

**SC Board of Massage Therapy
Minutes
August 4, 2023
9:30 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference
Upstate Conference Room
Columbia, South Carolina 29210**

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the office of the S.C. Board of Massage Therapy, 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. Board of Massage Therapy 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; Robert Dean, OIE; Jennifer Stillwell, OIE; Byron Ray, OIE; James Kemfort, OIE; Donnell Jennings, Chief of OIE.

All others Person Attending:

Court Reporter, Diane Hendrix; Bailey Maddox, Gabrielle Gilliard, and Jolee Gudmundson.

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

5. Approval of Meeting Minutes

Ms. Gloria Lee Smith made a motion to approve the Panel Meeting minutes for May 5, 2023 with the corrections. Ms. Mary Lou Kelley seconded the motion and it carried.

6. Chairperson's Remarks – Janet Shaw

There were no remarks.

7. Administrator's Reports – Theresa Brown

- a. **Budget – For information**
- b. **OIE Report – Robert Dean – For Information Only – Mr. Donnell Jennings introduced to the Board the new lead investigator, Robby Dean, and new team member for OIE, Byron Ray.**

The OIE report was given by Mr. Robert Dean and it is for informational purposes only. As of January 3, 2023 to August 2, 2023, a total of 12 complaints received, 12 active cases, 3 cases were closed, and 12 active investigations. This include some cases that were held over from 2022. Mr. Dean stated as for the training report, the Reid Training and CLEAR Investigative training are offsite trainings. The remaining trainings that they are currently attending are a part of annual training that every investigator and LLR employees go through every year.

Mr. Donnell Jennings stated that if the Board know of any national training opportunities for Mr. Dean and his team, to let them know.

- c. **OIE Reorganization** – Donnell Jennings – For Information Only – Mr. Donnell Jennings announced that the executive directors created a new Division of Legal Services and Enforcement. The division includes OIE, ODC and Advice Council. Also, with the renovation of OIE, 5 Chief positions has been eliminated, however, there are now 10 Lead Investigators and they have at least 3 or 4 investigators on their team. It will provide proficiency for the Board's needs and a better collaboration with the attorneys. Mr. Jennings stated that it is their goal to make sure they are in contact with the attorneys on a regular basis. Changes started in May and everything is slowly transitioning to the new structure. Interviews are currently being conducted for a Program Manager (Administrator) for the Business Boards. Mr. Jennings informed the Board that if there are any issues with the investigations, let Mr. Robby Dean or Ms. Jennifer Stillwell know.
- d. **IRC Report** – Robert Dean – For Approval – This report was given by Mr. Robert Dean. There were no cases at this time. There were two cases that were scheduled for the IRC meeting on July 18, 2023 but due to scheduling conflicts, that meeting did not occur. The two cases that were schedule was moved to the October 19, 2023 IRC meeting. For the next Board meeting, there will be more cases presented to the Board members.

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

- e. **ODC Report** – Alexis Bell – For Information Only – This report was given by Alexis Bell. There are currently 3 open cases, 2 cases since April 25, 2023 and 7 cases since January 2023. One caveat with the 3 open cases, construction has been ongoing in the disciplinary council area of the office and they are currently working from home. A Consent Order for 1 case has been already signed by Ms. Janet Shaw and it cannot be sent out for service until the Paralegal comes in on next Tuesday. Once it is sent out, there will only be 2 open cases but as of today there are 3 open cases.
- f. **Inspection Report** – Jennifer Stillwell – For Approval – Inspections started the last week of June 2023. There were 2 inspections conducted for new openings in the month of June. In July there were 122 inspections conducted. Currently there are 54 pending inspections which means inspections have been scheduled or waiting to be inspected.

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

Ms. Jennifer Stillwell reported to the Board of what she and her team have seen in the field while conducting inspections

Ms. Theresa Brown stated that the office has been receiving questions regarding the deadline for licensing of massage establishment, and asked for clarification from the Board. . Discussion then ensued.

Ms. Gloria Lee Smith made a motion that massage establishments must have a completed application on file with LLR by September 30, 2023 or they will be deemed as practicing unlicensed and the Board may take appropriate action as necessary. Ms. Mary Lou Kelley second the motion and it carried.

8. New Business

a. Legislative Update

i. H. 3605

Ms. Gloria Lee Smith made a motion to go into Executive Session to get legal advice on H360 with Ms. Theresa Brown. Ms. Mary Lou Kelley seconded the motion and it carried.

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

ii. Vote on Board Good Cause Designee

Ms. Mary League stated that the amendments to the engine act during the last legislative session required that the name of the complainant be released to an individual who is under investigation for allegations of having committed a disciplinary violation. There is an exception if the complainant ask for their name to be withheld and give reason for good cause on why it should be withheld. For example, their name can be withheld for fear of retaliation if the individual who has been alleged to committing wrong doing is made aware of them being the complainant. Boards has been asked to designate an individual that will make the determination as to whether or not good cause does exist to withhold the name. That is why the agency is asking the Board to designate who that individual will be for this Board to make that determination.

Ms. Gloria Lee Smith made a motion to designate the chair and as an alternative the vice chair to be designees. Ms. Mary Lou Kelley seconded the motion and it carried.

9. Consideration of Creating a Resolution Guidelines Task Force

Ms. Theresa Brown stated that a Resolution Guidelines Task Force is needed to help the inspections department determine how citations should be and for disciplinary matters such as consent agreements for when they are in IRC meetings. Discussion then ensued.

Ms. Gloria Lee Smith made a motion that herself, Janet Shaw, the Board Executive, ODC, Jennifer Stillwell from inspections, and Mary League, Advice Counselto be on the Task Force. Ms. Mary Lou Kelley seconded the motion and it carried.

10. Consideration of Allowing Two Lead Inspectors to Attend the FSMTB Annual Meeting

Ms. Theresa Brown stated that she is requesting that another lead inspector attend the FSMTB annual meeting. At the last meeting one lead inspector was approved to go, however, it is being requested that another lead inspector attends.

Ms. Mary Lou Kelley made a motion to add an additional lead inspector to attend the annual meeting. Ms. Gloria Lee Smith seconded the motion and it carried.

11. 2024 Board Meeting Dates

Ms. Theresa Brown provided within the materials, proposed Board meeting dates for the following; February 2, 2024, May 3, 2024, August 2, 2024, and November 1, 2024.

Ms. Gloria Lee Smith made a motion to adopt the Board meeting dates. Ms. Mary Lou Kelley seconded the motion and it carried.

12. Public Comments

Ms. Bailey Maddox, a licensed massage therapist, provided comments and concerns regarding the establishment licenses and the published roster. Ms. Gabrielle Gilliard, a licensed massage therapist, thanked the board for their work. Ms. Jolee Gudmonson from American Massage Therapy Association (AMTA) provided a comment on behalf of Ms. Debra Gallup regarding the Q & A list she is compiling together for the Board.

Ms. Janet Shaw reminded everyone that Massage Therapists can go to the LLR website and review information about what is required in terms of answering questions about the establishment applications. There is more being added to the Frequently Asked Questions to address questions. Massage Therapists can go there and get information they may need to answer the questions but if they don't they can call the office or reach out to AMTA.

Ms. Mary League addressed some of the concerns that were brought up during the meeting. Ms. League stated though the Board recognizes the concerns, in the statutes a lot of it is required and the Board does not have discretion. It is not that the Board is attempting to make it difficult to get a license, this is what has been required and requested by the legislator and the legislation..

13. Adjournment

Ms. Mary Lou Kelley made a motion to adjourn the meeting at 11:18pm. Ms. Gloria Lee Smith seconded and the motion carried.