

## APPROVED MINUTES

**South Carolina Massage/Bodywork Panel  
Panel Meeting  
March 1, 2013, 10:00 a.m.  
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.

**Pledge of Allegiance:**

All present recited the Pledge of Allegiance.

**Public Notice:**

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. Carolyn C. Porter, Panel Chair, Denise Van Nostran, Jenny Mitchell, Janet Shaw, Charles Stricklin, Sr.

**Staff members present:** Sheridan Spoon, Advice Counsel; Tracey McCarley, Administrator, Roz Bailey-Glover, Administrative Staff; and Cecelia P. Englert, Court Reporter.

**Others participating in the meeting included:** Antonio S. McNeil, Stacy Atkinson, Debbie Banker, Martin McDuffie, Lane Goodwin, Rena McLendon, Steven Kessler, Deneta Dixon

**Approval of Excused Absences – There were none.**

**Approval of Meeting Minutes: October 19, 2012**

**MOTION:**

Mr. Stricklin made a motion to approve the October 19, 2012 minutes with changes. Ms. Van Nostran seconded the motion which carried unanimously.

**Chairman's Remarks – Carolyn C. Porter**

Ms. Porter welcomed Ms. Rena McLendon with the American Massage Therapy Association, South Carolina Chapter. Ms. Porter stated that there were no absences.

**Legislative Update**

Ms. Porter stated there were some changes made to the regulations, and on February 20, 2013 she and Ms. McCartha appeared before a senate committee to testify on behalf of the Panel. Mr. Spoon was introduced to explain what has occurred so far. Mr. Spoon stated that Senate Bill S. 214 makes some positive changes to the practice act. The changes would allow the Panel to function in the event there is a disciplinary case. The change is primarily covered in section 50 of the statutory change. This is all public

information and can be viewed at [www.scstatehouse.gov](http://www.scstatehouse.gov) if anyone is interested. Ms. Porter stated that there will also be two additional individuals added to the Panel. Also placed in the regulations was a requirement that applicants must have completed five hundred (500) hours of in class training to be licensed and no online programs will be accepted for licensure.

Ms. Porter stated that President Obama made a ruling that if an illegal person was in this country as a child that they can remain in this country for three years. Her concern is the bill states you must be a citizen of the USA to be a massage therapist, so now that this ruling is in place, some of the colleges and schools are concerned whether or not to allow students to come into the college to take the massage therapy program. Greenville Technical College in particular wants to know if they should allow students to take their programs with the new ruling in place. Ms. Porter stated she wanted to bring the potential issue to the Panel to think about it and relay the information to Ms. McCarley. Ms. McCarley stated that she can get Mr. Jim Knight, to explain the process he goes through when applications are given to him for review regarding immigration. A discussion ensued. Mr. Spoon cautioned the Panel to be careful with the question asked. Whether or not a student can attend or enroll at an institution is a separate issue from the statutes for obtaining a massage therapy license. Licensing applications for all boards contain an affidavit of eligibility for the purposes of licensing. Mr. Spoon advised the Panel to defer the question about the enrollment of students into a school to the school's attorneys. A discussion ensued.

### **Administrator's Remarks, for Information – Tracey McCarley**

#### **Budget**

Ms. McCarley stated that the budget report was in the Panel's packet for their information. The Panel reviewed the information and there was some discussion. Ms. McCarley clarified the line item referring to a Cash Transfer-Budget Reduction Provisio 65.3 & 65.14 stating that the \$500,000 was taken out of the Panel's budget in 2012 and 2013. Mr. Stricklin wanted to know how many massage therapists were licensed in the state and if the number was rising or falling. The information was provided to Mr. Stricklin later during the meeting by staff. Ms. McCarley reminded the Panel that the State Ethics Commission information was included their packet along with instructions on how to complete the documents which must be submitted by April 15, 2013.

#### **For Information Only - Office of Investigations and Enforcement Report – Sharon Wolfe**

Ms. McCarley stated that Ms. Wolfe was not present, but the OIE report was included in the Panel's packet for review. Ms. McCarley also stated that an IRC report was also included in their packet. There was some discussion about both reports. Ms. Porter stated that the NCTMB, national board, also provides an extensive investigation report which she will share with the Panel at another time. Ms. McCarley stated that those practicing without a license are given a cease and desist order to stop practicing. Mr. Spoon let the Panel know that some boards have standard language in their practice act stating that unlicensed practice is a misdemeanor. He will check to see if that pertains to the Panel. Ms. Porter wanted more information regarding the IRC report, however, Mr. Spoon reminded the Panel that the IRC committee looks at the complete investigation, and make a recommendation to the Panel. It's possible that the IRC report could include a very short narrative on the report, but nothing in detail, because the case is still a formal complaint, and will come before the Panel. The Panel accepted both reports as information.

#### **Regulation Review – Governor's Letter**

Mr. Spoon explained the Executive Order from the Governor's Office issued around February 22, 2013 for the Regulatory Review Taskforce. The deadlines are April 15, 2013 and May 15, 2013. The Executive Order pertains to all cabinet agencies. The April 15, 2013 deadline is for the Boards to give their recommendations on where the regulatory burden of their practice act can be reduced. Take a look at the things you do as a Panel, the licensing requirements, and the cost etc. The Panel is required to get the information back to Ms. McCartha by April 15, 2013. Mr. Spoon stated that the public is also welcome to submit their comments.

