

MINUTES
South Carolina Massage Therapy/Bodywork Panel
Panel Meeting
10:00 A.M., April 16, 2010
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 202-02
Columbia, South Carolina

Meeting Called to Order

Carolyn Talley-Porter, chairman, of Greenville, called the regular meeting of the SC Massage Therapy/Bodywork Panel to order at 10:08 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: Sandra Dickert, Administrative Assistant; Lisa Hawsey, Program Assistant; Eddie Jones, Administrator; and Theresa Richardson, Office of Licensure and Compliance.

A member of the public attending the meeting included was Caryn Cooney.

Mrs. Talley-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.

Approval of the June 19, 2009 Meeting Minutes

MOTION

Mr. Hastings made a motion the Panel approve the minutes of the June 19, 2009 meeting. Mr. Stricklin seconded the motion, which carried unanimously.

Chairman's Remarks – Carolyn Talley-Porter

Mrs. Porter welcomed everyone present.

Administrator's Remarks, For Information – Eddie Jones

Mr. Jones welcomed the members.

Advisory Opinions, If Needed, Office of General Counsel

No advisory opinions were given during this meeting.

Legislative Update, If Needed, Legislative Liaison Office

No legislative update was given during this meeting.

Investigative Report

Mrs. Talley-Porter asked Mr. Jones to inquire about a letter to the yellow pages regarding advertisements.

Ms. Pearson asked Mr. Jones to research the licensees placed probationary period and follow up with a report to the panel.

OIE Report-Office of Investigations and Enforcement

No representative from OIE was present to give the panel an update.

IRC Report

Discussion ensued regarding individuals performing massage therapy in shopping malls and what the panel members should do at times.

MOTION

Mr. Stricklin made a motion the panel accept the IRC report. Mr. Hastings seconded the motion, which carried unanimously.

OGC-Office of General Counsel

No representative from OGC was present to give the panel an update.

OLC-Office of Licensure and Compliance

Ms. Richardson, OLC Initial Licensing Supervisor, was present for the meeting; however, she did not make a presentation regarding the number of licenses issued.

Unfinished Business

Mrs. Talley-Porter asked Mr. Jones regarding the budget. Mr. Jones stated he would provide a financial report during the next meeting.

Mr. Jones stated he would check with Ms. Bailey-Glover in regard to the panel's request in regard to inserting the licensee's picture on the license.

New Business

i. Comments Regarding Letters Received by Chairman

Mrs. Talley-Porter stated she was upset regarding issuance of a license without attending school. She discussed this matter with Senator Fair. She contacted the national association in regard to the matter. She contacted the Federation of State Massage Boards. Everyone she spoke with was upset to the issuance of this license. She feels the panel knows more about massage therapy and the health related professions are recognizing the benefits of massage therapy. She noted the individual seemed happy that the panel asked her to complete a course in anatomy and physiology. But later she did not comply with that request. She does not know what else the panel could have done.

ii. Amendment

Mrs. Talley-Porter stated Senator Fair is willing to draft an amendment; however, he also knows that the panel is unwilling to open the practice act. She went on to say the grandfathering time has passed. She is remaining with the panel until such time that the matter can be resolved. She noted she contacted the State of Virginia which requires education prior to licensure.

Ms. Pearson stated the decision made by the agency in regard to the individual was wrong. She went on to say if such decisions will continue to be made there would be no need for the panel.

Mrs. Talley-Porter received letters from Senator Fair, the Federation and the national association regarding the issuance of this license.

Discussion ensued regarding interpretations of the statute and the regulations.

Mr. Stricklin stated he understands the decision came from general counsel and is upset that general counsel was not willing to fight for and support the panel's decision.

Discussion Topics

i. Gebauer's Spray and Stretch, as a Cold Modality, Whether it Fits into the Practice of Massage Therapy in This State

On October 28, 2009 the panel received an email from Jeffrey Lutz of LearnSprayAndStretch.org stating the organization has chosen to recommend a prescription medical device, which would require a massage therapist to be licensed for its acquisition and use. The email also states that the organization is hoping to determine if the use of this product as a cold modality fits into the practice of massage therapy in South Carolina.

A brief discussion regarding the Gebauer's The Spray and Stretch ensued and included but did not limit discussion topics such as regarding a prescription is required for the product, which is something massage therapists cannot do, that the individual would have to locate a licensee who could write a prescription, and that this does not fall under the massage therapy or physical therapists scope of practice.

