

**South Carolina Massage/Bodywork Therapy Panel
Task Force Meeting
September 6, 2019
9:30 a.m.
Synergy Business Park
Kingstree Building, Conference Room 108
110 Centerview Drive, Columbia, SC 29210**

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the SC Massage/Bodywork Therapy 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.
- b. Rules of the Meeting

2. Review of Massage/Bodywork Panel's Proposed Recommended Changes to its Statute

Chairperson Janet Shaw called the task force meeting of the S.C. Massage/Bodywork Therapy Panel to order at 9:44 a.m. This meeting was held for discussion and information. No votes were taken.

Other participants in the meeting included:

- Georgia Lewis, Advice Counsel (LLR)
- Theresa Brown, Board Administrator (LLR)
- Shannon Beaudry, Staff (LLR)
- Megan Flannery, Office of Disciplinary Counsel (LLR)
- Debra B. Gallup, AMTA
- Jolee Gudmundson, Gudmundson Consulting
- Laura Embleton, ABMP
- Tina Behles, Court Reporter

Ms. Debra Gallup and Ms. Jolee Gudmundson requested this additional task force meeting because there were still some areas of the statute language that need to be clarified. They presented proposed changes to the Panel's draft for discussion.

Representative William Sandifer had proposed that if the Massage Panel becomes a board that it be represented by the same number of members and districts as other boards; however, because the Massage Panel is a smaller licensee group the concern was expressed that it would be difficult to accomplish this. Ms. Gallup and Ms. Gudmundson will bring this back to Representative Sandifer.

A major concern expressed by Ms. Gallup and Ms. Gudmundson is the issue of whether massage establishments should be inspected or just self-inspected. One concern is the time and resources it will take for inspectors to conduct inspections for every establishment. However, there is also a concern for safety if massage establishments are allowed to only inspect themselves. One solution that was proposed is to give establishments a temporary permit while waiting for an inspection, but it was determined that automatically issuing a temporary permit would defeat the purpose of requiring an inspection before an establishment can be opened. A suggestion was made that massage establishment language could mimic salon language, which is that if an inspector cannot schedule an inspection within 15 business days then a temporary permit could be issued. Chairperson Shaw feels that the temporary permit language should be completely removed.

Representative Sandifer also requested that the statute reflect higher fines and that language be added about unlicensed practice being a misdemeanor. Ms. Georgia Lewis and Ms. Megan Flannery stated that there is language in the ENGINE (SC Code of Laws Title 40, Chapter 1) about criminal referrals; LLR can issue fines and Cease and Desist letters for unlicensed practice but any further action would be up to law enforcement.

Ms. Gallup and Ms. Gudmundson expressed that the only way AMTA can support the statute is if there is language that allows sole practitioners to pay less than large massage establishments. They suggested exploring a two-tier establishment license, one for sole practitioners and one for establishments that hire employees or

contractors. One issue they expressed is that for sole practitioners, it will become prohibitively expensive if they have to have a new license for each location they practice at, especially when it is time to renew each license.

Some conversation points that came up during the discussion of sole practitioners versus massage establishments included: How will an "owner" be defined in the establishment application; if multiple sole practitioners rent the same room, will that room have to be inspected for each practitioner; tying the massage therapy establishment to a licensed massage therapist; adding separate language for massage establishments and sole practitioners every time the statute mentions an establishment; massage therapists not having to get an establishment license if they work in a spa that is licensed by another board; and if one sole practitioner operating at a location has their license revoked, no new establishment licenses can be issued at that location for one year.

Ms. Gallup and Ms. Gudmundson re-emphasized their concern with requiring sole practitioners to have establishment licenses for each location from which they operate. Ms. Laura Embleton shared similar concerns.

Ms. Embleton expressed the need for the statute to give authority to inspect establishments that claim to be operating as massage establishments but are actually conducting human trafficking.

Ms. Lewis expressed the need to change the requirements of displaying one's name on massage advertisements, etc.; instead, practitioners should be required to advertise their license number(s) because the name they go by might not be the exact legal name on their license.

Final discussions included possibly requiring a certificate of existence for the massage business and the need to have a physical address on file for establishment licenses; if the practitioner will only be doing out calls, this can be their home or wherever they store their supplies and records.

Ms. Gallup and Ms. Gudmundson will take the task force's recommendations and discussion under advisement and work more on the statute language before bringing it back to Representative Sandifer.

3. Adjournment

The meeting adjourned at 1:52 P.M.