**The Panel took a ten minute break.**

**New Business**

**Application Hearing - Approval of Licenses with Education Concerns – Stacy Atkinson**

Ms. Atkinson appeared before the Panel to answer questions regarding her hours of training. Ms. Atkinson testified she started massage therapy in 1997 with Thai Massage. From 2001-2002, she learned Swedish massage techniques in a 300 hour program. Ms. Atkinson stated she later studied more extensively and gained 500 hours from other schools attended. She started practicing in Georgia in 2007 and owned a business for one year. Ms. Atkinson stated that her 504 hours came from Texas Institute and 204 hours in Georgia at Rising Spirit. Ms. Atkinson testified that the background check was from an incident in 1993 where she was stopped at a road block and arrested for driving under the influence. Ms. Atkinson stated that she plead no contest and has not had any other problems since.

Ms. Porter let Ms. Atkinson know that the Panel will go into executive session toward the end of the meeting regarding her case, and she will be notified by letter of the final decision. Ms. Atkinson was welcome to stay for the outcome of the decision.

**MOTION:**

Mr. Stricklin made a motion to go into executive session for legal counsel regarding the license hearings. Ms. Mitchell seconded the motion which carried unanimously.

The Panel returned from executive session where no votes were taken.

**MOTION:**

Mr. Stricklin made a motion to approve the license. Ms. Shaw seconded the motion with was carried unanimously.

**Application Hearing - Approval of Licenses with Education Concerns – Danielle T. Stanzione**

Ms. Stanzione was not present to answer any questions regarding her application. The Panel made no determination on this case.

**Application Hearing - Approval of Licenses with Background Report – Antonio S. McNeil**

Mr. McNeil appeared before the Panel to answer questions about his criminal background report. Mr. McNeil stated he attended the Maiden School of Massage & Bodywork Therapy in North Carolina, and graduated January 2012. He has moved to South Carolina and would like to begin practice in this state. Mr. McNeil explained the charges stemmed from having had marijuana plants in his back yard which someone else planted. However, because it was his yard, and knew the plants were there, he took the charge. He works in a massage therapy business, but cannot practice. Mr. McNeil expressed his passion for the profession and enjoys going to work. Mr. McNeil received a massage therapy license in North Carolina in August of 2012, but moved to South Carolina in December 2012. Mr. McNeil was issued a conditional license in North Carolina with a two year probationary period. Mr. McNeil stated that he paid the fine, and took classes along with drug tests and completed eighteen months of probation, and no jail time was served. Some discussion ensued.

Ms. Porter let Mr. McNeil know that the Panel will go into executive session toward the end of the meeting regarding his case, and he will be notified by letter of the final decision. Mr. McNeil was welcome to stay for the outcome of the decision.

**MOTION:**

Mr. Stricklin made a motion to go into executive session for legal counsel regarding the license hearings. Ms. Mitchell seconded the motion which carried unanimously.

The Panel returned from executive session where no votes were taken.

**MOTION:**

Mr. Stricklin made a motion to approve the license with a two year probationary period and a SLED report provided to the Panel at the end of each year, at Mr. McNeil's expense. Ms. Mitchell seconded the motion which was carried unanimously.

**Application Hearing - Approval of Licenses with Background Report – Martin McDuffie**

Mr. McDuffie appeared before the Panel to answer questions about his criminal background report. Mr. McDuffie brought along a character witness, Mr. Steven Kessler who is the Dean at South Eastern Institute. Mr. McDuffie explained he was with hanging out with his brother who was on probation at the time of arrest. Unfortunately, he was wearing his brother's coat which contained drugs so he was arrested and charged. Mr. McDuffie stated he paid the fine and went to courses, took drug tests and completed fifty hours of community service. Today he is drug and alcohol free, goes to church and has learned from his mistakes. Mr. McDuffie stated he was currently employed and graduated from South Eastern. He has the support of his family and loves the massage therapy profession. Mr. Steven Kessler testified that Mr. McDuffie graduated in December with excellent grades. He was a student ambassador, very helpful, and astute, with perfect attendance and who assisted other and tutored his fellow students. Mr. Kessler stated that South Eastern is proud of Mr. McDuffie and endorsed his abilities.

Ms. Porter let Mr. McDuffie know that the Panel will go into executive session toward the end of the meeting regarding his case, and he will be notified by letter of the final decision. Mr. McDuffie was welcome to stay for the outcome of the decision.

**MOTION:**

Mr. Stricklin made a motion to go into executive session for legal counsel regarding the license hearings. Ms. Mitchell seconded the motion which carried unanimously.

The Panel returned from executive session where no votes were taken.

**MOTION:**

Ms. Shaw made a motion to approve the license with a two year probationary period and a SLED report provided to the Panel at the end of each year, at Mr. McDuffie's expense. Mr. Stricklin seconded the motion with was carried unanimously.

**Discussion – There were none.**

**Public Comments – There were none.**

**Adjournment**

**MOTION:**

Ms. Shaw made a motion to adjourn. Ms. Mitchell seconded the motion which carried unanimously.

**The next meeting of the SC Massage/Bodywork Panel is tentatively scheduled for April 26, 2013.**