

1 **APPROVED MINUTES**

2 **South Carolina Massage/Bodywork Panel**  
3 **10:00 A.M., July 27, 2012**  
4 **Synergy Business Park**  
5 **Kingstree Building, Conference Room 108**  
6 **110 Centerview Drive, Columbia, SC 29210**  
7

8 **Meeting Called to Order** - Public notice of this meeting was properly posted at the S. C. Massage  
9 Therapy/Bodywork Panel office, Synergy Business Park, Kingstree Building and provided to all requesting  
10 persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom  
11 of Information Act.

12  
13 **Pledge of Allegiance:**

14 All present recited the Pledge of Allegiance.

15 **Public Notice:**

16 Ms. Porter announced that public notice of this meeting was properly posted at the SC Massage/Bodywork  
17 Panel office, Synergy Business Park, Kingstree Building, and provided to all requesting persons,  
18 organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of  
19 Information Act.

20 **Introduction of Panel Members and Other Persons Attending:**

21 The Panel members introduced themselves. Ms. Carolyn C. Porter, Panel Chair from Greenville; Denise Van  
22 Nostran from the Low Country; Mr. Lou F. Hastings from Travelers Rest; Ms. Janet Shaw from West  
23 Columbia, and Mr. Charles Stricklin, Sr., from Charleston.

24 **Staff members present:** Sheridan Spoon, Advice Counsel; Andrew Rogers, Assistant General Counsel;  
25 Doris Cubitt, Administrator, Sharon Wolf, and DeLeon Andrews, Investigators; Roz Bailey-Glover, Malinda  
26 Pressley, Administrative Staff; and Barbara Washington, Court Reporter.

27  
28 **Others participating in the meeting included:** Loyd N. Robinson, Jr., Debbie Banker, Chesley Phillips,  
29 Robert A. Texton, Lane Goodwin, Lindsay McCrackin, Darrell Lewis, Marion Davis, Vania Mavova.

30  
31 **Approval of Excused Absences – Jenny V. Mitchell**

32 **MOTION:**

33 Mr. Strickland made a motion to excuse the absence of Jenny V. Mitchell. Mr. Hastings seconded the motion  
34 which carried unanimously.

35 **Approval of Meeting Minutes:** April 20, 2012

36 **MOTION:**

37 Mr. Strickland made a motion to approve the April 20, 2012 minutes. Ms. Shaw seconded the motion which  
38 carried unanimously.

39 **Approval of Agenda**

40 **MOTION:**

41 Ms. Shaw made a motion to approve the agenda. Mr. Strickland seconded the motion which carried  
42 unanimously.

44 **Chairperson's Remarks – Carolyn C Porter**

45 Ms. Porter provided an update to the Panel on the MPA Committee. Ms. Porter is the only member of the  
46 Panel tasked with the project to help write legislation for massage therapy in the United States. The  
47 legislation will address problems with reciprocity from state to state. Ms. Porter is scheduled to meet with  
48 other members of the committee to finalize the draft. They are almost ready to share the information the  
49 committee has put together.

50 **Interim Administrator's Remarks, for Information – Doris Cubitt**

51 Ms. Porter turned the meeting over Interim Administrator, Ms. Doris Cubitt. Ms. Cubitt let the Panel know  
52 that Mr. Byron Ray, former Administrator, took another position within the agency, so she is filling in until  
53 the position can be filled. She urged the Panel to contact her with any questions or Panel matters. Ms. Cubitt  
54 reminded the Panel that any personal contact with the general public about any item should be directed to her  
55 since the Panel should not have any contact with the public except at a Panel meeting. All inquiries should be  
56 directed to Ms. Cubitt. A financial packet of information was provided to the Panel. Regarding the \$500,000  
57 from last year, that amount was a one-time deduction. The deduction happens from time to time, and the  
58 funds probably went in to the general fund. Ms. Cubitt provided her phone number to the Panel for future  
59 contact.

60 **Legislative Update, if needed, Legislative Liaison Office**

61 Ms. Cubitt stated that changes to the regulations, or notice of drafting is due in by August. Any changes must  
62 be ready by December for pre-filing downtown. Ms. Porter stated that she wants to wait for the new model  
63 practice act to be considered, and wants the Panel to review the legislation because Ms. Porter believes the  
64 document is the perfect legislation. Ms. Porter stated that after the review there will be some comments, and  
65 suggestions. Ms. Porter stated that the committee has been working on the model legislation for over a year.  
66 Ms. Cubitt let the Panel know that they do not have to make changes right now, and that the Panel could wait  
67 until they have the model legislation. The Panel can always make changes next year. Ms. Porter stated that  
68 she will provide a copy of the model legislation to the Panel members at the next meeting for review.

