

AGENDA
South Carolina Massage/Bodywork Therapy Panel Meeting
August 11, 2017, 10:00 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 108
Columbia, South Carolina 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the SC Massage/Bodywork Therapy 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.
- b. Rules of the Meeting
- c. Pledge of Allegiance

2. Introduction of Panel Members and All Other Persons Attending

Vice Chairperson Denise Van Nostran called the meeting of the S.C. Massage/Bodywork Therapy Panel to order. Other Panel members participating in the meeting included:

- ❖ Anthony Ruggiero
- ❖ Jenny Mitchell
- ❖ Mary Lou Kelley
- ❖ Jennifer Griffitt
- ❖ Janet Shaw (via telephone)

Staff members present included: Georgia Lewis, Advice Counsel; Shalon Genwright, Staff; Theresa Brown, Administrator; Megan Flannery, Office of Disciplinary Counsel; Sharon Wolfe, Office of Investigations and Enforcement; Rodney Pigford, Office of Investigations and Enforcement

3. Approval of Excused Absences

Chairperson Janet Shaw joined the meeting via telephone at approximately 10:15 a.m.

4. Approval of the Minutes for the Following Meeting:

February 10, 2017

Ms. Mary Lou Kelley made a motion to approve the meeting minutes from February 10, 2017. The motion was seconded by Ms. Jenny Mitchell and Ms. Jennifer Griffitt and it carried.

5. Approval of Agenda

Mr. Anthony Ruggiero made a motion to approve the agenda for the meeting and it was seconded by Ms. Mitchell. The motion carried.

6. Chairperson's Remarks – Janet Shaw – This agenda item was passed as Chairperson Shaw was not available at that moment.

7. Administrator's Remarks – Theresa Brown

- a. **Budget** – For Information
 - b. **IRC Report** – Sharon Wolfe – For Approval – The May report and the most recent report were seen in the materials. A motion was made by Mr. Ruggiero to approve the IRC report for May and it was seconded by Ms. Kelley. The motion carried. An additional motion was made by Ms. Kelley to approve the IRC report for July 27th. The motion was seconded by Ms. Griffitt and it carried.
 - c. **OIE Report** – Sharon Wolfe – For Information Only – So far this year through August 4, 2017, 28 cases have been received and a total of 17 cases have been closed. For cases labeled as 'Do Not Open', a complaint analyst reviews the cases. The standard is for the complaint analyst to determine if everything seen in the complaint can be proven to be true, then the case will be opened.
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- d. **ODC Report** – Megan Flannery – For Information Only - There are currently three (3) cases open with the Office of Disciplinary Counsel, with one (1) case being heard at this meeting.

8. New Business

a. Federation of State Massage Therapy Boards (FSMTB) Annual Meeting

This meeting will be taking place in the fall.

A motion was made by Mr. Ruggiero to approve the attendance of Chairperson Janet Shaw and Ms. Theresa Brown, Administrator, to the FSMTB meeting. The motion was seconded by Ms. Griffitt and it carried.

The meeting will take place from September 28-30.

b. Proposed Board Meeting Dates for 2018

- February 9, 2018
- May 18, 2018
- August 10, 2018
- November 9, 2018

A motion was made by Ms. Mitchell to approve the panel meeting dates for 2018 and it was seconded by Ms. Kelley. The motion carried.

c. Consideration of Licensure

i. Lisa Rae Fries

Ms. Fries is seeking approval of licensure in South Carolina. She has not taken the National Certification Examination (NCE) or the Massage and Bodywork Licensing Examination (MBLEx). Ms. Fries has been licensed in Ohio since 2008 and has additionally been certified in neuromuscular and myofascial massages. She mostly does therapeutic work. She has been employed with Massage Envy since 2010 and would like to assist a family member that is short staffed and employed with Massage Envy in South Carolina. Currently, she is helping assist with administrative and front desk duties. She is very eager to bring her skills to South Carolina. In Ohio, she took a licensing exam through the medical board and obtained 750 education hours in massage therapy. Her Ohio license has also been maintained without any breaks. The MBLEx did not exist in 2008 and the state of Ohio had the highest certification as far as hours. At that time, you could go from state to state as far as becoming licensed. Ms. Brown is unaware of anyone that have come from Ohio and have not taken the required testing (NCE or MBLEx). Based on the statute, individuals have to have substantially equivalent requirements, which is why Ms. Fries has come before the Panel. Ms. Fries provided letters of recommendations that were used as exhibits.

Mr. Ruggiero made a motion to go into an executive session to garner legal advice on the issue. The motion was seconded by Ms. Griffitt and it carried.

