

**Panel for Massage/Bodywork Meeting
Minutes
February 3, 2023
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 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@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 9:34 a.m. Other panel members participating in the meeting included.

- ❖ Gloria Lee Smith
- ❖ Denise Van Nostran

Staff members present included: Theresa Brown, Administrator; Mary League, Advice Counsel; Alexis Bell, ODC; Beverly Gould, ODC, Robynn Devine, Staff; James Kemfort, OIE, Rosa McCoy, OIE and Jennifer Stillwell, OIE.

All others Person Attending:

Court Reporter, Julie Taradash

3. Approval of Excused Absences

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

5. Approval of Meeting Minutes

Ms. Jan Shaw made a motion to make revisions to the Special Called Meeting minutes held on November 22, 2022 for clarification stating "two (2) years since the pandemic" instead of "years". Ms. Gloria Lee Smith 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** – James Kemfort – For Information Only – This report was given by Mr. James Kemfort and it is for informational purposes only. For the entire year of 2022, a total of 53 complaints, 3 active

investigations are still pending, and 20 cases has been closed.

- c. **IRC Report** – James Kemfort – For Approval – This report was given by Mr. James Kemfort. The IRC met on January 17, 2023 and the IRC member that was in attendance was Brent Jackson. A total of 4 cases were presented and it was recommended 2 cases for dismissal, 2 cases for cease and desist.

Ms. Gloria Lee Smith made a motion to approve the IRC report. Ms. Denise Van Nostran 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. The report is as of February 2, 2023. There are currently 6 cases open, 2 of those cases are closed since January 1, 2022.
- e. **State Ethics Commission** – Statements of Economic Interest -- Ms. Theresa Brown informed the Panel members that the Panel members should have received their Statement of Economic reports from Robynn Devine regarding travel. Ms. Brown explained that that if the Panel members submitted travel forms, then they would need to turn in their Statement of Economics to the State Ethics Commission. Ms. Brown stated the deadline is normally at the end of March but she will send an email to the Panel members to remind them when they should submit their statements to the State Ethics Commission.

8. New Business

a. Final Order Hearings

i. 2021-15

This case was in the matter of Yu Wang. Ms. Yu Wang appeared before the Panel but waived her right to an attorney. Ms. Wang's son, Mr. Ethan Wang, was also in attendance because Ms. Wang has some trouble speaking English. Ms. Wang will speak as much as possible and Mr. Wang will translate when necessary.

Ms. Mary League asked if there is going to be translation, Mr. Ethan Wang cannot testify on his mother's behalf. He can only translate and he must be sworn in as a translator. Ms. League stated they need to be clear that if Ms. Wang does not understand, then Mr. Wang can be sworn in to go through the formal translation process and interpretation so that it is clear on the record that Ms. Wang does understand the questions and the answers she is giving.

Ms. Yu Wang and Mr. Ethan Wang were sworn in by the court reporter. Ms. Alexis Bell presented the findings of the case.

Ms. Gloria Lee Smith made a motion to go into executive session for legal advice. Ms. Denise Van Nostran seconded the motion and it carried.

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

Ms. Denise Van Nostran made a motion to dismiss the case and reinstate Ms. Yu Wang's license. Ms. Gloria Lee Smith seconded the motion and it carried.

9. Inspections

Ms. Theresa Brown provided a draft of the Massage Establishment self-inspection report and draft for the inspection report and citation form. Ms. Brown stated that the documents were drafted to see what the Panel may want on the inspection report and the self-inspection report. Ms. Brown stated that violations were pulled from the statutes and placed on the citation form. The panel reviewed the citation report then discussion ensued.

Ms. Gloria Lee Smith made a motion to approve the citation form. Ms. Denise Van Nostran seconded the motion and it carried.

Ms. Theresa Brown stated that the self-inspection report will go along with the Massage Establishment application and the owner and/or designated manager will review the questions then answer. The designated individual would sign the report, have it notarized and then submit a copy of the report with their application. Once everything is received, staff will forward the information to the inspection department and the inspectors will use the designated inspection report. Ms. Brown stated that further guidance is needed from the Panel regarding what they want on the inspection report and what they would want the inspectors to look for while conducting an inspection. Discussion ensued.

During the discussion, the Panel members provided input about the inspection report and self-inspection form. The Panel members suggested instead of using the word hamper, use container, separate storage, designated container, or separate container.

Ms. Mary League inquired if the Panel would require applicants to post the self-inspection report in their business. The members stated that it would be okay and they requested the self-inspection report be on one page. They also stated that the self-inspection report does not have to be notarized.

Ms. Gloria Lee Smith made a motion to go on a 15 minute break. Ms. Denise Van Nostran seconded the motion and it carried.

Ms. Jan Shaw reconvened the meeting at 11:46am.

Ms. Jan Shaw asked requested parenthesis be added to the self-inspection form that says "residential establishments only" on the self-inspection form to be consist and to distinguish that it belongs to that section. Ms. Shaw then stated that the self-inspection report is to be posted until the formal inspection is completed by an inspector and not in lieu of the formal inspection.

Ms. Jennifer Stillwell asked what the Panel members mean when they say disinfectant. Ms. Denise Van Nostran stated that disinfectant would mean any standard cleaning products.

Ms. Jan Shaw suggested that since there are corrections and changes to make on the forms, she asked that staff bring back the revised version of the forms to the next Panel meeting for review and approval.

10. Acceptable Modalities Performed By Massage Therapists

Ms. Jan Shaw stated that this is a revisit from the listed of modalities that were worked on at the previous Panel meeting then discussion ensued.

- i. Thai Yoga Massage: Within scope of practice and it requires a license.
- ii. Fire Cupping: Within scope of practice and it requires a license.
- iii. Hot Stones: Within scope of practice and it requires a license.

Ms. Gloria Lee Smith made a motion to adopt the decisions regarding these modalities. Ms. Denise Van Nostran seconded the motion and it carried.

Ms. Gloria Lee Smith made a motion to revise the minutes from the previous meeting to provide the clarification for Hot Stone massage requiring licensure. Ms. Denise Van Nostran seconded the motion and it carried.

11. The Massage Interstate Compact

Ms. Jan Shaw stated that the compact is completed and it has been placed online for preview and public comment. Ms. Jan Shaw opened the floor to the Panel members and staff for any questions or comments then discussion ensued.

12. Public Comments

Ms. Jolee Gudmundson was there representing American Massage Therapy Association (AMTA). Ms.

Gudmundson asked questions and provided comments on behalf of Ms. Debra Gallup regarding the Inspection report and Thai Yoga/Thai Massage then discussion ensued.

Gloria Lee Smith made a motion to clarify when referring to Thai Yoga, it is meant Thai Yoga Massage which involves manipulation of the soft tissues of the body for therapeutic reasons as it was described by Panel member Denise Van Nostran. Ms. Denise Van Nostran seconded the motion and it carried.

13. Adjournment

Ms. Gloria Lee Smith made a motion to adjourn the meeting at 12:29pm. Ms. Denise Van Nostran seconded and the motion carried.