69

70 **OIE Report – Office of Investigations and Enforcement – DeLeon Andrews**

71 Mr. Andrews appeared before the Panel and reported that OIE has three active investigations from January 1,  
72 2012 – July 20, 2012, and closed nine cases within the same timeframe. Mr. Andrews stated that there was  
73 one fraud case, and one aiding and abiding case. Ms. Porter thanked Mr. Andrews for the wonderful job he  
74 was doing for the Panel. Ms. Cubitt let the Panel know that if she receives an anonymous complaint, and  
75 obtains enough information, she can file an official complaint on behalf of the Panel. Mr. Andrews stated that  
76 police reports are not reported directly to the Panel. Ms. Porter stated that since the statute calls for a  
77 disciplinary panel, Dean Grigg and Sara McCartha cleared it with the legislature that since no one has been on  
78 the disciplinary panel for years, it was decided that the disciplinary duty was turned over to the Panel to  
79 handle cases directly. Ms. Porter stated that Mr. Grigg comprised the language already, so the disciplinary  
80 duty now belongs to the Panel.

81

82 **OGC Report – Office of General Counsel – Andrew Rogers**

83 Mr. Rogers provided the Panel with a report. Mr. Rogers stated that there are two open cases, two pending  
84 actions, and two cases were closed by OGC as of July 26, 2012. Now that the Panel has the disciplinary  
85 responsibility, he can prepare the cases as soon as he has a judge to present them to. Until that time, the cases  
86 will remain pending.

87

88 **Advisory Opinions, if needed, Office of General Counsel – There were none.**

89 **Old Business – There was none.**

90

91 **New Business**

92

93 **Approval of License with Education Concerns - Vania A. Manova**

94 Ms. Manova appeared before the panel because she obtained her message therapist education outside of the  
95 United States, in Bulgaria. Ms. Manova does not hold a current license in the country of Bulgaria or any other  
96 state. Staff researched Ms. Manova's education, and determined that Bulgaria does not have a Panel or Board  
97 of Massage Therapy. Ms. Manova attended the National Sport Academy in Sophia, Bulgaria. The translated  
98 documents show that Ms. Manova received 450 hours of massage practice, 630 hours of practical application

99 of massage techniques in hospitals regarding all methods of rehabilitation, and treatment of patients with  
100 motor disabilities, and 600 hours of manual lymphatic drainage, a basic massage technique for treatment of  
101 the lower limb illness known as Lymphedema. Ms. Manova stated she manages a business with two massage  
102 therapist employees. In Bulgaria, she worked in a hospital for fifteen years as a full-time physical therapist  
103 with massage. She has been in the United States for eight years where she started her business two years ago  
104 in Myrtle Beach, SC. She passed the MBLEX examinations. Ms. Manova stated that in Bulgaria, at the four  
105 year university she attended she studied physical therapy. Her SC business would incorporate esthetics and  
106 massage therapy only. The Panel pointed out that the scope of practice is different in the United States from  
107 Bulgaria, and that Ms. Manova can only do massage with a massage therapy license, and not physical  
108 therapy, which is a different license.

109  
110 Ms. Porter stated that the Panel had no further questions, and that the application would be discussed during  
111 executive session. She added that staff would send Ms. Manova a letter on the final disposition of her license.  
112 Ms. Manova was free to leave or await the final decision of the Panel.

113 **MOTION:**

114 Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw  
115 seconded the motion which carried unanimously.

116 The Panel returned from Executive Session.

117 **MOTION:**

118 Mr. Hastings made a motion to approve the license. Ms. Van Norstran seconded the motion which carried  
119 unanimously.

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121 **Approval of License with Education Concerns - Lee Ann Polonus**  
122 Ms. Polonus submitted an initial application on April 2, 2012. She has requested a Panel appearance, because  
123 she did not complete a massage school program with 500 clock hours. Ms. Polonus attended the Ariel Center  
124 for Healing Arts Massage School. The massage program only offered 250 hours of training. All other  
125 requirements for licensure in South Carolina have been met. Ms. Polonus was not present when her name  
126 was called. No determination was made on her case.

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129 **Approval of License with Sanctions from Another State - YongMei Lu**  
130 Ms. Lu's North Carolina license verification indicated her license in North Carolina was sanctioned by that  
131 Board. Per Bonnie Kennedy at the North Carolina Board of Massage, Ms. Lu was issued a Cease and Desist  
132 Order on April 28, 2011 for practicing massage therapy without a license. Part of the Order indicated that if  
133 Ms. Lu wanted to practice massage in North Carolina she must submit a completed application for licensure,  
134 and meet all requirements. Ms. Lu complied and was issued a massage therapy license in North Carolina on  
135 July 19, 2011. Ms. Lu was not present when her name was called. No determination was made on her case.

