

South Carolina Massage/Bodywork Therapy Panel Meeting
Agenda
February 28, 2020
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 Panel to order at 9:38 a.m. Other Panel members/staff participating in the meeting included:

- Gloria Smith
- Jennifer Griffitt
- Jenny Vaughn
- Denise Van Nostran
- Mary L. Kelley
- Georgia Lewis, Advice Counsel
- Theresa Brown, Administrator
- Patrice Deas, Staff
- Shannon Beaudry, Staff
- Courtney Crosby, Office of Investigations and Enforcement
- Elizabeth Kolb, Office of Communications and Governmental Affairs
- Christa Bell, Office of Investigations and Enforcement

3. Approval of Excused Absences

There were no absences for this meeting.

4. Approval of Agenda

Ms. Smith made a motion to approve the agenda with the amendment to remove the application hearing for Hattie Jane Banks because the issue has already been resolved at the staff level. Ms. Vaughn seconded the motion and it carried.

**5. Approval of the Minutes for the Previous Meeting:
November 8, 2019**

Ms. Kelley made a motion to approve the minutes from the November 8, 2019 meeting. Ms. Smith seconded the motion and it carried.

6. Chairperson's Remarks – Janet Shaw

There were no remarks for this meeting.

7. Administrator's Remarks – Theresa Brown

- a. **Budget** – For Information – The budget was presented for informational purposes only. Ms. Shaw stated that it was excellent information to have.
- b. **IRC Report** – Rodney Pigford – For Approval – Courtney Crosby presented the IRC Report, as Mr. Pigford was unable to attend. The IRC Report is dated for the February 20, 2020 IRC meeting. There were 9 cases for Dismissal, 1 case for Letter of Caution, and 1 case for Formal Complaint. Ms. Griffitt made a motion to approve the IRC Report. Ms. Van Nostran seconded the motion and it carried.
- c. **OIE Report** – Rodney Pigford – For Information Only – Ms. Crosby also presented the OIE Report. The report was prepared on February 18, 2020. In 2019, there were 52 cases, 7 of which are still active. Since

January 2020, there have been 4 cases opened, 3 of which are still active.

- d. **ODC Report** – Megan Flannery – For Information Only – Ms. Flannery had a conflict and asked Theresa Brown to present the ODC Report. As of February 18, 2020, there are 2 Open Cases, 2 Pending Actions, and 2 Pending Hearings. There have been no cases closed since November 8, 2019.
- e. **FSMTB 2020 Member Board Executive Summit** – Ms. Brown stated she is seeking permission to attend the FSMTB 2020 Member Board Executive Summit. Ms. Van Nostran made a motion to approve Theresa Brown to attend the FSMTB 2020 Member Board Executive Summit. Ms. Vaughn seconded the motion and the motion carried.
- f. **Status of Proposed Changes to the Panel's Statute** – Ms. Debra Gallup and Ms. Jolee Gudmundson appeared before the Massage Panel to share edits to the proposed statute changes that were made after the last task force meeting. Some edits included: adding an establishment definition, removing the bodywork definition, and adding language that establishments would need to do a new application if there is an owner or location change. Ms. Gallup and Ms. Gudmundson stated that they are planning to try to introduce the draft to Senate.

8. Application Hearings

- a. Hattie Jane Banks – This item has already been resolved.

- 9. **Renewal Fee for Inactive Status** – Ms. Brown stated that in previous years, the Massage Panel has not utilized the inactive status that is allowed in the statute. Staff have had a few individuals express interest in placing their licenses on inactive status. Ms. Brown wanted to inform the Panel that staff will be implementing the inactive status component. The inactive status would need to be renewed at each renewal deadline. They would then do a reactivation and pay a reactivation fee if they wish to place the license back active. They can be inactive for four years.

Ms. Van Nostran made a motion to approve the procedures for inactive status as promulgated in 40-30-180. Ms. Kelley seconded the motion and it carried.

10. Review of Renewal Laws and Dates of Biennial Renewal

Alora Ann Sunn – Ms. Alora Ann Sunn appeared before the Massage Panel with her mother, Leann Bergren, to express issues Ms. Sunn had with receiving her license. They were frustrated because Ms. Sunn was issued a license in January 2020 but has an expiration date of June 30, 2020. Ms. Sunn and her mother met with board staff earlier in the month to discuss the issue and were told that June 30 is the universal expiration date and that those who are issued a license in a renewal year prior to the cutoff date will still need to renew by June 30. Ms. Sunn and Ms. Bergren stated that they now understand that but felt that this information was not presented transparently before Ms. Sunn applied for her license. She stated that she would have liked to have known this information prior to applying in case she decided to wait to apply.

Subsequent to Ms. Sunn and Ms. Bergren's meeting with staff, information about the universal renewal date was added to the Massage Panel website.

The Massage Panel thanked Ms. Sunn and Ms. Bergren for expressing their concerns.

- 11. **Consideration of Education Task Force** – At the last meeting, the Panel discussed forming an education task force. The Panel must now approve task force members and select the first meeting dates. Ms. Smith, Ms. Shaw, and Ms. Kelley expressed interest in joining. Ms. Van Nostran recommended Brent Jackson, and it was decided to invite a representative of CHE, in addition to Dana Ball.

Ms. Smith made a motion to establish the education task force with the following members: Gloria Smith, Janet Shaw, Mary L. Kelley, Dana Ball, Brent Jackson, and a representative from CHE. Ms. Van Nostran seconded the motion and it carried.

The Panel decided on March 13 and March 27 for the first task force meeting dates. Ms. Van Nostran stated that, while she cannot be on the task force due to time constraints, she will attend the March 27 meeting to provide input if requested.

- 12. **Public Comments** – Ms. Gallup had several questions for the Panel. First, she stated that she has been getting a lot of questions about CE Broker and wanted clarity as to whether online CE hours are still allowed. Per Ms. Brown, nothing has changed and online CEs are still allowed; CEs must just be tracked through CE Broker now.

Ms. Gallup also asked for clarity as to whether Thai massage is considered massage or energy work, as she has seen a lot of people who are not licensed as massage therapists, such as yoga instructors, performing the service. The Panel stated that if someone wants to file a complaint against someone performing Thai massage, it would then be reviewed by the Office of Investigations to determine whether the person is performing unlicensed massage.

Finally, she asked how to find out the scope of practice of a chiropractor when it comes to performing massage. The Panel stated that Ms. Gallup should review the Massage and Chiropractic statutes.

Ms. Brown stated that the Massage Panel needs another IRC member and asked that if anyone knows someone who would want to serve, to pass that person's information on to her.

At this point, Ms. Kelley left the meeting. A quorum of members was still present.

Ms. Griffitt made a motion to take a break then go directly into executive session to garner legal advice. Ms. Vaughn seconded the motion and it carried.

Ms. Smith made a motion to come out of executive session. Ms. Griffitt seconded the motion and it carried. No motions were made or votes taken during executive session.

Prior to concluding the meeting, Ms. Brown asked for the Panel's opinions on starting renewals in May as opposed to April. Her reasoning is that there is typically a lot of time given between renewals opening up and the renewal deadline; some people renew as soon as they get their renewal notices but many people wait until close to the deadline to renew. Shortening the renewal period will hopefully keep licensees from forgetting about the renewal deadline. Ms. Brown stated that this is already something staff is planning to do but wanted the Panel's thoughts about it

13. Adjournment

Ms. Van Nostran made a motion to adjourn the meeting at 12:45 p.m. Ms. Griffitt seconded the motion and it carried.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for May 15, 2020.
