General Counsel, Office of General Counsel.

Members of the public attending the meeting included: Linda Beach, JoAnn Difedele, Renea Eshleman, Lane Jeselnik, Ann Blair Kennedy, Toni Masters, Judy Mims, Edna Strange, and Ronda Villa.

Meeting Called to Order

Ms. Porter-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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

All present held a moment of silence for meditation.

Approval of the December 2, 2005 Meeting Minutes

MOTION

Ms. Brewer moved to approve the minutes of the December 2, 2005 meeting. Ms. Pearson seconded the motion, which carried unanimously.

Chairman's Remarks – Carolyn Talley-Porter

Presentation of Plaque to Toni Masters

Ms. Talley-Porter presented a plaque to Toni Master for her service to the panel.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

Mr. Jones stated there were no advisory opinions or legislative update to be given. He reminded members to complete the State of Economic Interest Forms and to return the forms to the State Ethics Commission no later than April 17, 2006.

Disciplinary Report – Brett Sims

Mr. Sims stated OIE currently has 12 active cases, of which the majority of the cases involve unlicensed practice and unprofessional conduct.

Unfinished Business

1. National Energy Exam Questions 1 and 2

Ms. Talley-Porter stated the Panel had received a letter from Mr. Mark Hendler in regard to the national certification exam. She noted there are now two national exams and that the panel had not yet discussed the exams. She went on to say the panel had not informed anyone about whether or not the candidates could take either exam. She went on to say Mr. Hendler also questioned whether or not the panel should license individuals who perform energy work. She indicated the panel, as well as Ann Blair Kennedy, President of the South Carolina Chapter of the American Massage Therapy Association, asked for input in regard to licensing individuals who perform energy work.

New Business

Discussion on Energy Work

JoAnn Difedele, LMBT, Diploma in Aromatherapy

Ms. Talley-Porter stated JoAnn Difedele had requested to make remarks on this matter; however, she was unable to attend today's meeting. She further stated Ann Blair Kennedy would read Ms. Difedele's remarks. Ms. Difedele's remarks indicate that energy work has nothing to do with massage and should not be considered for any kind of regulation. Her remarks also indicate that energy work does not physically manipulate the body. (Ms. Difedele's remarks are herewith attached and become a permanent part of the record retained at the Panel's office.)

Linda Beach, of the South Carolina Massage and Esthetic Institute, stated she read Mr. Hendler's letter and finds it interesting and ridiculous his contention that therapists could potentially harm an individual by not being tested in Eastern, generic or Asian modalities. She feels that bodywork is synonymous with massage. She went on to say that the slash (/) in massage/bodywork stands for the word 'or'. She continued by saying that if licensees are massage therapists or bodywork therapists then the individuals should choose which word to use and which exam to take. She said that South Carolina has defined massage/bodywork with one definition. There is not a separate definition for the word 'bodywork' which leads her to believe they are one in the same.

Comments from the floor

Ms. Kennedy stated Ms. Porter had asked that the South Carolina Chapter of the American Massage Therapy Association use their newsletter as a vehicle to obtain comments in this matter. She further stated the association received 20 emails in this matter and that most therapists do not feel that energy work should be licensed. She indicated there were dissenting opinions. She noted she spoke with Rachel Mann, President of the North Carolina Chapter of the American Massage Therapy Association, to see how that state is handling this matter. She said North Carolina does not license energy work due to the threat of a lawsuit by some of the energy work boards, namely Reflexology and Polarity.

Ms. Beach stated reflexologists would tell someone that they are affecting all of the organs in the body. She indicated that the Florida Massage Therapy Board has informed the reflexologists that they would not be excluded from licensure because by manipulating the feet regardless of whether you manipulate the energy, the reflexologists claim to manipulate the organs and affect the body. She believes the panel should license reflexologists but not other modalities.

Ms. Porter stated she contacted the National American Massage Therapy Association and asked them that same question and was told that bodywork has never been defined by anyone.

Ronda Villa, of the Southeastern School of Massage, stated she goes either way. She went on to say reflexologists do place their hands on the body as they work with the feet. She spoke with Paul Thompson, an owner of the school, who wanted a message relayed. She indicated Mr. Thompson feels the massage therapists have used the hand bodywork as the exam for this state and is concerned the state is taking a step backward by not accepting the bodywork exam. She went on to say they spoke on the fact that there is three percent (3%) more anatomy than physiology on the exam that does not include bodywork and three percent (3%) more eastern on the exam that does include bodywork. She indicated that his reply was that there was always anatomy and physiology on the bodywork exam and there would not be that many more questions.

Ms. Renea Eshleman, of the Commission on Higher Education, stated she thinks the issue is the language in the statute and the meaning of bodywork. She went on to say if the panel is indicating the bodywork she believes the panel is including the modalities that are included in energy work and what is appropriate because of what is allowed by that imprint.

Discussion on National Exam:

Comments from floor

JoAnn Difedele, LMBT, Diploma in Aromatherapy

Ms. Talley-Porter stated JoAnn Difedele had requested to make remarks on this matter; however, she was unable to attend today's meeting. She further stated Ann Blair Kennedy would read Ms. Difedele's remarks. Ms. Difedele's remarks indicate that when she took the national exam she had one choice with both parts, massage and bodywork. She wrote NCBTMB and asked that the exam be split into separate exams. She feels that those individuals who sit for the massage exam should be equally licensed as those who sit for the massage/bodywork exam. (Ms. Difedele's remarks are herewith attached and become a permanent part of the record retained at the Panel's office.)

