

**South Carolina Massage/Bodywork Therapy Panel  
Special Called Meeting  
October 12, 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

**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:

- Jennifer Griffitt
- Denise Van Nostran
- Anthony Ruggiero
- Georgia Lewis, Advice Counsel
- Shalon Genwright, Staff
- Theresa Brown, Board Administrator
- Priscilla Louis, Staff
- Megan Flannery, Office of Disciplinary Counsel
- Robin Dunn, Court Reporter

**3. Approval of Excused Absences**

Ms. Mary Lou Kelley and Ms. Jenny Vaughn were unable to attend this meeting, but no motion was made for the approval of their excused absences.

**4. Review of the Task Force Recommendation for Statutory Changes**

The legislation wanted updates to the statutes. There was a lot of push back as far as why the actual Panel wanted to make the updates initially. The updates are only recommendations as we never know what may transpire downtown. Members of the Panel may be called to discuss the recommendations. The agency and Panel are limited. They may assist, but they are unable to hire lobbyists. Ms. Lewis proceeded to give an overview of the reasoning behind the updated statutes.

The Panel is not trying to dictate what needs to happen. They have also been licensees for a very long time and will also have to follow the laws. The recommendations are comprehensive, yet livable and this has been a couple of years in the process from previous task force meetings.

The sections were discussed and approved as seen below:

**Section 40-30-30. Definitions.**

Mr. Anthony Ruggiero made a motion to replace superficial tissue with soft tissue and it was seconded by Ms. Jennifer Griffitt. The motion carried.

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

- This section was previously approved, but discussed again.
- The national records check should state that it should be from a source that is approved by the Board.
- There is no timeframe that the inspections will be completed, but there should be a pre-inspection form on file, so that there is a way for checks and balances.
- The section on the TOEFL/TSE is very appropriate. If the applicant fails the TOEFL or TSE, they do not need to come before the Board.

Mr. Ruggiero made a motion to approve section 40-30-110 as amended and it was seconded by Ms. Denise Van Nostran. The motion carried.

**Section 40-30-230. Misconduct.**

- Number 8 may be worded differently in other states.
- There was a discussion on the possession of controlled substances.
- An independent contractor (paid with 1099) would have to have an establishment license for their room.

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

**Section 40-30-UNNUMBERED. Sexual Misconduct.**

- The licensee must separate the personal and professional relationship with clients.
- Everyone will have to take an ethics course as required for continuing education.
- 'A' was reworded at the end of the section to state the termination of the client therapist relationship.
- The specifics of discipline need to be in the statute.

A motion was made by Mr. Ruggiero to approve section 40-30-UNNUMBERED (Sexual Misconduct) as amended and it was seconded by Ms. Van Nostran. The motion carried.

**Section 40-30-240. Mental or physical examination; records; drug testing.**

- Mental or physical examinations should be by an authorized practitioner.
- Patients should be updated to clients.
- Hearings must be closed per HIPAA.

Mr. Ruggiero made a motion to approve section 40-30-240 as amended. It was seconded by Ms. Van Nostran and the motion carried.

**Section 40-30-UNNUMBERED. License denial based on prior criminal record.**

Mr. Ruggiero made a motion to approve section 40-30-UNNUMBERED (License denial based on prior criminal record) as added and it was seconded by Ms. Griffitt. The motion carried.

**Section 40-30-250. Discipline and Sanctions.**

- This section is very nominal.
- A reference to the engine was added.
- Revocation was added.
- There was a discussion on the amount to be given for violations and whether there should be a cap and a maximum amount for fines.
- Licensees may be fined up to \$2,000.

Mr. Ruggiero made a motion to accept section 40-30-250 as amended and it was seconded by Ms. Van Nostran. The motion carried.

**Section 40-30-260. Voluntary surrender of license.**

- Licensees may give up their license, but the hearing still goes forward.

Mr. Ruggiero made a motion to approve section 40-30-260 as amended and it was seconded by Ms. Van Nostran. The motion carried.

**Section 40-30-280. Service of notice upon nonresident.**

Mr. Ruggiero made a motion to approve section 40-30-280 as amended and it was seconded by Ms. Griffitt. The motion carried.

**Section 40-30-UNNUMBERED. Cost of investigation.**

- The Office of Disciplinary Counsel, by affidavit, may request for disciplinary costs.
- If the license is surrendered, the licensee can still be disciplined.
- The word person should be deleted from the section.

Mr. Ruggiero made a motion to approve section 40-30-UNNUMBERED (Cost of investigation) as added and it was seconded by Ms. Griffitt. The motion carried.

**40-30-290. Costs and fines; failure to pay fines and remittance of funds collected.**

- The title was updated.
- The sections that were referenced were updated.

A motion was made by Mr. Ruggiero to approve section 40-30-290 as amended and it was seconded by Ms. Van Nostran. The motion carried.

**40-30-300. Confidentiality of investigations; privileged.**

- Privileged does not mean that it is confidential.
- The information cannot be shared with the public.

A motion was made by Mr. Ruggiero to approve section 40-30-300 as amended. The motion was seconded by Ms. Van Nostran and it carried.

**40-30-320. Instruction of massage therapy.**

- This information will be forthcoming.

Mr. Ruggiero made a motion to approve section 40-30-320 and it was seconded by Ms. Van Nostran. The motion carried.

There were concerns about the term “unsafe” when speaking in reference to massage establishments.

You will not get in trouble if you are not available for an inspection.

Ms. Laura Embleton sent an e-mail to Ms. Georgia Lewis stating that she wanted to give some input, but the e-mail had not been sent as of yet.

A copy of the recommendations will be given to Ms. Debra Gallup, AMTA representative, for their review prior to the upcoming Panel meeting. The AMTA was given a deadline of October 26<sup>th</sup> for their review. A copy will go to the Panel after it has fully been completed. It will go to the legislative liaison first. They will not make modifications unless it is changing the term panel to board or adding numbers to the unnumbered sections. The liaison is far more aware of what the legislators are looking for. Ms. Rebecca Leach, the legislative liaison for the agency, came to explain how the process works. December 18<sup>th</sup> is the pre-file date. Any meetings or hearings on the recommendations will be given on a short notice.

A discussion was made on reflexology and if it should be regulated. This will be added to the November agenda.

**5. Adjournment**

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

The meeting adjourned at approximately 12:54 p.m.

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**The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for November 9, 2018.**

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