

MINUTES
South Carolina Massage Therapy/Bodywork Panel
Advisory Panel Conference Call Meeting
10:00 A.M., November 14, 2008
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 204
Columbia, South Carolina

Meeting Called to Order

Carolyn Porter, chairman, of Greenville, called the regular meeting of the SC Massage Therapy/Bodywork Panel to order at 10:05 a.m. Other members present for the meeting included: Lou Hastings, of Travelers Rest; Linda Pearson, of Spartanburg; Janet Shaw, of West Columbia and Charles Stricklin, of Charleston.

Staff members participating during the meeting included: Doris Cubitt, Administrator, Board of Accountancy; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Lisa Hawsey, Program Assistant; and Eddie Jones, Administrator.

Mrs. 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.

Approval of Excused Absences

All members were present for the meeting.

Approval of the June 6, 2008 and the June 27, 2008 Conference Call Meeting Minutes

MOTION

Mr. Stricklin made a motion the panel approve the minutes of the June 6, 2008 panel meeting and the June 27, 2008 conference call meeting. Ms. Pearson seconded the motion, which carried unanimously.

Chairman's Remarks – Carolyn Talley-Porter

Mrs. Porter made no remarks at this time.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative updates given during this meeting.

Mr. Jones thanked Mrs. Porter and Mr. Stricklin for attending the FSMTB national conference.

Investigative Report

Mr. DeLeon Andrews, of OIE, briefed the Panel regarding a case in the Greenville area.

New Business

Budget Report

Mrs. Doris Cubitt, Administrator, Board of Accountancy, reviewed the budget information with the panel. During the discussion it was noted as of September 30, 2008 the panel took in \$82,000 in revenue and that ten percent of the panel's expenditures go to the General Assembly.

Discussion regarding license fees and renewals – Linda Pearson

Ms. Pearson asked that the agency consider reducing the license fees, if only by \$10.00.

Mrs. Porter stated she has a petition composed by students and containing 200 student names asking the agency to reduce the license fees.

Mrs. Porter stated she has researched reciprocity and grandfathering with other states and found that North Carolina has changed their statute. She has spoken with Rick Rosen of North Carolina who said if someone had 500 hours of training was grandfathered in another state but did not take an entry level exam or a national exam, North Carolina has determined it would not penalize those individuals, especially if they had worked five years or longer.

Discussion on this matter ensued and included, but was not limited to, making changes in the statute to address grandparenting, reciprocity and comity.

On-line Continuing Education Classes

Mrs. Porter stated she has learned that national certification accepts some video training or on-line continuing education. She further stated Greenville Technical College feels that if national certification accepts on-line continuing education it should be discussed further.

Ms. Hawsey stated she has been accepting on-line continuing education approved by national certification and requires the individuals to submit proof the class was taken.

Discussion ensued regarding the maximum number of on-line continuing education classes could be taken.

Yellow Page Advertising – Linda Pearson

Ms. Pearson stated Section 40-30-140(B) states licensees must have their business license included on all advertising appearing in newspapers, air wave transmissions, telephone directories or other advertising medium. She further stated some individuals still do not include their license numbers in the block advertisements in the yellow pages. She asked the panel if it could divide the yellow pages to review the new advertisements and send a letter to those individuals who have not included the legitimate license number informing them they must include the number in these advertisements.

Discussion on this matter included, but was not limited to, schools, teaching and testing the law.

Students working in Chiropractor offices – Linda Pearson

Ms. Pearson stated it has come to her attention students who may be performing externship work may be receiving compensation in certain situations, which is unlawful according to statute. She asked if there is a way to make this clear to the Board of Chiropractors to disseminate this information to their licensees.

Discussion ensued and included that chiropractors may charge for massages; however, the student completing externship at that office who performs the massage cannot take payment.

Distance Learning for Massage – Renea Eshleman with Commission on Higher Education

Mrs. Porter stated there are several colleges that offer distance learning for massage therapy and distance learning was discussed during the FSMTB conference.