136  
137 **Approval of Licenses with Background Report - Loyd N Robinson, Jr.**  
138 Mr. Loyd Robinson Jr., appeared before the Panel to renew his license with a criminal background report, and  
139 pending charges. Mr. Robinson was licensed in South Carolina on April 12, 2006. Mr. Robinson stated that  
140 he and a friend had a fight. There was an injury that was upgraded to an assault. Mr. Robinson stated that he  
141 is not guilty, and was not convicted of the charges. Mr. Robinson stated that he is a contractor with a local  
142 chiropractor and continues to work part-time as a massage therapist. Mr. Robinson stated that his continuing  
143 education hours were up to date, and further believes that the case against him will be dropped. He does not  
144 have a court date. Mr. Robinson stated that he enjoys working with his clients, and does not want to give up  
145 his profession.

146  
147 Ms. Porter stated that the Panel had no further questions for Mr. Robinson, and that his application would be  
148 discussed during executive session. She added that staff would send Mr. Robinson a letter on the final  
149 disposition of his license. Mr. Robinson was free to leave awaiting the final decision of the Panel.

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151

152 **MOTION:**

153 Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw  
154 seconded the motion which carried unanimously.

155 The Panel returned from Executive Session.

156 **MOTION:**

157 Ms. Shaw made a motion to approve the license pending the final disposition of charges be provided to the  
158 Panel. Mr. Strickland seconded the motion which carried unanimously.

159 **Approval of Licenses with Background Report- Robert A Texton**

160 Mr. Texton appeared before the Panel because his initial application contained a criminal background report.  
161 Mr. Texton has several misdemeanors dating from 2002 – 2007 and one felony on April 24, 2007 for grand  
162 larceny. Mr. Texton stated the misdemeanors were in the past stemming from bad check charges under \$500,  
163 and the charges were combined. He went to jail for 72 days and paid restitution as well. Mr. Texton stated he  
164 had financial problems, and just miscalculated. The vehicle charge involved sharing a vehicle with someone.  
165 Mr. Texton did not return with the vehicle timely, so the person called the police, and Mr. Texton was taken  
166 to jail. He tried to have the charge dismissed but the county would not comply. Mr. Texton stated that he is  
167 very involved with his church, is in charge of a group home, and is also a minister. Mr. Texton stated that he  
168 is a good massage therapist, and brought in copies of his clinical reports for excellent service. He passed the  
169 examination, and had perfect school attendance. Mr. Texton feels that massage therapy is his calling, and also  
170 pointed out that he served four years in the military. Massage therapy will be his primary means of support,  
171 either in a mobile business or in pain management.

172 Ms. Porter stated that the Panel had no further questions for Mr. Texton, and that his application would be  
173 discussed during executive session. She added that staff would send Mr. Texton a letter on the final  
174 disposition of his license. Mr. Texton was free to leave awaiting the final decision of the Panel.

175

176 **MOTION:**

177 Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw  
178 seconded the motion which carried unanimously.

179 The Panel returned from Executive Session.

180 **MOTION:**

181 Mr. Stricklin made a motion to approve the license with a two year probationary period. Mr. Texton will  
182 supply the Panel with a SLED report at the end of each year, at his own expense for the next two years. Ms.  
183 Van Norstran seconded the motion which carried unanimously.

184 **Approval of Licenses with Background Report - Darrell Lewis**

185 Mr. Lewis appeared before the Panel because he submitted a criminal background report with his license  
186 renewal which contained a pending felony charge. The background check shows the charge occurred on  
187 February 9, 2012 while performing a massage in 2011 and 2012. Mr. Lewis brought in a witness to testify on  
188 his behalf, Ms. Lindsey McCrackin. Mr. Lewis stated that the case did not go forward. Mr. Lewis stated that  
189 he has a business, and in 2011 he had many clients. Mr. Lewis brought in character reference letter for the  
190 Panels consideration. Mr. Lewis stated that he provided one hour couple massages. The massage in question  
191 went on as scheduled with a mother and daughter. The (mother) client left calmer than when she came in. At  
192 the conclusion of the massages, the daughter tipped him \$20 for her and her mother. The next day the sheriffs  
193 came to his house. Mr. Lewis' witness, Ms. McCrackin stated that she requested a separate room for the  
194 daughter who was her client. Neither client complained at the time of the massage or afterwards, and the tip  
195 was generous. Mr. Lewis stated the mother was very high strung, but left calmer after the massage. Mr.  
196 Lewis stated that his client base is loyal, and very supportive. As evidence of client loyalty, he has not lost  
197 any clients since the incident was made public. Mr. Lewis stated that he now voice records his sessions to  
198 protect himself and his business. Ms. McCrackin feels the entire accusation is unfounded since nothing  
199 happened inappropriately, and the situation is just awful.

