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MINUTES

**South Carolina Massage/Bodywork Therapy Panel
Telephone Conference Meeting
1:00 p.m., December 5, 2011
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.

Public Notice:

Chairperson Ms. Porter announced that public notice of this meeting was properly posted at the SC Massage/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.

Introduction of Panel Members and Other Persons Attending:

The Panel members introduced themselves. Ms. Carolyn C. Porter, Panel Chair from Greenville; 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; Byron Ray, Administrator; Lisa Hawsey, Assistant Administrator; Malinda Pressley and Roz Bailey-Glover, Administrative Staff, and Cecelia Englert, Court Reporter.

Others participating in the meeting included: Lane Goodwin and James West.

Approval of Excused Absences:

Ms. Linda S. Pearson from Spartanburg was not present.

MOTION:

Mr. Stricklin made a motion to excuse panel member Ms. Pearson from today's conference call meeting. Mr. Hastings seconded the motion which carried unanimously.

Approval of Agenda

MOTION:

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

Chairman's Remarks – Carolyn Porter

Chairperson Ms. Porter stated that the Panel was cleaning up wording in the regulations. She mentioned that the MBLX wording was not included in the regulations when the clean up was done. The Panel also discussed the reduction of fees, and the wording regarding the 500 hour certificates, to ensure that the text read "class room hours".

Administrator's Remarks, For Information – Byron Ray – There were none.

52 **New Business**

53

54 **Reciprocity**

55 Review of Application with Criminal Background Report Attached—James West

56 Mr. West was requested to appear before the Panel to provide testimony and answer questions the Panel
57 may have about his application and background report. Mr. West stated that he had changed his life. He
58 made the dean's list and received an 800 on the examination. The felony was seven years ago, and he
59 now has a family to consider. He attended Southeastern and completed 750 hours of education.

60 The Panel discussed Mr. West application and decided that further discussion would occur during
61 executive session with legal counsel. Mr. West was excused and told that he would be contacted
62 regarding the final determination about his application.

63

64 Chairperson Ms. Porter returned to the Panel meeting to discuss the 2012 meeting calendar. The
65 following dates were given: January 20, 2012 (tentative), April 20, 2012, July 20, 2012 and October 19,
66 2012. After the discussion the Panel went into executive session.

67

68 **Executive Session**

69 **MOTION:**

70 Mr. Stricklin made a motion to enter into executive session. Ms. Shaw seconded the motion which
71 carried unanimously.

72

73 **Return to Public Session**

74

75 **MOTION:**

76 Mr. Hastings made a motion to enter back into public session. Mr. Stricklin seconded the motion which
77 carried unanimously.

78

79 **MOTION:**

80 Mr. Stricklin made a motion to approve the reciprocity application for Mr. West with a one year
81 probationary period. Mr. West will submit a current SLED report at the end of the probation period to the
82 Massage Panel staff at his own expense. Mr. Hastings seconded the motion which carried unanimously.

83

84 Mr. Grigg will prepare the order and forward it to Chairperson Porter for signature.

85

86 **Old Business**

87 **Approval of Proposed Practice Act Changes**

88 Chairperson Porter turned the meeting over to Advice Counsel, Mr. Grigg, to discuss the proposed
89 regulation changes and fees. Mr. Grigg stated the actual changes to the practice act would need to be
90 discussed. There were three things the Panel wanted to discuss, the reduction of fees, reciprocity and
91 section 40-30-180 (A) 2, regarding the January 1, 1974 (grandfather) cut-off date for the exemption
92 mentioned in that section. Mr. Grigg needed to know exactly what the Panel wanted so that the changes
93 can be drafted. Chairperson Porter stated that the current fees should be reduced from \$100 to \$50. A
94 detailed discussion ensued regarding the current fees. Mr. Grigg clarified the fee language and advised
95 against changing the text. Instead, the Panel should meet with the Agency to discuss collectively what the
96 new fees would be. Chairperson Porter stated that staff should place the topic on the upcoming agenda.
97 Mr. Grigg stated that he, and Mr. Ray will gather information on exactly what the fees are now, where the
98 fees came from, the Agency's position on reducing the fees, and why the Panel wants to reduce the fees.