Mrs. Lane Goodwin of the Commission on Higher Education stated the issue is whether or not the student would be eligible for licensure however they obtain training. She further stated the Commission would not like a program that does not prepare a student to become licensed. She asked the Panel if the Federation has determined whether or not it would accept distance learning. Mrs. Porter stated none of the participants attending the FSMTB conference was in favor of distance learning and she does not believe the Federation or AMTA would support such a program. Mrs. Goodwin stated if the Panel's regulations don't disallow distance or on-line education and if a student can take a certain amount of hours through distance or on-line education and still be eligible to sit for the national certification exam, which is approved by the Panel, the Commission would have no authority to not allow licensure at that school. She went on to say if the MBLEX were the only acceptable exam by the Panel and the Panel did not allow distance education then the Commission would not license the school for distance education. She said Ms. Eshleman has stated she would not be completely opposed to distance education being taught depending on what courses are being taught.

Discussion on distance education ensued.

Review of Licensure Applications

a. James Barrett

Mrs. Porter stated staff has informed her Mr. Barrett has been denied licensure as a massage therapist.

b. Karen Eldridge

In a letter to the panel dated September 4, 2008 Karen Eldridge states she is a massage therapist licensed in Texas. She is a South Carolina native and returned to South Carolina in May 2006. However, she has been unable to practice massage therapy in South Carolina as she needed an additional 200 hours of training and has not taken the national exam. She enrolled in the physical therapy program at Greenville Technical College this past spring where she has taken anatomy, physiology, medical terminology, introduction to computers, and psychology. She is asking if these classes would meet the requirement for the additional 200 hours to qualify her to take the national exam.

Karen Eldridge appeared before the panel at this time. She stated she has not pursued a job as a massage therapist in South Carolina because of the difference in required number of hours in education. Texas requires 300 hours of training, whereas South Carolina requires 500 hours. She has worked as a massage therapist for eleven and one-half years in Texas, where she initially obtained licensure. Although she took the Texas state exam in 1994 she has not taken the national exam. She applied to Greenville Technical College to obtain an associate's degree in physical therapy and she has taken 226 credit hours. She has taken all of the prerequisite courses and is waiting to begin the next phase of the program. She is also a registered dietician and worked in that area for approximately 14 years.

The panel determined it would defer this matter to executive session.

c. Jennifer Hasik

On October 6, 2008 the panel received a massage therapist application from Jennifer Hasik. Ms. Hasik is currently licensed as a massage therapist in North Carolina. She has successfully passed the national certification exam. In July 2007 she was arrested in North Carolina for a DWI charge and was convicted in May 2008. She has served five months of the mandatory 12 month probation, completed a 40-hour treatment program, and served 24 hours of community service. Her probation will be completed in May 2009.

Jennifer Hasik appeared before the panel at this time. Ms. Hasik moved to South Carolina to make a change in her life. She believes her North Carolina license expires December 3, 2008; however, she did not renew this license since she now resides in South Carolina. She was working as a massage therapist in a Charlotte facility which has a facility in South Carolina.

The panel determined it would defer this matter to executive session.

Report on FSMTB Annual Meeting – Carolyn Tally-Porter and Charles Stricklin

Mr. Stricklin and Mrs. Porter briefed the Panel on the FSMTB annual meeting. It was noted during the report that when the Federation put the MBLEX exam in place as an entry level exam it used a national certification exam as the entry level exam (NESL). Mr. Stricklin and Mrs. Porter stated an attorney who spoke during the meeting stating it was illegal to use a national certification exam as an entry level exam.

Public Comments

There were no public comments made during the November 14, 2008 meeting.

Executive Session

MOTION

Mr. Stricklin made a motion the Panel enter executive session to discuss the applications. Mr. Hastings seconded the motion, which carried unanimously.

Return to Public Session

The Panel returned to public session.

Mrs. Porter noted for the record that no official action was taken during executive session.

Licensure Applications

Karen Eldridge

The Panel will accept the additional 225 hours of classroom training from Clemson University relating to massage therapy; however, Ms. Eldridge must take either the MBLEX or the national exam to obtain a South Carolina license.

Jennifer Hasik

The Panel is granting licensure to Ms. Hasik effective December 1, 2008. The license will be immediately placed in probationary status for one year after which Ms. Hasik must provide the Panel with a SLED report at her own expense. Ms. Hasik's license will move to permanent status if the SLED report reflects no further arrests and/or convictions.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Hastings made a motion the meeting be adjourned. Mr. Stricklin seconded the motion, which carried unanimously.

The November 14, 2008 meeting of the SC Massage Therapy/Bodywork Panel adjourned at 12:55 p.m.