

South Carolina Massage/Bodywork Therapy Panel Meeting
Agenda
August 6, 2021
9:30 a.m.
Via Teleconference

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the SC Massage/Bodywork Therapy Panel office, 110 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. The meeting will be held via teleconference. Due to technical constraints, members of the public who wish to attend may do so by telephone. For meeting access information, please email boardinfo@llr.sc.gov.
- b. Rules of the Meeting

2. Introduction of Panel Members

Chairperson Janet Shaw called the meeting of the S.C. Massage/Bodywork Therapy Panel to order at 9:39 a.m. Other Board members participating in the meeting included.

- ❖ Mary Lou Kelley
- ❖ Gloria Lee Smith
- ❖ Denise Van Nostran

Staff members present included: Theresa Brown, Administrator; Donnell Jennings, Advice Counsel; Megan Flannery, Office of Disciplinary Counsel (ODC); Rodney Pigford, Chief Investigator; Patrice Deas, Staff; Kimberly Brooks, Staff; Beverly Gould, ODC.

All others Person Attending:

Court Reporter, Sean Cary; Debra Gallup, Shuwan Eargle; Heather Kazmark

3. Approval of Excused Absences

Ms. Gloria Lee Smith made a motion to excuse the absence of Ms. Jenny Vaughn with any deviations deemed necessary. The motion was seconded by Ms. Mary Lou Kelley and it carried.

4. Approval of Agenda

Ms. Gloria Lee Smith made a motion to approve the meeting's agenda with any deviations deemed necessary. The motion was seconded by Ms. Mary Lou Kelley and it carried.

5. Approval of Meeting Minutes

Board Meeting – May 7, 2021

Ms. Mary Lou Kelly made a motion to approve the meeting minutes from the May 7, 2021 board meeting. Ms. Gloria Smith seconded the motion and it carried.

6. Chairperson's Remarks – Janet Shaw

Ms. Janet Shaw stated that the senate Bill is on hold until the next legislative session begins. Ms. Shaw stated that she will be attending the FSMTB meeting on October 8-9th in Charlotte, NC. Ms. Theresa Brown will be attending the meeting as well. FSMTB will be having a strategic planning meeting on September 11, 2021 to discuss important information for the upcoming years. Ms. Shaw stated that she will be attending the Interstate Compact meeting that will be held on August 12, 2021. Ms. Shaw stated that the Task Force meeting will resume on August 18, 2021.

7. Administrator's Remarks – Theresa Brown

- a. **Budget** – For Information purpose only
- b. **OIE Report** –For Information- Rodney Pigford – This report was for information purposes only and was

given by Rodney Pigford. The OIE report was dated for August 6, 2021. 20 complaints were received 1/1/201-7/26/201; 6 active investigations and 6 closed cases.

- c. **IRC Report** – For Approval- Rodney Pigford- Rodney Pigford – For Approval- This report was given by Mr. Rodney Pigford. The IRC report is from the August 6, 2021 IRC meeting. The committee recommended 4 cases for dismissal, 1 dismissal with C&D, 0 cases for Letter of Caution (LOC), and 2 formal complaints. A total of 8 cases were submitted for approval.

A motion was made by Gloria Smith to approve the IRC report and it was seconded by Mary Lou Kelley.

- d. **ODC Report** – Megan Flannery – For Information Only- The ODC report is for informational purposes only. There were 1 opened case, 0 pending action, 0 Pending CA/MOAs, 1 pending hearing, 0 pending board actions, and 4 closed cases.

8. New Business

a. Consideration of Licensure

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This issue was resolved prior to the meeting.

9. Clarification of Re-licensure Process for SC Licenses That Have Been Expired for More Than Four Years.

Theresa Brown discussed with the board members about concerns with Section 40-30-180 B in the Massage/Bodywork Practice Act. Section B states “A license which has been inactive for more than four years automatically expires if the person has not made application for renewal of the license. An expired license is null and void without any further action by the department. Ms. Brown stated that she would like clarification on this matter in order to give staff direction. The board members decided to discuss this matter at the next Task Force meeting.

10. Disciplinary Hearings

a. 2017-48

This matter was in the case of Delbert Miller. Mr. Miller was asked to appear before the Board but was not present. Ms. Megan Flannery presented the findings of the cases and Beverly Gould, Kathy Meadow and Ms. Shuwand Eargle were witnesses.

A comfort break was given at this time.

Ms. Mary Lou Kelly made a motion to go into executive session. The motion was seconded by Ms Gloria Smith.

Ms. Denise Van Nostran made a motion to come out of executive session and it was seconded by Ms. Gloria Smith. There were no motions made or votes taken during executive session.

Ms. Gloria Smith made a motion that the State met its burden of proof and Mr. Delbert Miller’s license is permanently revoked. Ms. Mary Lou Kelley seconded the motion and it carried.

11. Adjournment

Ms. Gloria Smith motioned to adjourn the meeting at 12:05 p.m. Ms. Mary Lou Kelly seconded the motion and it carried.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for November 5, 2021.
