

**Panel for Massage/Bodywork Meeting
Minutes
May 5, 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.
- 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 9:36 a.m. Other panel members participating in the meeting included.

- ❖ Gloria Lee Smith
- ❖ Mary Lou Kelley

Staff members present included: Theresa Brown, Administrator; Mary League, Advice Counsel; Alexis Bell, ODC; Beverly Gould, ODC, Robynn Devine, Staff; James Kemfort, OIE, Jennifer Stillwell, OIE, Donnell Jennings, Assistant Deputy Director.

All others Person Attending:

Court Reporter, Julie Taradash, and Debra Gallup.

3. Approval of Excused Absences

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. Gloria Lee Smith made a motion to approve the February 3, 2023, meeting minutes. Ms. Mary Lou Kelley seconded the motion and it carried.

6. Chairperson's Remarks – Janet Shaw

There were no remarks. Ms. Janet Shaw stated that they will soon become an official Board oppose to a Panel and it goes into effect May 13, 2023. Statute S227 also takes effect which is the new rewrite of the practice act. Ms. Shaw stated that they are excited for the new changes.

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. As of May 5, 2023, a total of 19 complaints, 6 active investigations with

averaging 42 days and 2 cases closed. Mr. Kemfort stated that he did include last year stats because there is still 1 active case from 2022. One case is still pending due to criminal action and the case has aged but they have not moved forward until criminal action.

- c. **IRC Report** – James Kemfort – For Approval – This report was given by Mr. James Kemfort. The IRC met on April 20, 2023 and the IRC member that was in attendance was Brent Jackson and Dana Ball. A total of 11 cases were presented and it was recommended 7 cases for dismissal and 4 cases for letter of caution. Discussion then ensued.

Ms. Mary Lou Kelley made a motion to approve the IRC report. Ms. Gloria Lee Smith 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. As of April 27, 2023, there are currently 5 open cases and 1 pending closure. 4 cases have been closed since January 1, 2023.

8. New Business

a. Final Order Hearings

i. 2022-23

This case was in the matter of Yuriy Holowko. Mr. Holowko appeared before the Panel but waived his right to an attorney. Mr. Holowko's witness, Thomas Phillip was also in attendance.

Mr. Yuriy Holowko and Thomas Phillip were sworn in by the court reporter.

Due to confidential information in the case, Ms. Gloria Lee Smith made a motion to go into closed session. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Alexis Bell presented the findings of the case.

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. Mary Lou Kelley made a motion to come out of executive session and go back into closed 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 to accept the MOA. Ms. Mary Lou Kelley seconded the motion and it carried.

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

9. Inspections

Ms. Theresa Brown provided the Board members an updated version of the Massage Establishment self-inspection report and updated version of the inspection report. Discussion then ensued.

Ms. Mary Lou Kelley made a motion to approve the inspection report and the self-inspection report for Massage Establishments with the correction to the forms regarding separate storage for towels and linens. Ms. Gloria Lee Smith seconded the motion and it carried.

10. FSTMB Annual Meeting

Ms. Theresa Brown stated that the FSTMB will have their annual meeting in San Diego, California September 28-30, 2023 and registration begins July 3, 2023. Ms. Brown stated that she is seeking permission for two Board members, the administrator, advice council, an inspector and/or an investigator to attend the annual meeting. Also, the Board would need to determine who will be the delegate for the meeting.

Ms. Gloria Lee Smith made a motion to approve for two Board members, the administrator, advice council, an inspector and/or an investigator to attend the annual meeting. Ms. Mary Lou Kelley seconded the motion and it carried.

Ms. Janet Shaw asked the Board who is interested in being a delegate for the annual meeting. Ms. Shaw and Ms. Gloria Lee Smith both agreed to attend the meeting. Ms. Shaw stated that she will be the voting delegate.

11. Frequently Asked Questions

Ms. Theresa Brown provided within the materials, frequently asked questions. Ms. Brown stated that the frequently asked questions are a list of questions that were provided to her. Ms. Brown stated that she is working on the frequently asked questions for the website and she wanted to provide the information to the Panel so that they can give Ms. Brown their frequently asked questions and they can add the information to the website. Ms. Brown stated that it is planned to have the questions added to the website no later than Friday May 12, 2023. Ms. Brown stated that she is aware that some of the questions do not have answers to them but the document is a fluid document. Ms. Brown spoke with Debra Gallup from AMTA (American Massage Therapy Association) and Ms. Gallup received a lot of questions which is where the document stemmed from. If the Board has additional questions they would like to add, Ms. Brown can add it to the website then discussion ensued.

Ms. Janet Shaw stated part of the purpose is for individuals to access the website easily and find the answers to their questions and to reduce the phone calls to the office and they can have consistent answers.

Ms. Theresa Brown suggested that the newsletter should be restarted for the Massage population then discussion ensued.

12. Public Comments

Ms. Debra Gallup from American Massage Therapy Association (AMTA) South Carolina Chapter President and Government License chair, asked questions regarding the inspection report and IRC report then discussion ensued.

13. Adjournment

Ms. Mary Lou Kelley made a motion to adjourn the meeting at 11:07am. Ms. Gloria Lee Smith seconded and the motion carried.