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APPROVED MINUTES

**South Carolina Massage/Bodywork Panel
Panel Meeting
April 20, 2012 at 10:00
Synergy Business Park
Kingstree Building, Conference Room 204
110 Centerview Drive, Columbia, SC 29210**

Meeting Called to Order - Public notice of this meeting was properly posted at the S. C. Massage Therapy/Bodywork Panel office, 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 Read by the Chairman

Pledge of Allegiance

All present recited the Pledge of Allegiance

Introduction of Panel Members

The Panel members introduced themselves. Ms. Carolyn C. Porter, Panel Chairperson from Greenville; Ms. Jenny Mitchell; Mr. Lou F. Hastings from Travelers Rest; Ms. Janet Shaw from West Columbia; and Mr. Charles Stricklin, Sr., from Charleston.

Staff Members Present

Dean Grigg, Advice Counsel; Andrew R. Rogers, General Counsel; Byron Ray, Administrator; DeLeon Andrews, Sharon Wolfe, Investigators; Roz Bailey-Glover, Lisa Hawsey, Bridget Jenkins, Renee Young, Administrative Staff; and Betty M. Washington, Court Reporter.

Others Participating in the Meeting

Jessica Huff, Rashad Dingle, Chasity Dorry-Deason, Lora Gail Moser, Debbie Banker, Lisa Melendez, Marian Davis, Jane E. Chambers-Kluttz, Chasity Dorry-Deason, Renea Eshleman, Stephen Kesler, Nancy Gibson, Isaac C. Dingle, and Dan Preston.

Approval of Excused Absences

MOTION:

Mr. Stricklin made a motion to excuse panel member Denise Van Nostran. Ms. Mitchell seconded the motion which carried unanimously.

Approval of Agenda

MOTION:

Ms. Shaw made a motion to approve the agenda. Mr. Stricklin seconded the motion which carried unanimously.

Approval of Meeting Minutes

49

MOTION:

50 Ms. Shaw made a motion to approve the minutes from February 24, 2012. Mr. Hastings seconded the
51 motion which carried unanimously.

52 **Chairman’s Remarks – Carolyn C. Porter**

53 Chairperson Ms. Porter stated that she spoke with the Chairperson from the Georgia Massage Therapy
54 Board, Ms. Johnson, who stated that she is very concerned with the problem of human trafficking in
55 Georgia. The National Certification Board is working on the problem and trying to establish who these
56 people are but have not been very successful. The reason for the 500 hours of in class training is to
57 ensure the massage therapists actually went to school. Georgia warns that on-line massage therapy
58 programs open the opportunity for real massage therapist to go on-line and take the class and tests for
59 fraudulent applicants so they can get the license. The fraudulent applicant pays further fees for a licensed
60 therapist to tutor them in how to pass the exam. These online programs can cost in excess of \$5,000. LLR
61 staff is tracking the certificates of some of these schools to ensure they are legitimate.

62 The Federation of State Massage Therapy Boards (FSMTB) in Texas has a proposal online in video
63 format, for massage therapists to review. You can make comments online regarding the proposal before
64 April 30, 2012. The FSMTB is moving more towards core competencies instead of continuing education
65 workshops. Ms. Shaw attended the last FSMTB meeting and stated that the FSMTB has a list of the core
66 competencies online that all licensed massage therapist should adhere to such as ethics, health concerns
67 and pathologies etc. The program is structured so that you can go online and refresh yourselves on the
68 core competencies of the profession. There’s information and then questions. You won’t be able to
69 advance to the next section until all questions are answered correctly. It is not a test and does not replace
70 continuing education credits. It’s just another method for updating the massage therapist on the
71 competencies required for the profession. Just take a look at the pros and cons of the proposal and make
72 your comments.

