

AMENDED
South Carolina Massage/Bodywork Therapy Panel Meeting
November 9, 2018
9:00 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 105
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

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

- Anthony Ruggiero
- Mary Lou Kelley
- Jennifer Griffitt (via telephone)
- Georgia Lewis, Advice Counsel
- Theresa Brown, Board Administrator
- Shalon Genwright, Staff
- Priscilla Louis, Staff
- Sharon Wolfe, Office of Investigations and Enforcement
- Rodney Pigford, Office of Investigations and Enforcement
- Megan Flannery, Office of Disciplinary Counsel
- Gary Haygood, Court Reporter

3. Approval of Excused Absences

Ms. Mary Lou Kelley made a motion to excuse the absences of Ms. Denise Van Nostran and Ms. Jenny Vaughn. The motion was seconded by Mr. Anthony Ruggiero and the motion carried.

4. Approval of Agenda

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

5. Approval of the Minutes for the Following Meetings:

August 10, 2018

Mr. Ruggiero made a motion to approve the minutes from August 10, 2018. It was seconded by Ms. Kelley. The motion carried.

September 20, 2018

Mr. Ruggiero made a motion to approve the meeting minutes from September 20, 2018. It was seconded by Ms. Kelley. The motion carried.

October 12, 2018

Mr. Ruggiero made a motion to approve the meeting minutes from October 12, 2018. It was seconded by Ms. Kelley. The motion carried.

6. Chairperson's Remarks – Janet Shaw

Chairperson Shaw requested that everyone help her move through the meeting efficiently.

7. Administrator's Remarks – Theresa Brown

- a. Budget – For Information – This was for information only and there were no questions.
- b. IRC Report – Sharon Wolfe – For Approval – Mr. Rodney Pigford gave the IRC report. He is replacing Ms. Sharon Wolfe as the Chief Investigator. There are 6 cases for dismissal. There are also 3 cases for

dismissal with cease and desist orders and 3 cases that were given letters of caution. The report is from October 29th. Mr. Ruggiero made a motion to approve the IRC report and it was seconded by Ms. Kelley. The motion carried.

- c. OIE Report – Sharon Wolfe – For Information Only - This information was given by Mr. Rodney Pigford for the dates of January 1, 2018 through October 31, 2018. This was for informational purposes only.
- d. ODC Report – Megan Flannery – For Information Only – Ms. Megan Flannery gave the ODC report. There are currently five (5) open cases with two (2) pending consent agreements/memorandums of agreement, two (2) pending action, and one (1) pending hearings. Ten (10) cases have been closed since January 1, 2018. They are staying steady and moving along.

8. Hearings – Megan Flannery

i. 2017-24

This case was in the matter of Mr. John Morgan. Mr. Morgan agreed to a memorandum of agreement, along with the stipulation of the facts. Mr. Morgan has held a current, active license since 2016. A consent order from North Carolina was received where a penalty was paid, his license was revoked, and he could no longer work in the massage industry in North Carolina. He only signed the consent order because he was unable to attend the hearing. He provided a written testimony and went over his work experience in the massage industry. He has had no issues since being licensed in South Carolina.

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

Mr. Ruggiero made a motion to come out of the executive session and it was seconded by Ms. Kelley. The motion carried. There were no motions made or votes taken during the executive session.

Mr. Ruggiero made a motion to accept the memorandum of agreement, along with the two (2) exhibits and the respondent's mitigation to dismiss the case. This motion was seconded by Ms. Kelley and the motion carried.

The Panel made this decision based on what was presented. A different decision may have been made if Mr. Morgan had not attended the hearing. South Carolina had more to work with.

9. New Business

a. Consideration of Licensure

i. Phillip Sheppard

Mr. Ruggiero made a motion to go into a closed session per state guidelines. The motion was seconded by Ms. Kelley and it carried.

Mr. Ruggiero made a motion grant licensure with the provision that probation is given from the date of the order until June 30, 2020. Mr. Sheppard will need to work with someone (not for himself) and staff will need the name of that employer, by showing merely that he is employed. The motion was seconded by Ms. Kelley and it carried.

A ten (10) minute break was given.

Ms. Kelley made the motion to move agenda items '9. b.' and '9. c.' after item '10. b.' and this motion was seconded by Mr. Ruggiero. The motion carried.

b. Discussion on Use of Equipment

An inquiry was posed to the Panel as far as a massage therapist's scope of practice and the equipment they may use. A massage therapist cannot use LED therapy or an ultrasound. Both are not within the scope of practice for massage therapists.

c. Discussion on CBD Product Usage in Massage Therapy Sessions

After discussion, it is the Panel's stance that CBD product usage can be used and is legal. There is no law against it.

d. Reflexology Consideration

Reflexology currently does not require licensure.

Modality requires a certain amount of hours. It was suggested to have language that addresses ideas. This has been an ongoing issue and there was an extended discussion as there would be opposition. The statute needs to be flushed out and there should be some delineation. Reflexology was defined as systematic manual stimulation.

No licensure is needed at this time and we will continue on with that.

10. Old Business

a. Excused Absences from October 12, 2018 Special Called Panel Meeting

Mr. Ruggiero made a motion to excuse the absences of Ms. Mary Lou Kelley and Ms. Jenny Vaughn from the October 12th Panel meeting. The motion was seconded by Ms. Kelley and it carried.

b. Statutory Revisions

There was discussion of the entire statute and its recommendations that had previously been approved. It was an overview of the task force meetings and the last Panel meeting.

Input was given from the public. There were concerns about the definitions of sexual harassment, bodywork within the scope of practice, and the manager.

Section 40-30-UNNUMBERED. Special Provisions or Exemptions for massage therapy and massage establishment licensure.

- A motion was made by Mr. Ruggiero to modify 'H' and the other modifications in section 40-30-UNNUMBERED (Special Provisions or Exemptions for massage therapy and massage establishment licensure) and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-110. Qualifications for initial license.

- Being able to effectively speak English is a question that may be added to the application.
- Mr. Ruggiero made a motion to approve section 40-30-110 as amended and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-140. Issuance of license; display; non-transferable; use of titles.

- Mr. Ruggiero made a motion to approve section 40-30-140 as amended and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-180. Renewal of license; lapsed license, reinstatement, cancellation, inactive status.

- Mr. Ruggiero made a motion to approve section 40-30-180 as amended and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-230. Misconduct.

- Mr. Ruggiero made a motion to approve section 40-30-230 as amended and it was seconded by Ms. Kelley. The motion carried.

A fifteen (15) minute break was given.

11. Public Comments

Ms. Debra Gallup made a comment about gyms using hydrotherapy. If they are advertising as a massage therapist, a complaint may be made.

Ms. Gay Barefield made a comment to thank everyone for their hard work.

Mr. Ruggiero thanked the staff and the chairperson.

12. Discussion

There was no discussion.

13. Adjournment

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

The meeting adjourned at approximately 3:57 p.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for February 8, 2019.