A motion was made by Mr. Ruggiero to come out of the executive session and it was seconded by Ms. Griffitt and Ms. Shaw. The motion carried.

There were no motions made or votes taken during the executive session.

Ms. Mitchell made a motion to accept the application from Ms. Lisa Rae Fries with the acceptance of the Ohio state examination being substantially equivalent to the South Carolina state licensure examination. The motion was seconded by Ms. Shaw and it carried.

Ms. Van Nostran stated that in discussing Ms. Fries' background, her education exceeded the requirements of South Carolina and that the state examination that was taken in Ohio predated the existence of the MBLEx. The information was not looked at as general solution for all applicants

from all states, but that staff may bring the issues before the Panel on a case by case basis. Ms. Fries must review all requirements for South Carolina in order to maintain her license.

ii. Benilda Del Carmen Siytangco-Johnson

Ms. Siytangco-Johnson is seeking approval of her education to take the MBLEx. Prior to this meeting, she successfully completed the MBLEx. Ms. Siytangco-Johnson has 300 education hours, whereas South Carolina requires 500 education hours for massage/bodywork therapists. She has been licensed in Texas as a licensed massage therapist and an esthetician and has been practicing as a massage therapist for approximately 16 years. Texas has later moved their education requirement to 500 hours. Ms. Siytangco-Johnson is up to date on her continuing education courses and is also an instructor and CEU provider in massage therapy. She feels as though her experience has covered the rest of the education required. Her recent successful completion of the MBLEx is fair proof that she understands the material at hand. She has never taken just the bare minimum and has always exceeded all requirements.

A motion was made by Mr. Ruggiero to go into an executive session to garner legal advice on the matter. The motion was seconded by Ms. Kelley and it carried.

Ms. Mitchell made a motion to come out of the executive session and it was seconded by Ms. Griffitt. The motion carried.

There were no motions made or votes taken during the executive session.

A motion was made by Mr. Ruggiero to accept the application for Ms. Benilda Del Carmen Siytangco-Johnson based on the fact that she took the MBLEx and has enough continuing education to warrant licensure. The motion was seconded by Ms. Kelley and it carried.

d. Hearings – Megan Flannery

i. 2012-9

Mr. Ruggiero recused himself from the hearing as he served as the hearing officer for the evaluation and reinstatement orders previously.

Because of concern with possible HIPAA testimony being presented, the hearing was conducted in a closed session for confidentiality of the testimony. Agency staff members and one witness were left present, along with the respondent, Mr. David Wilson.

A motion was made by Ms. Kelley to go into an executive session to garner legal advice on the matter. The motion was seconded by Ms. Griffitt and Ms. Shaw and it carried. A brief break was also given at this time.

Ms. Kelley made a motion to come out of the executive session and it was seconded by Ms. Griffitt. The motion carried.

There were no motions made or votes taken during the executive session.

Chairperson Shaw made a motion in reference to case 2012-9 to revoke licensure for three (3) years. She retracted her motion.

A motion was made by Chairperson Shaw to go into an executive session to garner legal advice on the matter. The motion was seconded by Ms. Kelley and it carried.

Ms. Mitchell made a motion to come out of the executive session and it was seconded by Ms. Griffitt. The motion carried.

There were no motions made or votes taken during the executive session.

A motion was made by Ms. Kelley that by the preponderance of the evidence that the state has met

its burden of proof and that the respondent is in violation of the South Carolina Code of Laws §40-1-110(f), §40-30-230(7), and §40-30-230(10). The penalty of the sanctions are the revocation of the respondent's license for a period of ten (10) years. The motion was seconded by Ms. Griffitt and it carried.

The decision announced today expressed only the basic elements of the ruling in this case. Counsel for the Panel will prepare a document which more fully expresses the conclusions in the appropriate language and format in which the Panel has traditionally used. The final written decision must be approved by and signed by the Vice Chairman of the Panel and served on the respondent.

The transcript must be sealed as the hearing is closed.

e. Consideration of Implementing CE Broker

- i. Dylan Sitterle

This agenda item has been postponed to go on the November agenda.

f. Discussion Regarding Animal Massages

Per Ms. Brown, this matter is covered under the Veterinary Medical Examiners board, so no discussion was needed.

g. Regulatory Review Pursuant to Executive Order 2017-09

This agenda item has been postponed for a special called meeting at a later date.

9. Public Comments

There were none.

10. Discussion

There was no discussion.

11. Adjournment

A motion was made by Ms. Kelley to adjourn the meeting and it was seconded by Ms. Griffitt. The motion carried.

The meeting adjourned at 5:15 p.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for November 3, 2017.