The panel also determined it would contact the individual for further information regarding the product and ask if the individual could be present for the next meeting.

ii. MTBOK Report

On November 17, 2009 the panel received an email from Debra Persinger, Executive Director of the Federation of State Massage Therapy Boards (FSMTB). Ms. Persinger's email states that it had come to the Federation's attention that some individuals 'were unaware of the Massage Therapy Body of Knowledge (MTBOK) project.' The project is the result of a multi-organizational process aimed at determining the best way to build a non-partisan Massage Therapy Body of Knowledge. FSMTB 'is one of six organizational stewards for the independent MTBOK Task Force.' The email states the FSMTB would be submitting comments regarding the MTBOK.

Mr. Jones stated he believes the MTBOK would be an excellent idea.

Mrs. Talley-Porter stated she would love to see the schools teach medical terminology.

Ms. Pearson thanked the agency for joining FSMTB. She went on to say the association is looking at ways to cut money. She went on to say FSNTB would sponsor one person to attend the national meeting which will be held in San Juan, Puerto Rico.

iii. Ethics CEUs - CEUs Regarding Ethics and Distant Learning

Ms. Pearson stated since they are not required to have ethics continuing education since there is a void in having national certification. She believes ethics is important part of continuing education.

The panel's statute does not state the type of continuing education licensees are required to take. Ms. Pearson thinks the interpretations should strongly suggest the type of continuing education.

Mrs. Talley-Porter stated Greenville Tech teaches ethics for three days.

Ms. Pearson stated she is speaking about the national license and having to have nine hours of continuing education for that license. She noted individuals are no longer maintaining national licensure.

iv. Temporary License for Visiting Massage Therapists

Ms. Pearson stated approximately one year ago there was an individual professional enough to ask what needed to be done to enter the state for one weekend to work a marathon.

Mrs. Talley-Porter stated she contacted the State of North Carolina to research their requirements. She went on to say North Carolina requires a massage therapist to provide proof of licensure and show photo identification.

Mr. Jones stated he would have to ascertain information from the individual and seek advice from general counsel regarding this matter since it is not addressed in the statute.

v. Recent Ruling on Massage Therapists Not Having To Be Supervised by Physical Therapists Combined With Insurance Billing

Mrs. Talley-Porter stated since she was over that department at G.T. In their statute they are allowed to do massage therapy, but cannot state it is massage therapy or license as mass. They are not required to have supervision.

Ms. Pearson stated she is happy to know they were not required to be supervised. She further stated the massage therapist is experiencing problems with insurance billing because of a ruling which states the massage therapist has to work under the supervision of a physical therapist to receive reimbursement from the insurance company.

Mrs. Talley-Porter stated the physical therapists can only file claims with insurance companies for work the therapist does. She further stated she would contact the chairman of the Physical Therapy Board regarding this matter.

vi. Training of Panel Members and Guidelines

Ms. Pearson stated for months the panel wrote the interpretations as guidelines. She questioned staff regarding those interpretations. Mr. Jones stated the interpretations are posted on the panel's web page; however, staff would provide the panel members with copies.

The panel asked that the guidelines be placed on the agenda for the June 11, 2010 meeting.

Ms. Pearson stated the panel would like to assist the new panel members with any questions they may have regarding the operations of the panel.

vii. Approval of Proposed Meeting Dates for 2010

The Panel reviewed proposed meeting dates for 2010.

June 11, 2010

September 17, 2010

December 10, 2010

MOTION

Mr. Hastings made a motion to approve the proposed 2010 meeting dates. Ms. Shaw seconded the motion, which carried unanimously.

Ms. Shaw stated a licensee has contacted her stating he has not taken continuing education because it is so expensive. She noted he has been licensed since 2001 and remains licensed.

Discussion on this matter ensued. Staff will check with OLC regarding the continuing education audit from 2009.

Public Comments

Ms. Cooney stated Virginia College has approximately 18 campuses in South Carolina.

Executive Session

The panel did not enter executive session.

Adjournment

MOTION

Since there was no further business to be discussed at this time, Ms. Pearson made a motion the meeting be adjourned. Mr. Stricklin seconded the motion, which carried unanimously.

The April 16, 2010 meeting of the SC Massage Therapy/Bodywork Panel adjourned at 11:37 a.m.