

**Panel for Massage/Bodywork Meeting  
Agenda  
August 5, 2022  
9:30 a.m.  
110 Centerview Drive  
Synergy Business Park  
Kingstree Building, Conference Room 204  
Columbia, South Carolina 29210**

**1. Meeting Called to Order**

- a. Public notice of this meeting was properly posted at the office of the Panel for Massage/Bodywork, 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.
- 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 9:33 a.m. Other panel members participating in the meeting included.

- ❖ Mary Lou Kelley
- ❖ Gloria Lee Smith

Staff members present included: Theresa Brown, Administrator; Mary League, Advice Counsel; Alexis Bell, Office of Disciplinary Counsel (ODC); Robynn Devine; Rodney Pigford, OIE; Jennifer Stillwell, OIE; Donnell Jennings, OIE; Rosa McCoy, OIE; James Kemfort, OIE; and Beverly Gould, ODC.

**All others Person Attending:**

Court Reporter, Julie Taradash; Debra Gallup, Lutheriques Gordon and Jolee Gudmundson

**3. Approval of Excused Absences**

There was an excused absence for Ms. Denise Van Nostran. A motion was made by Ms. Mary Lou Kelley to approve her absence and Ms. Gloria Lee Smith seconded the motion and it carried.

**4. Approval of Agenda**

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

**5. Approval of Meeting Minutes**

Ms. Gloria Lee Smith made a motion to approve the meeting minutes for May 6, 2022. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Mary Lou Kelley made a motion to approve the minutes for the Special Called meeting minutes from June 8, 2022. Ms. Gloria Lee Smith seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to approve the Task Force meeting minutes from June 15, 2022. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to approve the Task Force meeting minutes from June 29, 2022 with corrections. Under #2 paragraph 2, James Specker name was misspelled, it is supposed to be spelled Specker and not Secker. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Mary Lou Kelley made a motion to approve the Task Force meeting minutes from July 13, 2022. Ms. Gloria Lee Smith seconded the motion and it carried.

Ms. Mary Lou Kelley made a motion to approve the Task Force meeting minutes from July 29, 2022. Ms. Gloria seconded the motion and it carried.

**6. Chairperson's Remarks – Janet Shaw**

There were no remarks.

## 7. Administrator's Remarks – Theresa Brown

- a. **Budget** – For Information
- b. **OIE Report** – Rodney Pigford – For Information Only – This report was given by Mr. Rodney Pigford and it is for informational purposes only. Since January 21, 2022 to July 27, 2022, a total of 37 complaints, 23 active investigations, and 1 complaint has been closed.
- c. **IRC Report** – Rodney Pigford – For Approval – This report was given by Mr. Rodney Pigford. The IRC met on July 27, 2022. A total of 5 cases were presented and the IRC members recommended 3 cases for dismissal and 2 cases for a letter of caution.  
  
Ms. Gloria Lee Smith made a motion to approve the IRC report. Ms. Mary Lou Kelley seconded the motion and it carried.
- d. **ODC Report** – Alexis Bell – For Information Only – This report was given by Alexis Bell and the ODC report is for informational purposes only. There are 6 cases open, 2 of those cases is on the agenda and no files have been closed since January 2022.

## 8. New Business

Ms. Janet Shaw stated that the agenda items are going to be taken out of order.

### a. Discussion Regarding Whether Massage Professionals Should Be Recognized as Health Professionals: Holly Beeson

Ms. Holly Beeson presented a question from a member of the House of Representatives about the ability to bill insurance claims from therapeutic services. Ms. Beeson then presented her findings with pros and cons about the question then discussion ensued.

Ms. Holly Beeson stated that she will inform the House of Representative member of the discussion so that the member can make a decision on whether if she would want to move forward with the legislation process or not.

### b. Consideration of Regulation Recommendations from the Massage Task Force

Ms. Janet Shaw stated the Massage Task Force has been going through the regulations and bringing some of them up to date relative to statute S227 that was passed into law recently by the governor that will be effective May 2023 and some of the regulations needed to be updated to support that statute.

Ms. Mary League presented the provisions and Chapter 77 draft regulation then discussion ensued.

Ms. Gloria Lee Smith made a motion to accept the final draft. Ms. Mary Lou Kelley seconded the motion and it carried.

## 9. Disciplinary Hearings

Ms. Alexis Bell requested that 2020-33 should be presented first since all parties including witnesses are present for that case. Ms. Janet Shaw stated that it was fine to proceed with 2020-33.

### a. 2020-33

This case was in the matter of Lutheriques Gordon. Ms. Alexis Bell presented the findings of the case. Mr. Lutheriques Gordon appeared before the Panel but waived his right to an attorney. Mr. Lutheriques Gordon is currently license as a Massage Therapist.

Ms. Mary Lou Kelley made a motion to go into executive session for legal advice. Ms. Gloria Lee Smith seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to come out of executive session. Ms. Mary Lou Kelley seconded the motion and it carried. No votes were taken or made during the Executive Session.

Ms. Gloria Lee Smith made a motion and requested that Ms. Mary League, Advice Counsel, read the motion and the motion read as follows: The Panel finds the testimony of the claimant to be credible and made the findings a fact based on the testimony that the conduct alleged did occur and there was a violation of SC Code 40-30-230 (7) and 40-1-110 (1) as provided by the state. The Panel does take into consideration the mitigation that respondent has no prior discipline and the letters presented by character witnesses. The following sanctions are imposed; a public reprimand. Respondent must take 12 hours of Continuing Education in Ethics, Boundaries, and Therapeutic Relationships. These are to be courses approved by the National Certification Board for Therapeutic Massage and Bodywork. The respondent is advised to contact staff prior to taking any course if there are questions regarding whether it would be acceptable. These courses will be in addition to any Continuing Education requirements needed for license renewal. Respondent's license will be suspended as of the date of the order until such time as he provides proof acceptable to staff that he has successfully completed the additional Continuing Education hours required.

Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Mary League stated that this is the decision of the panel. The oral decision will be reduced in the form of an order. The Panel chair will sign it and it will be served to Mr. Gordon. If Mr. Gordon wishes to appeal this ruling to the administrative law court, he has 30 days from the date he receives the order to do so.

Ms. Janet Shaw asked Mr. Gordon if he understood the order and Mr. Gordon stated somewhat and it would probably be better if he can read it. Mr. Gordon stated that he didn't get all the verbiage.

Ms. Mary League summarized the motion for Mr. Gordon.

**b. 2020-28**

This case was in the matter of Stephanie Wohlers. Ms. Alexis Bell presented the findings of the case. Ms. Stephanie Wohlers did not appear before the Panel. Ms. Stephanie Wohlers' license is currently lapsed as a Massage Therapist. Ms. Alexis Bell made a motion to proceed without the respondent. Ms. Alexis Bell stated that she has a witness to testify regarding services. Both witnesses, James Kemfort and Beverly Gould, were sworn in.

The panel listened to the testimony. After the testimony was given, based on the information and evidence provided, Ms. Janet Shaw, Chair, found that service was properly and timely made to the respondent even though Ms. Wohlers received proper notice, she failed to appear. Ms. Alexis Bell was granted to proceed.

Ms. Gloria Lee Smith made a motion to go into executive session for legal advice. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Mary Lou Kelley made a motion to come out of executive session. Ms. Gloria Lee Smith seconded the motion and it carried. No votes were taken or made during the Executive Session.

Ms. Gloria Lee Smith made a motion and requested that Ms. Mary League, Advice Counsel, read the motion and the motion read as follows: The Panel finds the respondent initiated a relationship with the claimant based on her email admitting a fantasy role play scenario concurrent with the professional therapeutic relationship which is not ethical conduct for Massage Therapists. These actions did violate section 40-30-230 7 of the practice act and the following sanctions imposed. The panel understands that the respondent's license has lapsed. If respondent chooses to renew or reinstate her Massage Therapy license, she must show to board staff proof of completion of 12 hours of Continuing Education in Ethics, Boundaries, and Therapeutic Relationships and courses approved by the NCBTMB. These hours may be used to comply with license renewal reinstatement Continuing Education requirements but respondent must complete 12 hours in these specific areas. This Continuing Education must be completed as well as compliance with any other renewal reinstatement requirements for her license to be renewed or reinstated.

Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Mary League stated that an order will be prepared, reviewed and signed by the Panel chair. If respondent wishes to appeal this order she will have 30 days from the date of receipt of the order which she can appeal with the administrative law court.

Ms. Janet Shaw called for a 10 minute break.

**10. Discussion Regarding Chest/Breast Massages and Best Practices for Consent**

Ms. Theresa Brown brought this item before the Panel because she wanted to know what the best practice is. Ms. Brown stated that at one point there was information on the website under interpretations of a law that was out of date and wanted to get information on the record and placed in the FAQs. Ms. Brown stated that this was brought forward because there were a couple of cases pertaining to the scenario and it will help out investigators and Panel for any future cases. Discussion ensued.

Ms. Gloria Lee Smith made a motion to go into executive session for legal advice and asked that Ms. Theresa Brown remain and Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to come out of executive session and Ms. Mary Lou Kelley seconded the motion and it carried. No votes were made or taken while in executive session.

Ms. Janet Shaw stated that staff will continue to revise and refine the wording and it will include best practices regarding touching of the nipples, male or female, full frontal disdraping, and language regarding written consent versus oral consent.

Ms. Mary League stated that there really is no provision for informed consent; written or oral in the statutes and regulations at this time. So there will be guidelines but they would not be deemed a violation if the guidelines are not followed.

## **11. Regulatory Review**

Ms. Mary League stated that every 5 years, the Boards are required to go review their regulations to see whether any need to be amended, repealed, or added. The Panel has started on the regulatory review by reviewing the regulations, however, a report is needed to be placed in the agency wide report. Ms. League presented the amended regulations; 77-100, 77-105, 77-115, 77-120, 77-125, 77-135, and 7-140. Ms. League then stated that the following regulations were added per the requirements of the Massage Therapy Bill; 77-103, 77-104A, 77-106, 77-150, and 77-151.

Ms. Gloria Lee made a motion to incorporate the information given into a report and authorize the Panel Chair, Ms. Janet Shaw, to sign the report for inclusion for the agency wide report. Ms. Mary Lou Kelley seconded the motion and it carried.

## **12. Use of CE Broker for Reporting Services of Continuing Education**

Ms. Gloria Lee Smith made a motion to go into executive session for legal advice and to include Ms. Theresa Brown. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to come out of executive session. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to continue using CE Broker for reporting services for Continuing Ed and it be mandatory for licensees to use the service. Ms. Mary Lou Kelley seconded the motion and it carried.

## **13. Public Comments**

Ms. Debra Gallup commented on Regarding Whether Massage Professionals Should Be Recognized as Health Professionals and Regulations. Discussion ensued.

## **14. Adjournment**

Ms. Mary Lou Kelley made a motion to adjourn the meeting at 2:18pm. The motion was seconded by Ms. Gloria Lee Smith and the motion carried.

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**The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for November 4, 2022.**

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