Ms. Kennedy stated Ms. Porter had asked that the South Carolina Chapter of the American Massage Therapy Association use their newsletter as a vehicle to obtain comments in this matter. She further stated the association received 20 emails in this matter and that most therapists feel any prospective therapists should be able to sit for either exam. She noted she spoke with Rachel Mann, President of the North Carolina Chapter of the American Massage Therapy Association, to see how that state is handling this matter. She went on to say North Carolina accepts either exam. She indicated that the North Carolina Board is getting ready to open their law this year.

Ms. Eshleman stated the panel's statute indicates that a requirement for licensure is having received a passing grade on the national certified exam for massage therapy and bodywork. She indicated the language is specific and allows the panel to accept and make decisions to accept other exams but it definitely states therapeutic massage and bodywork. She thinks the

consideration is that the prior exam included massage and bodywork and then when the national certification board separated the two it seemed logical to take the massage and bodywork exams.

Ms. Porter thanked everyone for their remarks on energy work and exams. She indicated the panel would take all remarks into consideration.

Discussion Items

Discussion on CEU Audit

Ms. Pearson stated the panel audited a certain percentage of licensees who were up for recertification in June 2005. She received 29 names of licensees who were audited. She noted that 22 of the 29 individuals audited met the continuing education obligation. She went on to say she did not receive information on five of the 29; however, with staff's assistance, she learned that some of those individuals were included in the on-line renewal process. She indicated there were two licensees were questionable in their continuing education obligation. She feels that a letter should be sent to those licensees who met their obligation without question. She suggested the audit should be met in a timely manner. She would like to have feedback to the individuals within a month from the time they have to meet the certification requirements.

FSMTB

Ms. Brewer stated the Federation of State Massage Therapy Boards is a newly developed federation that assists those state boards and panels who wish to become a member. She went on to say there are many federations for many different professions and this one has gained a lot of interest lately. She further stated the new fiscal year would begin on July 1, 2006 at which time the federation would be charging a membership fee. She indicated she has researched the federation at great length and the panel has discussed it at great length. She noted that the FSMTB is accepting complimentary membership through June. She said the application has been completed and submitted; however, she has not heard from the federation. She continued by saying Rick Rosen is the Director. She continued by saying the panel is hoping the federation would be instrumental in promoting portability between states, which would probably take awhile. She said the federation would be a forum of information that would enable members to have support in the massage therapy profession. She does not know what the temporary membership would bring to the panel. She stated the fly rate membership of \$500 per state, a 35¢ per applicant and caps at \$2,800.00. She indicated there are approximately 2,500 licensed licensees in South Carolina.

Ms. Porter stated the panel felt it could not afford not to be involved in the federation.

Ms. Beach stated she is thrilled that the panel has decided to join the federation. She stated the federation hopes to develop an alternate exam, however, they are not getting a lot of support.

Update of fees for Licensure

Ms. Porter asked staff has an update on licensure fees. She further stated the panel has discussed the possibility of lowering the licensure fees. She went on to say the panel knows other boards do not pay as much and that the panel has agreed that the fee should be lowered.

Mr. Jones stated he did not have any information regarding this matter at this time.

Ms. Huffstetler stated the preliminary estimate was that the fees could be reduced by \$50 for the upcoming renewal period.

Ms. Pearson asked that this matter be placed on the June 2006 meeting and asked that Mr. Bryant be available with information. She went on to say that in defense of professions that pay lower fees, the licensure fees depend on the number of licensees in that profession. She believes she remembers Mr. Bryant indicating the fees are higher to run the department.

A discussion ensued on the fees and relocation of funds to the general fund or carried over.

Ms. Hawsey indicated that the correct fee would be noted on the renewal form when it is mailed in April 2006.

Ms. Porter stated the Panel has been asking for years to have individuals appointed to the Panel. She knows of four individuals who have contacted the Governor's Office for applications to be appointed. She noted these individuals have not heard from the Governor's Office and asked that an agency employee contact the Governor's Office for feedback.

Mr. Wilson stated it helps for the Governor's Office to hear from individuals in the private sector.

Public Comments

Ms. Linda Beach, of the South Carolina Massage and Esthetics Institute, stated in her letter dated March 9, 2006 to the Panel she mentioned a quote made by Ms. Porter in the AMTA-SC Chapter newsletter regarding body wraps. She noted her concern is that if Ms. Porter meant that anyone could perform body wraps there would be a problem, but she would be satisfied if Ms. Porter meant anyone in the professions of cosmetology, estheticians or massage therapists. She noted that the Board of Cosmetology considers body wraps part of a mandated curriculum.

Ms. Porter stated massage therapists began asking whether or not they could perform body wraps. She was unsure of an answer and contacted Mr. Bryant who stated that there is no law on body wraps.

Ms. Beach stated she feels the matter warrants further investigation. Ms. Porter stated she would look into the matter to see if clarification is warranted.

Executive Session

MOTION

Ms. Pearson moved the Panel move into executive session to seek legal advice on the continuing education audit. Ms. Brewer seconded the motion, which carried unanimously.

Return to Public Session

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

Adjournment

There being no further business to be discussed at this time, the meeting was adjourned.

The SC Massage Therapy/Bodywork Panel meeting adjourned at 12:30 p.m.