200

201 Ms. Porter stated that the Panel had no further questions for Mr. Lewis and that his application would be  
202 discussed during executive session. She added that staff would send Mr. Lewis a letter on the final  
203 disposition of his license. Mr. Lewis was free to leave awaiting the final decision of the Panel.

204 **MOTION:**

205 Mr. Hastings made a motion to go into Executive Session to consult with Advice Counsel. Ms. Shaw  
206 seconded the motion which carried unanimously.

207 The Panel returned from Executive Session.

208 **MOTION:**

209 Mr. Hastings made a motion to approve the license pending the final disposition be provided to the Panel  
210 regarding the outstanding charges. Ms. Shaw seconded the motion which carried unanimously.

211 **Discussion**

212 **Accreditation Changes by NCBTMB - Ms. Debbie Banker**

213 Ms. Banker appeared before the Panel to discuss the matter of students taking the national examination prior  
214 to completing their course work. Ms. Banker assured the Panel that changes will be made to the examination  
215 regarding the schools, and taking the examination before course work is completed. The NCBTMB office  
216 will keep the examination scores of students who take the examination before completing their course work,  
217 and will not release the scores until all school hours are completed, and transcripts are received. Also, the  
218 NCBTMB website code will be emailed to Ms. Cubitt so that staff will be able to go online to see who has a  
219 license, and where they received it. Because students complete their textbook work, the schools want the  
220 students to take their examination before the hands on work begins.

221

222 **Panel Member Reports**

223 Mr. Hastings made a comment regarding the auditing of continuing education classes. Ms. Porter let Ms.  
224 Cubitt know that staff must start working on pulling random names or 30% of the licensee population who  
225 have renewed their license from the database for the CEU audit. The names will be divided among the panel  
226 members for review. Letters must be sent to the selected licensees to submit the CEU information. Ms. Cubitt  
227 will then schedule a work session for the Panel to review the information. Document should be returned to  
228 the Panel by the end of August for the October 2012 Panel meeting. Ms. Shaw suggested scheduling the  
229 work session in mid September for a final report at the October meeting. Mr. Hastings stated that the list of  
230 names were not in alphabetical order for the last audit. The list made it difficult to locate names, and wasted  
231 the Panel member's time. Please alphabetize the list by last name. When the letter goes out, ask for proof of  
232 twelve CEUs within 30 days.

233 Ms. Porter spoke with Ms. McCartha regarding regulations corrections. However, Ms. Cubitt stated that she  
234 checked with legal, and found that the legislative changes were filed but were not passed. Handling  
235 disciplinary cases were part of the change that did not pass. While the Panel wants to hear the disciplinary  
236 cases, they will not be able to since the legislation did not pass. The legal department is in a holding pattern  
237 on those cases. Ms. Cubitt clarified that if the Panel is given the disciplinary authority, the Panel could hear  
238 the cases otherwise if a disciplinary committee is selected then they will hear the cases. Ms. Cubitt stated that  
239 the Governor appoints individuals to a disciplinary panel.

240

241 Ms. Cubitt stated maybe if the Panel becomes a Board then they will be able to hear the disciplinary cases.  
242 Changing from a Panel to a Board would be a legislative change. Ms. Porter asked Ms. Cubitt to speak with  
243 Ms. McCartha again and have her to come to the October meeting to discuss resubmission of the legislative  
244 changes that did not previously pass, and to discuss changing from a Panel to a Board.

245

246 **Public Comments**

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248 Ms. Shaw expressed her disappointment with all of the LLR staff changes and that legal counsel has also  
249 changed, so there is no continuity in the service the Panel is receiving. Ms. Shaw wants clarification on what  
250 regulations were submitted the last time, and who will resubmit the changes this time around. Ms. Porter

251 stated that she will send an email to Ms. McCarthy regarding the resubmission of the regulations that did not  
252 pass. Mr. Spoon let the Panel know that the legislative discussion should appear on the next Panel agenda in  
253 October. The members can discuss if the Panel needs to be changed to a Board, or if there should be a  
254 separate committee created to hear disciplinary cases.

255  
256 Ms. Cubitt clarified that new legislation would be pre-filed in December and actually filed the first of January.  
257 The Panel would have October to make any changes to the legislation in order to be ready for December.

258 **Adjournment**

259

260 **MOTION:**

261 Mr. Hastings made a motion to adjourn the meeting. Ms. Van Norstram seconded the motion which carried  
262 unanimously.

263

264 **The next meeting of the South Carolina Massage/Bodywork Panel will be October 19, 2012**