

Panel for Massage/Bodywork Meeting
SPECIAL CALLED MEETING
November 22, 2022
9:30 a.m.
Via WebEx Teleconference

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. The meeting will be held virtually. Due to technical constraints, members of the public who wish to attend may do so by telephone. For meeting access information, please email boardinfo@lir.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 9:30 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); Katie Phillips, Governmental Affairs; Robynn Devine, Staff; and Jennifer Stillwell, OIE.

All others Person Attending:
Court Reporter, Angela Berry

3. Approval of Excused Absences

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

4. Approval of Agenda

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

5. Approval of Meeting Minutes

Ms. Mary Lou Kelley made a motion to approve the meeting minutes for August 5, 2022. Ms. Gloria Lee Smith seconded the motion and it carried.

6. Chairperson's Remarks – Janet Shaw

Ms. Janet Shaw stated that she attended the Federation of State Massage Therapy Boards annual meeting that was held in Charlotte, NC as did the administrator, Ms. Theresa Brown. Ms. Shaw stated that it was a good meeting and it was the first time they met in two years since the pandemic. Ms. Shaw stated that things are moving along in the profession. A presenter came to the annual meeting to inform the delegates about the Interstate Compact. Ms. Shaw stated that the Interstate Compact is coming along and the final draft will be up soon.

Ms. Theresa Brown stated that Ms. Janet Shaw did a good job as a presenter of a panel at the meeting that discussed Massage Establishment licensing.

7. Administrator's Remarks – Theresa Brown

- a. **ODC Report** – Alexis Bell – For Information Only – This report was given by Alexis Bell and the ODC report is for informational purposes only. The report is as of November 21, 2022. There are currently 4

cases open, 2 of those cases are closed since August 1, 2022, those are the same number of cases that have been closed since January 1, 2022. Ms. Bell stated that the 2 closed cases are from the previous hearing date.

- b. IRC Report** – Theresa Brown – For Approval – This report was given by Ms. Theresa Brown. The IRC met on October 20, 2022. A total of 19 cases were presented and the IRC members recommended 9 cases for dismissal, 4 cases for dismissal with a cease and desist, 4 cases for a letter of caution, and 2 cases for a formal complaint.

Ms. Gloria Lee Smith made a motion to approve the IRC report. Ms. Mary Lou Kelley seconded the motion and it carried.

- c. OIE Report** – James Kemfort – 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.

8. Acceptable Modalities Performed By Massage Therapists

Ms. Theresa Brown requested guidance because staff receives many emails regarding what modalities are acceptable and not acceptable for Massage therapists to perform under the current statutes and also what will be acceptable under the new statute when it's implemented in May 2023.

Ms. Gloria Lee Smith made a motion to go into Executive Session for legal advice and allow Ms. Theresa Brown to join. 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. No votes were made or taken while in Executive Session.

Ms. Theresa Brown read the Modalities and the board discussed the following:

- i. Reflexology: Within scope of practice but it doesn't require a license.
- ii. Corrective Bodywork: Within scope of practice and it requires a license.
- iii. Lymph Drainage: Within scope of practice but it doesn't require a license.
- iv. Gluteal Massage (Covered or Uncovered): Within scope of practice and it requires a license. The half of the glutes that are being worked on can be uncovered. The gluteal cleft and the genital area need to be well covered.
- v. Thai Yoga/Thai Massage: Within scope of practice. More research will need to be conducted to see whether or not this requires a license.
- vi. Reiki (New Statute): Within scope of practice but it doesn't require a license.
- vii. Quantum Alignments/Quantum Touch: Within scope of practice but it doesn't require a license.
- viii. Polarity Therapy: Within scope of practice but it doesn't require a license.
- ix. Does stretching require a massage license? Within scope of practice but it doesn't require a license.
- x. Ultrasound Therapy: It is NOT within the scope of practice. It would fall under Medical.
- xi. Red Light Therapy: Within scope of practice but it doesn't require a license.
- xii. Cold Laser Therapy: It is NOT within the scope of practice.
- xiii. TENs Therapy: It is NOT within the scope of practice.

- xiv. EMS Therapy: It is NOT within the scope of practice.
- xv. Acupuncture Pens/Pins: It is NOT within the scope of practice.
- xvi. Chiropractic Activator Adjusting Tools: It is NOT within the scope of practice. It would fall under Chiropractic.
- xvii. Neck/Spinal Traction Devices: It is NOT within the scope of practice. It would fall under Medical
- xviii. Acupressure: Within scope of practice but it doesn't require a license.

Ms. Gloria Lee Smith made a motion to adopt the decisions regarding these modalities. Ms. Mary Lou Kelley seconded the motion and it carried.

9. Inspections

Ms. Janet Shaw stated the Statute S227 will go into effect May 2023 and part of the requirement is that Sole and Massage Establishments will receive an initial then can also receive a follow-up PRN inspection. Ms. Shaw stated the inspection department need a list and guidelines to follow. Draft ideas were provided to the Board then discussion ensued.

Ms. Mary League stated to take the checklist and join them with the statutes and regulations that address those issues and place them on the citation. Ms. League stated that two forms may be needed, one solely on statutes and the other that will incorporate the regulations later on.

Ms. Janet Shaw stated that during the February Panel meeting, the forms can be re-reviewed then.

10. Massage Executive Director Summit 2023

Ms. Theresa Brown is seeking permission to attend the Executive Director Summit in 2023 and it will be held in Denver, Colorado April 26th and 27th. Ms. Brown stated that she received an email from the FSMTB that they will have breakout sessions for the inspectors and she is requesting that at least two inspectors attend the meeting as well.

Ms. Gloria Lee Smith made a motion to approve Ms. Theresa Brown to attend the Executive Director Summit plus two inspectors. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Theresa Brown stated during the discussion about inspections two modalities were brought up that she wanted to have clarified. One was cupping and the other was hot stone massages. Ms. Brown stated she wanted to know if it is within the Massage scope of practice and does it require a license.

- i. Hot Stones: Within scope of practice but it doesn't require a license.
- ii. Cupping: Within scope of practice and it requires a license.
- iii. Fire Cupping: More research will be conducted to see whether or not this is within the scope of practice and if it requires a license.

Ms. Gloria Lee Smith made a motion to adopt these modalities as additional guidance. Ms. Mary Lou Kelley seconded the motion and it carried.

11. Panel Member Officer Elections

Ms. Theresa Brown stated that the first office for election is Panel Chair.

Ms. Gloria Lee Smith made a motion to approve Ms. Janet Shaw as the Chairman of the South Carolina Massage/Bodywork Panel. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Theresa Brown stated that the next office for election is Vice Chair.

Ms. Mary Lou Kelley made a motion to approve Ms. Gloria Lee Smith as the Vice Chair of the South Carolina Massage/Bodywork Panel. Ms. Janet Shaw seconded the motion and it carried.

12. Public Comments

None at this time.

13. Adjournment

Ms. Gloria Lee Smith made a motion to adjourn the meeting at 11:14am. Ms. Mary Lou Kelley seconded and the motion carried.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for February 3, 2023.