99

100 Chairperson Porter moved on to the topic of reciprocity. She referenced an applicant from VA who did
101 not have the required 500 hours of schooling, but was given a license in SC by the Agency. Although the
102 grandfather clause and date no longer exist, the Panel still disagreed, and felt the applicant should not

103 have received a license by the Agency. It was explained to the Panel that the applicant received a license
104 because VA had similar licensing laws to SC, so she was given a license. The Panel wants to clarify, in
105 the regulation, that applicants must have 500 hours of education under the Practice Act, section 40-30-150
106 and section 77-105 in the regulations under reciprocity. Mr. Grigg stated that applicants must meet the
107 requirements based on the regulations, and that the Panel should not change the language. Based on the
108 current language, the Panel would be well within their right to deny licensure to an applicant based on
109 existing statutes and regulations.

110
111 Panel member Janet Shaw had to exit the meeting at 1:50 p.m. and was excused. The Panel had a quorum
112 to proceed with the meeting.

113
114 Chairperson Porter also stated that when the clean-up was received, under the language referencing the
115 500 hours of education, the word “500 hours classroom training” was removed for some reason. If a
116 school wants to have 900 hours or 600 hours that’s fine, but the word classroom must be put back into
117 section 40-30-110, item (2). Mr. Grigg stated that item (3) in that same section, the regulations and the
118 statute will mirror each other. He continued that section 40-30-180 (A) (2) is the January, 1974 date
119 covering the exemption from continuing education requirements. Chairperson Porter disagreed stating
120 that the language should not be in the regulation, and that it may have been changed to satisfy a one-time
121 issue with a person who was 65 years old and wanted to be exempt from CEUs. A discussion ensued
122 around having a continuing education exemption.

123
124 It was generally agreed that the Panel would be okay with a person who practiced for a minimum of ten
125 (10) years, and have reached the age of 65, could be exempt from continuing education requirements.

126
127 Mr. Grigg stated that the disciplinary language information would be removed, and consolidated with the
128 Panel’s authority. Chairperson Porter agreed, stating that it was difficult to get anyone to serve on the
129 disciplinary panel, so it was suggested to change 40-30-30 to remove item (5). Mr. Grigg reviewed the
130 changes with the Panel as follows: Section 40-30-50 (B) 1,2 & 3 and (C) were created. This places the
131 authority from the disciplinary section and adds it to the advisory panel. Disciplinary section 40-30-65 is
132 deleted in its entirety. Section 40-30-60 (A) was struck through section 40-73-15. Section 40-73-15 (B)
133 8, the last 3 lines 40-73-15 is now deleted. Section 40-30-70 is stricken. Section 40-30-90 referring to
134 annual reports is removed. Section 40-73-20 is removed. Section 40-30-200, 3rd line from the bottom,
135 “disciplinary” text is removed. Section 40-30-210 is stricken. Section 40-30-220, 230, 240, 250, 260,
136 270 through 300 changed from disciplinary panel to just “Panel”.

137
138 Once the changes are made, Mr. Grigg will forward them to Mr. Ray for distribution to the Panel
139 members.

140
141 **MOTION:**
142 Mr. Stricklin made a motion to approve the changes as discussed. Mr. Hastings seconded the motion
143 which carried unanimously.

144
145 Mr. Ray stated that he will check on the regular meeting date for January 20th or 27th, 2012.

146
147 **Public Comments – There were none**
148 Chairperson Porter asked if a few lay people can be added to the Panel. She wanted to know if the Panel
149 should discuss this issue. Mr. Grigg will check with the Agency Director to obtain more information.
150 Chairperson Porter also stated that Ms. Linda S. Pearson from Spartanburg informed her that she will
151 need to resign from the Panel soon.

152

153 Mr. Ray also mentioned that Mr. Charlie Ido sent out an email to Administrators stating that the Agency
154 has letters of caution that were normally signed by the Chairperson. The letter of caution is a “warning
155 letter” given before harsh discipline is determined. Mr. Ido wanted to know if the Panel would allow the
156 Administrator to sign letters of caution on behalf of the Panel. Chairperson Porter stated that she gave
157 several copies of her signature to Ms. Cubitt already, and had given permission to use the electronic
158 signature when necessary.

159

Adjournment

160 **MOTION:**

162 Mr. Hastings made a motion to adjourn the meeting. Mr. Stricklin seconded the motion which carried
163 unanimously.

164

165 **The next meeting of the S.C. Massage/Bodywork Therapy Panel is tentatively scheduled for**
166 **January 20, 2012 or January 27, 2012. The date will be confirmed by the Administrator with the**
167 **Panel.**