

Minutes
South Carolina Massage/Bodywork Therapy Board Meeting
January 5, 2024, 9:00 a.m. in Pee Dee Conference Room
110 Centerview Drive, Kingstree
Building, Columbia, South Carolina

CALLED TO ORDER: Ms. Janet Shaw called the meeting to order at 9:33 am

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.

Rules of the Meeting

Board Members Present:

Janet Shaw-Chair
Gloria Lee Smith-Vice Chair

SCLLR STAFF PRESENT:

Matalie Mickens, Board Executive
Theresa Brown, Health and Wellness Program Director
ErthaMae Hughes, Administrative Assistant
Mary League, Advice Counsel
Alexis Bell, ODC
Robert Dean, OIE
Jennifer Stillwell, OIE
Byron Ray, OIE
Donnell Jennings, Chief of OIE

PRESENT:

Tina Behles, Court Reporter
Thomas Clark
Opal Clark
Kendrick D Clark

INTRODUCTION OF BOARD MEMBERS AND STAFF

APPROVAL OF EXCUSED ABSENCES

There were no excused absences

APPROVAL OF AGENDA:

Motion: Ms. Gloria Lee Smith made a motion to approve the Massage Board Meeting minutes from August 4, 2023 with the corrections. Ms. Janet Shaw seconded the motion and it carried.

Chairperson's Remarks: Janet Shaw

She welcome new Board Executive Matalie Mickens. Thanked Theresa Brown for all of her efforts in the success of the Board running smooth.

Ms. Gloria Lee Smith and Ms. Janet Shaw and a few other were able to attend the FSMTB meeting. They gained a lot of useful information to bring back to the board.

Ms. Janet Shaw made the following statement regarding Massage therapy scope of practice:

The board has received questions regarding certain practices and devices and whether they are within the scope of practice of a Licensed Massage Therapist. Ms. Janet Shaw read a statement of the scope of practice, The Board's practice act in Code Section 40-30-30 provides the following definitions:

40-30-30(15) states: massage therapy means the application of a system of structured touch to the soft tissues of the human body with the hand, foot, knee, arm, or elbow, whether or not the structured touch is aided by hydrotherapy, thermal therapy, a massage therapy device, or application to the human body of an herbal preparation.

40-30-30(10) states: hydrotherapy means the use of water, vapor, or ice for treatment of superficial tissues.

40-30-30(18) states: thermal therapy means the use of ice or a heat lamp or moist heat on superficial tissues.

40-30-30(13) states: a massage device means a mechanical device that mimics or enhances the action of the hands by means of vibration.

Any devices or practices that do not fall within those definitions are not considered within the scope of practice of a licensed massage therapist, and cannot be performed by an individual representing themselves to be a licensed massage therapist.

HOWEVER, the Board takes no position on whether or not those types of procedures or the use of those devices can be done by an individual pursuant to other licensure or supervision, or by unlicensed individuals who do not represent themselves to be a massage therapist.

The board will provide a scope to the OIE for their records.

Staff Reports:

Citation and Inspection Report: Jennifer Stillwell, Lead Inspector

Total number of Inspections completed in 2023: 1,600;

Pending inspections as of 1/2/2023: 47

C & D's requested: 49 (most have complied)

Citations: 2

Motion: Ms. Gloria Lee Smith motion to approve the report and it was second by Ms. Janet Shaw and it carried.

Inspector Stillwell went over issues that her and staff have been seeing during inspections:

- Business Names not matching the licenses
- Animals being in establishments
- Establishments not returning inspectors calls
- Beds being in establishments
- Practicing without license
- Therapist using contouring machine
- Shower beds in establishments
- Cameras being in client's rooms
- Applicants applying for establishment license in homes {Jennifer and staff feel is not a good idea}

Discussion then ensued. Per Ms. Janet Shaw these issues will be reviewed by the board.

a. **OIE Report** – Robert Dean – For Information Only

The OIE report: 103 complaints received, 7 active cases, 36 cases were closed.
No questions from the Board.

b. **IRC Report** – Robert Dean – For Approval

This report is divided into three categories: 7 for dismissal, 2 formal complaints, 5 letters of caution. No questions.

Motion: Ms. Gloria Lee Smith made a motion to approve the IRC report. Ms. Janet Shaw seconded the motion and it carried.

c. **ODC Report** – Alexis Bell – For Information Only

There are currently 2 cases pending, 1 is pending a hearing, 1 is a case that was brought back as of January 3, 2023. 1 case closed since July 2023; Since January 1, 2023 8 cases have been closed. Discussion then ensued.

d. Board Executive Report- Matalie Mickens

- Gave a report on number of Massage Licensee that are Licensed and number of licenses that been issued since 2023 in South Carolina have copies for everyone.
- 4- license Massage Institutions Program offering 650 hours
- 3- technical schools offering 650 hours
- 2-technical schools offering 750hours
- Cash Financial Report- on hand \$863,697.15
- Currently on hold with the Criminal Back Ground Checks—this matter will be walked back later
- Massage Practice License and Establishment License will renew this year June 2024.

Discussion then ensued.

Application Hearing: Kendrick Clark

Board Chair called hearing to order at 10:08am. The sole purpose of this hearing is to see if Mr. Clark is able to gain a license in this state. Discussion then ensued.

Motion: Ms. Janet Shaw made a motion to enter into executive session for legal advice at 10:14 am where no votes will be taken.

Motion: Ms. Janet Shaw to exit executive session and return to public session Gloria Lee Smith seconded the motion and it carried.

Motion: Ms. Gloria Lee Smith made a motion that Mr. Clark’s license be granted on a probation status. It will run within the same time frame of his probation ending in year 2026, Mr. Clark would be required to submit a clean SLED back ground check at the end of each year turned into Massage Executive and his expense and also must work in a licensed establishment under someone that is licensed. Board agreed if

his probation is lifted early that the probation with the Massage Board can be lifted as well. The motion was seconded by Ms. Janet Shaw.

New Business:

Consideration of Hybrid Learning-Theresa Brown

Received emails from several schools including specifically courses on ethics and medical terminology. Discussion then ensued. Ms. Janet Shaw stated this business could be discussed at the next board meeting on February 2, 2024. Board Executive was asked could we reach out to Dr. Sumpter and invite her to Board Meeting to hear their plans with the Hybrid Learning process.

Public Comments:

No Public Comments

Adjournment:

Motion: Ms. Gloria Lee Smith made a motion to adjourn the meeting at 11:18am. Ms. Janet Shaw seconded and the motion carried.