

**AGENDA**  
**South Carolina Massage/Bodywork Therapy Panel**  
**Task Force Meeting**  
**March 2, 2018 10:00 a.m.**  
**Synergy Business Park**  
**Kingstree Building, Conference Room 202-02**  
**110 Centerview Drive, Columbia, SC 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.

**2. Review of Massage/Bodywork Panel Statute for Proposed Recommendation of Establishment Licensure and Criteria**

Chairperson Janet Shaw called the task force meeting of the S.C. Massage/Bodywork Therapy Panel to order. Other task force members/staff participating in the meeting included:

- Megan Flannery, Office of Disciplinary Counsel (ODC) (LLR)
- Georgia Lewis, Advice Counsel (LLR)
- Shalon Genwright, Staff (LLR)
- Theresa Brown, Board Administrator (LLR)
- Sarah Gershutz, AMTA
- Anthony Ruggiero, Panel Member (via telephone)
- Eric Thompson, Office of Investigations and Enforcement

This is the third meeting to create guidelines for establishment regulation. This will only be a work day as there is not a quorum. A quorum would be needed in order to give recommendations to the panel.

A four (4) page draft by Ms. Georgia Lewis was given to those present, where the shaded portions had not been discussed as of yet.

Chairperson Shaw stated that this task force was established partly in response to legislation combatting human trafficking, but was already being discussed in regards to unlicensed and inappropriate practice. Establishment licensing is needed. Ms. Shaw conducted an interview with Spartanburg's Channel 7 and concerns were raised from a public standpoint where valid points were made that the task force may address in the statute. She inquired about employers being required to report arrests of the employees to the Panel when incidents occur. With the employment law, the reporting cannot be required. This includes verbal reprimands and termination as well. The Department of Labor, Licensing, and Regulation (LLR) is a complaint driven agency and cannot deal with employment law. Ms. Megan Flannery stated that the Panel should make it a point to educate those who want to keep the profession professional and at its highest level. This has been effective in regards to engaging more with the practitioners. Criminal background checks were mentioned again. The public needs to know that they are able to file a complaint. We cannot encourage employers to report anything to the Panel and have to be careful with the words used.

Mr. Eric Thompson, Chief Inspector, gave some very good information on the inspections portion that will be needed for massage establishments. The task force will need to determine if a site inspection will need to be conducted upon receipt of the application and the number of times periodic inspections will be conducted. The inspectors get the power/authority from the Panel and their overall goal is compliance. Inspectors are also enforcers and educators. A checklist is needed on what the inspectors should be looking for, what needs to be corrected, what is safe, and what is considered a violation when entering an established for inspection. The biggest issue that inspectors deal with is unlicensed practice. Other issues include sanitation and licensees practicing outside their scope of practice. Resolution guidelines and fines will be needed, which may also be used to determine which cases may come before the Office of Disciplinary Counsel for a hearing. Guidance from the task force is needed. That guidance will give the inspectors the tools they need to be effective. LLR is an umbrella agency. The addition of establishment licensure and its effect on costs (salaries, gas, etc.) will get placed into LLR's budget. They must be mindful of the economic impact this may cause. There is not a fee for routine inspections. A placard may also be printed that spells out the specifics of the rules of the establishment criteria, so that there is no plausible deniability on the owner/manager's part. To think of what the inspectors need to be looking for, the task force may need to start on a broad scale and then narrow the list down to what they feel is the most important. An unannounced inspection may also be completed when a complaint is given. A report may be given by Mr. Thompson at each Panel meeting to get the members in the loop of issues that are seen.

A photo being seen on the licensee's license being a requirement should be added to the statute.

Mr. Ruggiero mentioned the city of Greenville and their inspection process where the applicants had to make the calls stating they were ready for the inspection.

Criminal background checks were also discussed, as well as having a professional in charge to manage the establishment. Someone has to be held responsible and accountable for discipline. Employers cannot be required to conduct background checks. Ideally, background checks should be conducted for licensees, but it should not be a part of establishment licensing.

Chairperson Shaw will send out assignments to the task force members.

The task force meetings have been very helpful in gaining input from the massage professionals.

### **3. Adjournment**

Mr. Ruggiero made a motion to adjourn the meeting and it was seconded by Ms. Sarah Gershutz. The motion carried.

The meeting adjourned at 1:05 p.m.