

South Carolina Massage/Bodywork Therapy Panel Meeting
August 9, 2019
9:30 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 108
Columbia, South Carolina 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
- c. Pledge of Allegiance

2. Introduction of Panel Members and All Other Persons Attending

Chairperson Janet Shaw called the meeting of the S.C. Massage/Bodywork Therapy Panel to order. Other Panel members/staff participating in the meeting included:

- Jennifer Griffitt
- Mary Kelley
- Anthony Ruggiero
- Denise Van Nostran
- Jenny Vaughn
- Georgia Lewis, Advice Counsel
- Theresa Brown, Board Administrator
- Shannon Beaudry, Staff
- Megan Flannery, Office of Disciplinary Counsel
- Rodney Pigford, Office of Investigations and Enforcement
- Robin Dunn, Court Reporter

3. Approval of Excused Absences

There were no absences for this meeting.

4. Approval of Agenda

Ms. Van Nostran made a motion to approve the meeting's agenda with the following amendment: "Approval of the Minutes for the Following Meeting" should read "Approval of the Minutes for the Previous Meeting". The motion was seconded by Ms. Kelley and it carried.

5. Approval of the Minutes for the Previous Meeting:

May 17, 2019

Ms. Van Nostran made a motion to approve the minutes from the May 17, 2019 meeting. The motion was seconded by Mr. Ruggiero and it carried.

6. Chairperson's Remarks – Janet Shaw

Chairperson Shaw reminded the Panel that the Federation of State Massage Therapy Boards annual conference will be this October.

7. Administrator's Remarks – Theresa Brown – Ms. Brown stated that licensees should have received an email from her informing them of the panel's partnership with CE Broker and that all licensees will need to submit their CEs through CE Broker. A member of the public, Ms. Debra Gallup, shared concerns and questions from her network of licensees. Ms. Brown stated that staff will update the FAQ document to address these questions.

- a. **Budget** – For Information - Ms. Van Nostran pointed out that in the budget, "Massage and Body Works" should be corrected to "Massage and Bodywork." Ms. Brown stated that she will ask the Finance Department to fix this.
- b. **IRC Report** – Rodney Pigford – For Approval – The report is dated July 29, 2019. There are 5 cases for dismissal and 1 case to reconsider for dismissal. Chairperson Shaw asked Mr. Pigford for clarification on what is done in cases of sexual misconduct that are marked for dismissal based on insufficient evidence. Mr. Pigford outlined the process of subpoenaing police records as part of a thorough investigation process. Additionally, Mr. Pigford informed the board that, going forward, in the IRC Report he will indicate the reason for opening each investigation. Mr. Ruggiero made a motion to

approve the IRC Report. The motion was seconded by Ms. Kelley and it carried.

- c. **OIE Report** – Rodney Pigford – For Information Only – The report reflects cases received from January 1, 2019 through July 30, 2019. There are 12 cases in active investigation, 2 cases closed, 2 cases marked do not open, 5 cases pending board action, and 2 cases pending IRC.
- d. **ODC Report** – Megan Flannery – For Information Only – There are currently 5 open cases, 3 cases pending actions, 1 case pending hearing, and 1 case pending board action. There has been 1 case closed since May 16, 2019.
- e. **2019 FSMTB Annual Meeting** – Ms. Brown reminded the board that the Federation of State Massage Therapy Boards annual conference will be October 3-5, 2019. Ms. Brown plans to attend with two board members, one of which will serve as the delegate. Chairperson Shaw expressed interest in being the delegate, and Ms. Van Nostran and Mr. Ruggiero expressed interest in attending as well.

Ms. Van Nostran made a motion to approve Janet Shaw to attend as the delegate to the annual conference of the Federation of State Massage Therapy Boards. The motion was seconded by Ms. Kelley and it carried.

Ms. Van Nostran made a motion to approve Theresa Brown to attend the annual conference of the Federation of State Massage Therapy Boards. The motion was seconded by Ms. Griffitt and it carried.

Ms. Van Nostran made a motion to approve one additional board member to attend the annual conference of the Federation of State Massage Therapy Boards. The motion was seconded by Mr. Ruggiero and it carried. The panel will decide before October which of the interested members will attend the meeting.

8. Application Hearings

- a. Marie Michelle Campbell – This hearing was to determine whether Ms. Campbell should be granted permission to sit for the MBLEx exam. She was educated outside of the United States.

Mr. Ruggiero made a motion to go into closed session per state guidelines. The motion was seconded by Ms. Griffitt and it carried.

Ms. Kelley made a motion to leave closed session. The motion was seconded by Ms. Van Nostran and it carried.

Ms. Van Nostran made a motion to grant permission for Marie Michelle Campbell to proceed with taking the MBLEx on the condition of receipt of official documentation from the appropriate body in Canada confirming her mature adult education status which allowed her to complete her college education. Ms. Griffitt seconded the motion and it carried.

9. Disciplinary Hearings

a. 2015-11

This case was in the matter of Mr. Darrell P. Lewis. Respondent was not present and Angela Jacobs, paralegal for the Office of Disciplinary Counsel (ODC) testified as to the proper notice of hearing given to the respondent. Mr. Lewis was initially licensed in 2010, but his license has been on temporary suspension since 2015 as a result of an arrest for Assault and Battery, 1st Degree. Subsequently, in April 2018, respondent pled guilty to 2 counts of Criminal Sexual Conduct, 3rd Degree, stemming from incidents in July 2011 and August 2014. Respondent was sentenced to 5 years of incarceration which was suspended with 45 days' time served, and 30 months of probation. Respondent was also ordered to register with the Sex Offender Register and ordered to not work as a massage therapist while on probation.

Mr. Ruggiero made a motion to go into closed session per state guidelines. The motion was seconded by Ms. Kelley and it carried.

Mr. Ruggiero made a motion to leave closed session. The motion was seconded by Ms. Griffitt and it carried.

Ms. Van Nostran made a motion that the burden of proof has been met in the matter of Mr. Darrell P. Lewis (License # MAS.6944) and that Mr. Lewis should receive the following sanctions:

- A \$500 fine for each of the two infractions, totaling \$1000 to be paid within 45 days.
- Permanent revocation of his massage license.
- A public reprimand.
- Issuance of a Cease and Desist letter.

The motion was seconded by Ms. Kelley and it carried.

10. Approval of Board Meeting Dates for 2020

The list of meeting dates for 2020 were presented. Ms. Lewis has conflicts with the proposed February, August, and November dates, and these dates will need to change. The board agreed to change the February date to February 28th and to discuss the other date changes via email, to be approved at the next meeting.

Ms. Van Nostran made a motion to approve the February 28 and May 15, 2020 meeting dates. The motion was seconded by Ms. Vaughn and it carried.

11. Public Comments

Ms. Debra Gallup and Ms. JoLee Gudmundson came before the panel to request that an additional task force meeting be scheduled, as they feel that there are still some things that need to be finalized with the regulation language. They feel that progress has been made but there is still some work to be done. The board discussed possible dates for an additional task force meeting, and it was decided that another meeting should be held on September 6th at 9:30 a.m.

12. Adjournment

Mr. Ruggiero made a motion to adjourn the meeting and it was seconded by Ms. Griffitt. The motion carried.

The meeting adjourned at 11:50 a.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for November 8, 2019.