73 Chairperson Ms. Porter reminded the Panel that in the last meeting the subject of setting up a policy for
74 special needs was tabled until today. There was one applicant at the time who had asked for assistance to
75 pay for their license. Chairperson, Ms. Porter stated that if the Panel decided to assist one person they
76 may have to assist them all. The Panel does not want to pursue making a policy as some school already
77 have a fund available to students who need help, and that the Panel must be very careful with their current
78 budget. Lastly, the Panel is still looking for an IRC representative.

79
80 **Administrator’s Remarks – Byron Ray**

81 Mr. Ray thanked members for completing their ethics reports. Mr. Stricklin stated that he will get his
82 report in shortly. The Panel was reminded that there is a \$100 penalty for not filing. Mr. Ray stated that
83 renewals are being done and there are approximately 320 online renewals that have been completed. The
84 paper renewal forms will be made available soon.

85
86 **Investigative Review Committee Report**

87 Mr. DeLeon Andrews let the Panel know there are currently two (2) active investigation cases open, and
88 that nine (9) cases have closed. Mr. Andrews reviewed the report with the Panel and explained that the
89 report information indicating “corrective action taken” has multiple meanings. The corrective action
90 could be that the licensee paid for a renewal or other fees etc.

91
92
93 **Office of General Counsel**

94 Mr. Andrew Rogers, General Counsel handed out a report to the Panel for review and the court report for
95 the record. Mr. Rogers explained there were two open cases and two cases that were closed.

96 Chairperson, Ms. Porter wanted to know which agency should be notified for sexual misconduct. Mr.
97 Rogers stated, first the police should be notified and second, the Panel/Board. Usually the victim feels
98 violated and reports the incident to the police first. If the person does not have a license, LLR can’t take
99 action as LLR’s authority extends to the licensees only. All LLR can do is ask the unlicensed person to
100 stop their practice with a cease and desist notice. If the practice continues, there are higher courts to
101 which the case can be referred. Mr. Rogers stated that of the two closed cases, one relinquished their
102 license. Mr. Rogers explained further how cases are closed by his office. He went on to explain how
103 other states learn about violations that occurred in this state. The license verification issued by South
104 Carolina would also let the state requesting the verification know that a disciplinary action has been taken
105

106 against a licensee. Mr. Rogers explained that this panel is not the disciplinary panel yet and that is why
107 the information given to them is limited in scope. When the case is completed and closed, the actions are
108 made public on LLR's website. Mr. Grigg further clarified that depending on the nature of the case it
109 may come back to the panel for determination and could be tainted if detailed information was previously
110 given. The IRC reports have case numbers and a short explanation. By the time the case gets to the
111 General Counsel's office, it becomes public information once the determination is finalized. Mr. Rogers
112 further explained how cases are closed by the Office of General Counsel. The Panel had no more
113 questions.

114

Budget Update

117 Mr. Ray provided the Panel with a budget update as of March 2012. The Panel reviewed the budget
118 numbers and asked Mr. Ray to find out what the \$500,000 cash transfer from June 2011 was based on.
119 The Panel also wanted to know if the \$500,000 amount would be taken from the Panel on a yearly basis.

120

121 **Old Business** – There was none.

122

New Business

123

Initial Application License Approval

124

Jessica Huff (Education)

126 Ms. Jessica Huff appeared to testify on her own behalf. Ms. Huff stated that she went to school in Denver,
127 Colorado where she took the MBLEX examination. She does not currently hold a license in any state. Ms.
128 Huff stated that she completed 705 hours of education at the Costa Rica School of Massage Therapy from
129 which she provided a transcript. She stated that 560 hours was hands on. This was not a school with text
130 books, but has been in operation for five years. Ms. Huff stated that she received a certificate of
131 completion but did not bring it with her. The school program lasted 3-4 months and included 14 people on
132 a campus. Ms. Huff stated she completed the program and returned to California. Mr. Stricklin stated that
133 the Panel required a school transcript they can verify. Based on the information provided, Ms. Huff
134 scored low on ethics and guidelines. Ms. Huff stated that the school in Costa Rica is not connected with
135 the school in Denver. She will contact Mr. Ray so he can check the legitimacy of the school. The Panel
136 will also have the Department of Higher Education to check the Costa Rica school with the Colorado
137 Board. The Panel later located the school in Costa Rica on the website. Chairperson, Ms. Porter stated
138 that the Panel would go into executive session to make their determination.

