

MINUTES
South Carolina Massage Therapy/Bodywork Panel
Panel Meeting
10:00 A.M., June 19, 2009
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
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 10:00 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: Sharon Dantzler, Deputy General Counsel; Roselind Bailey-Glover; Lisa Hawsey, Program Assistant; and Eddie Jones, Administrator.

Members of the public attending the meeting included: Renea Eshleman, Lane Goodwin and Chesley Phillips.

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.

Moment of Silence

The Panel observed a moment of silence.

Approval of Excused Absences

All panel members were present.

Approval of the November 14, 2008 Meeting Minutes

MOTION

Mr. Stricklin made a motion the Panel approve the November 14, 2008 meeting minutes. Ms. Shaw seconded the motion, which carried unanimously.

Chairman's Remarks – Carolyn 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 stated Ms. Porter was honored by the State Senate recently with a resolution for being an outstanding South Carolinian.

Mr. Jones stated Panel members should submit their travel expenses or expenses for reviewing Panel material prior to July 7, 2009 for reimbursement.

Customer Care Center

Mrs. Connie Huffstetler, supervisor of the customer care center, briefed the Panel on that area.

Office of Licensure and Compliance

Mrs. Roselind Bailey-Glover briefed the Panel on the Office of Licensure and Compliance.

Unfinished Business

Budget Report

Mr. Jones stated he was given the following information when this matter was requested. He noted over \$10,000,000.00 was taken from the agency's general fund. He was also informed that no Boards would be decreasing licensure fees and the funds left in each Board's accounts have been deemed sufficient to carry through the next fiscal year.

A brief discussion on this matter ensued, which included the licensure fees, and the Panel's ten percent given to the General Assembly.

Yellow Page Ads

Mrs. Porter stated this matter was discussed during the last meeting. She stated she reviewed the ads placed in the Greenville phone book and noted the individual who had originally complained about the yellow page ads did not have a license number in the ad placed in the Greenville phone book. She does not know what the Panel can do since the Panel cannot control the operators of the yellow pages.

Ms. Pearson stated she believes the investigators can send a letter to the licensees letting the individuals know they are not in compliance. She further stated a line ad does not require a license number; however, a block ad does require a license number. She went on to say the only violation she found in the yellow pages of the Spartanburg phone book were separate business listings with block ads which did not name a massage therapist. She said this would mean the massage therapists are not licensed and the businesses would have a lot of turn over. She believes the Panel had discussed during the last meeting that each member would review the yellow pages in his or her area and any violators would be turned over to the Office of Investigations and Enforcement. She does not believe there would be a fine at this time; however, the individuals would be placed on notice and the second time the violation occurred would require a fine.

License Audits

Mr. Hastings found no discrepancies in the license audits he completed.

Ms. Pearson found no discrepancies; however, she is concerned with the late renewals. She went on to say she is concerned when a licensee receives a letter in January stating he or she has 30 days to submit proof of continuing education and the licensee does not submit the proof until October or November and wants to avoid such instances.

Ms. Pearson stated if an individual is practicing 30 to 60 days after the licensure renewal period the individual would be practicing with a lapsed license. She further stated the individual should receive a cease and desist notice, a public reprimand and a \$500.00 fine.

Mrs. Porter found two discrepancies in her license audit. She contacted the individuals and Ms. Hawsey regarding the discrepancies and the individuals have since renewed their licenses.

Mr. Stricklin found no discrepancies; however, he did contact schools and individuals regarding questions he had on continuing education classes.

Ms. Shaw did not receive any license audits to complete.

New Business

Approval of the March 24, 2009 IRC Report

MOTION

Mr. Hasting made a motion the Panel approve the March 24, 2009 IRC report. Mr. Stricklin seconded the motion, which carried unanimously.

License Renewal Format

Ms. Pearson believes the Panel has moved to annual licensure from biennial licensure. Mr. Jones stated it is the agency's intent of the Office of Licensure and Compliance to move all of the Boards to biennial licensure. Ms. Hawsey stated a one-year provisional license was issued this year to move all of the licenses to biennial licensure. She further stated after next year all massage therapists will be on the same biennial licensure.

Ms. Pearson asked staff how that would affect continuing education. Ms. Hawsey stated she understands licensees who must complete continuing education this year will need to complete six hours of continuing education. She went on to say after next year's renewal all massage therapists will need to complete 12 hours of continuing education.

Ms. Pearson found it embarrassing when licensees contacted her regarding the change and she had not been informed of the changes. She asked that the Panel members be informed of such changes.

Ms. Pearson stated she has had several requests from massage therapists who would like to have the individual's photograph on the license. She further stated the reason for this request is that an individual could say they were someone else. Mrs. Bailey-Glover stated she would research the possibility; however, the licenses are getting smaller. She also noted that several of the Boards are eliminating the wall licenses and she does not believe the massage therapy law requires a photograph on the license. She suggested the Panel add language to the statute requiring a photograph be placed on the license. Mrs. Porter stated the agency is making decisions without the Panel's input and asked why the Panel would need to add it to the statute. Mrs. Bailey-Glover stated the Panel would be surprised at the type of photographs received on initial applications. She noted there is a possible delay of licensure because of the type of photograph received. She went on to say the agency is moving toward another licensure database which would allow individuals to upload photographs with licensure applications.

Discussion Regarding Scope of Practice in Chiropractor's Office

Mrs. Porter stated she has received phone calls as well as a letter of complaint regarding chiropractors having unlicensed individuals in their offices providing massages and calling it massage therapy. She understands chiropractors are permitted to do things in their offices to assist their clients; however, the massage therapy law states an individual must have a license to perform a massage on a client. Her complaint is that the chiropractors are having employees perform the massage on the client. She is asking the agency to provide the Panel with information on how to handle this situation. She stated the Panel had discussed massage

therapy students accepting compensation for massages during the last meeting; however, this situation was not discussed. She further stated the letter of complaint named three chiropractors.

Ms. Pearson stated a letter from the agency may suffice in this instance.

Public Comments

Ms. Chesley Phillips stated she is with the International Spa Institute where they teach reflexology. She went on to say her correlation with what the Panel has been discussing goes into the cosmetology industry. She further stated her company has implemented a fingerprint machine in the continuing education program. She noted the machine does not actually take the fingerprint but does take a ridge point. She went on to say she cannot send the print to SLED or to LLR, but it does not allow an individual to take a class for another individual.

Executive Session

MOTION

Ms. Pearson made a motion the Panel enter executive session to seek legal advice. Mr. Stricklin seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mrs. Porter made a motion the Panel return to public session. Ms. Pearson seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Hastings made a motion the meeting be adjourned. Ms. Pearson seconded the motion, which carried unanimously.

The June 19, 2009 meeting of the SC Massage Therapy/Bodywork Panel adjourned at 12:30 p.m.