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140

141

MOTION:

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143 Mr. Stricklin made a motion to approve the license. Ms. Shaw seconded the motion which carried
144 unanimously.

145

Rashad Dingle (Criminal Background)

146 Mr. Dingle appeared to testify on his own behalf. Mr. Dingle stated he passed the national examination
147 on 8/19/2011. He does not hold a license in any state. He attended Virginia College and graduated
148 6/17/2011. Mr. Dingle submitted a letter of recommendation from the Virginia College Program
149 Director, Ms. Nancy Gibson who was present at the meeting as his witness in addition to the applicant's
150 father, Mr. Issac Dingle. Mr. Rashad Dingle stated he was convicted for strong arm robbery in 2011. He
151 stated that he made unwise decisions in the past. However, he went to school and massage therapy
152 changed his life. Mr. Dingle stated he had a perfect attendance record. Mr. Dingle stated that he borrowed
153 money from a friend who was a drug dealer who demanded his money back which Mr. Dingle did not
154 have. Mr. Dingle resorted to robbing the Dollar General store because he panicked. Ms. Gibson testified
155 on Mr. Dingle's behalf stating that he spent over 200 hours working with the public to complete his hours
156 and that he was a dedicated student. Mr. Dingle's father gave an emotional request to the Panel on behalf
157 of his son to please grant the license as he believes his son has changed his life with massage therapy.

158

159 Chairperson, Ms. Porter stated that the Panel would go into executive session to make their determination.

160

MOTION:

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162 Mr. Stricklin made a motion to approve the license with two year's probation and a SLED report provided
163 to the Panel, every six (6) months at Mr. Dingle's expense. Ms. Mitchell seconded the motion which
164 carried unanimously.

165

166 **Chasity Dorry-Deason (Criminal Background)**

167 Ms. Deason appeared to testify on her own behalf. Ms. Deason stated that she graduated from Miller-
168 Motte and took the Federation of States examination. She submitted letters of recommendation for the
169 record. Ms. Deason stated that she had multiple traffic offenses and failure to appear in court in addition
170 to a possession of drugs charge on her record. Ms. Deason stated that she spent a year in jail for driving
171 offenses for being a habitual offender. Ms. Deason stated that she completed probation in South Carolina.
172 She no longer has a driver's license, stopped drinking, got married and changed her life. Ms. Deason
173 explained the drug charge, stating that she was drinking with friends and was arrested by association. She
174 completed 900 hours of massage therapy education which is represented by the 96 credit hours on her
175 transcript. Ms. Deason stated that she wants to go back to school for physical therapy training and just
176 wants to work part-time for now with massage therapy, if granted the license.

177 Chairperson, Ms. Porter stated that the Panel would go into executive session to make their determination.
178

179 **MOTION:**

180 Mr. Stricklin made a motion to approve the license with two year's probation and a SLED report provided
181 to the Panel, every six (6) months at Ms. Deason's expense. Mr. Hastings seconded the motion which
182 carried unanimously.

183 **Lora Gail Moser (Criminal Background)**

184 Ms. Moser appeared to testify on her own behalf. Ms. Moser stated that she attended Southeastern
185 School of neuromuscular and Massage Therapy and passed the national examination. Ms. Moser brought
186 along Ms. Jane. E. Chambers as her witness. Ms. Moser stated t she has been a licensed massage
187 therapist in North Carolina since 2002 and wants to expand her business into South Carolina. Ms. Moser
188 explained her criminal background stating she once lived with a person who sold drugs. He was arrested
189 and a search of their home turned up drugs, so she was arrested. She completed three (3) years probation
190 in 2009 and plead guilty to the charges because she lived in the house. She stated that she has been clean
191 since 2005. Her charge was dropped from drug trafficking to attempted drug trafficking. She also had a
192 charge for driving under the influence on her record. She has a probation violation on her record because
193 she left North Carolina to visit her former roommate in South Carolina and should not have left the state.
194 She had nothing pending now and continues her massage therapy practice in North Carolina to-date. Ms.
195 Chambers spoke up on behalf of Ms. Moser stating that they are friends and that she is also a massage
196 therapist with a growing practice in North Carolina. She vouched for Ms. Moser's professionalism in the
197 industry.

198 Chairperson, Ms. Porter stated that the Panel would go into executive session to make their determination.
199

200 **MOTION:**

201 Mr. Stricklin made a motion to approve the license with one year probation and a SLED report provided
202 to the Panel, every six (6) months at Ms. Moser's expense. Mr. Hastings seconded the motion which
203 carried unanimously.
204

205 **Statute Change and Legislative Update – Dean Grigg**

206 Mr. Grigg stated a regulations letter regarding document 4239 was provided to the Panel, but they were
207 missing the attachment document 4239, so Mr. Grigg reviewed the document with the panel from his
208 copy. There were minor changes made to the regulations. Regulation 77-100 (1) (B) added the word
209 "classroom" hours, 77-100 (1) (D) will state, "at least 18 years of age", and for 77-100 (2), the national
210 examination text was struck through and alternative text was added. The Senate LCI Committee letter of
211 April 2, 2012 asked the Panel to withdraw or resubmit the regulations with changes and remove "class
212 room" from 77-100 (2) as it is too exclusive based on how they read the statutes. The LCI Committee
213 believes that other national examinations mirror the statue language. The Panel has 30 days to make the
214 changes or the regulations will automatically die and not pass. The Panel has the option to withdraw the

215 proposed regulation language, make the changes the LCI Committee requested or do nothing, and the
216 proposed changes submitted will not pass. The LCI Committee is waiting for the Panel to respond. The
217 Panel can revisit the changes next year. The LCI Committee does not want the regulations to require
218 anything that is not outlined in the existing statutes. The Panel can look into making changes to the
219 statutes next year to make the classroom hours and the examination issue clear. The Panel must take a
220 vote.

221

222 **MOTION:**

223 Mr. Stricklin made a motion to withdraw the regulations per the letter submitted by the LCI Committee.
224 Mr. Hastings seconded the motion which carried unanimously.

225

226 **MOTION:**

227 Ms. Shaw made a motion to go into executive session. Mr. Hastings seconded the motion which carried
228 unanimously.

229

230 **MOTION:**

231 Ms. Shaw made a motion to come out of executive session and return to public session. Mr. Hastings
232 seconded the motion which carried unanimously.

233 See motions made per applicant.

234 **Public Comments**

235 Mr. Marion Davis from Midland's Technical College Massage Therapy program introduced himself to
236 the Panel. He read an email from a student who had acquired 300 hours from Texas. The student needs
237 200 additional hours and wants to complete her hours at Midlands Tech. Ms. Renea Eshleman from the
238 Department of Higher Education commented that the requirements to allow a student to enter a program
239 in this state is usually left to the discretion of the school accepting the student as to the number of hours
240 the school will accept. Students are usually required to complete at least 25% of the program at the
241 school they are coming from. The combined hours from Texas and Midlands Tech should give the
242 student enough hours (500) to test with a completed transcript from Midlands Tech.

243 Chairperson, Ms. Porter stated that she strongly recommends massage therapist to join the American
244 Massage Therapy Association.

245 **Adjournment**

246 **MOTION:**

248 Mr. Stricklin made a motion to adjourn the meeting. Ms. Mitchell seconded the motion which carried
249 unanimously.

250

251 **The next meeting of the South Carolina Massage/Bodywork Panel is scheduled for July 27, 2012**