

**South Carolina Massage/Bodywork Therapy Panel
Special Called Meeting
September 20, 2018
1:00 p.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 participating in the meeting included:

- Jenny Vaughn
- Anthony Ruggiero
- Mary Lou Kelley

Staff members present included: Georgia Lewis, Advice Counsel; Shalon Genwright, Staff; Theresa Brown, Administrator; Megan Flannery, Office of Disciplinary Counsel; Robin Dunn, Court Reporter

3. Approval of Excused Absences

A motion was made by Mr. Anthony Ruggiero to excuse the absences of Ms. Denise Van Nostran and Ms. Jennifer Griffitt. The motion was seconded by Ms. Mary Lou Kelley and it carried.

4. Review of the Task Force Recommendation for Statutory Changes

This meeting was a follow-up meeting from the August 10, 2018, Panel meeting.

Good comments were made at the last meeting. It was brought up that the Panel did not have enough public members and that it would be brought to Ms. Holly Beeson's attention.

Below are a few tidbits from the discussions on each section and the approvals of the section.

Section 40-30-30. Definitions.

A motion was made by Ms. Mary Lou Kelley for the addition of definitions in Section 40-30-30. Definitions, and it was seconded by Mr. Anthony Ruggiero. The motion carried.

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

- The wording for applicants and licensees speaking the English language was discussed. Other boards' statutes were reviewed.
- The Board Administrator's input for initial licensure was discussed.
- Under section B, it may be stated that if the English language is not the native language, then an English proficiency examination may be required to be taken. This is for foreign educated applicants.
- There are applicants that have been educated in this country, but cannot speak English.
- An extended discussion on licensees being able to speak English was conducted.
- The Panel can require the TOEFL examination to be taken.
- This cannot be a catch-all, but it definitely would assist.
- The TOEFL must be paid for by the applicant.
- North Carolina has an exception for sole proprietors in regards to establishment licenses.

- Sole proprietors are not exempt.
- Discussions were made about special exemptions as well.
- The Panel cannot make requirements within the statute and pull back in the regulations.
- With establishment licensing, the inspections department needs the ability to go in.
- They want to invest in a good inspection regimen.
- There are sole proprietor concerns.
- The goal is to protect the public.
- Each establishment will have to be individually licensed.
- The fees will be kept as low as possible.
- The self-inspection report will give the businesses ideas on what to expect when the inspectors come out.
- If an applicant is coming from another country, they have to take the examination (MBLEx).

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

An additional motion was made by Mr. Ruggiero for the addition to section 40-30-110(A)(3). The motion was seconded by Ms. Kelley and it carried.

Section 40-30- UNNUMBERED. License from another state.

Mr. Ruggiero made a motion to approve section 40-30- UNNUMBERED (License from another state) as amended and it was seconded by Ms. Jenny Vaughn. The motion carried.

Section 40-30-115. Manager for licensed massage establishments.

Mr. Ruggiero made a motion to approve section 40-30-115 as corrected and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-UNNUMBERED. Licensed Massage Establishment Operation Requirements.

- Number 2 needs to be deleted and replaced to state that the establishment may be operated in a permanent or temporary residence of a Licensed Massage Therapist in accordance of procedures and regulations approved by the Panel.
- There was an extended discussion on residential establishments.

Mr. Ruggiero made a motion to approve section 40-30-unnnumbered (Licensed Massage Establishment Operation Requirements) as amended and it was seconded by Ms. Vaughn. The motion carried.

Section 40-30-130. Examination.

- Delete 'in regulation' as it will give more flexibility.
- The statement '...by the examination provider' should be removed.

A motion was made by Ms. Kelley to approve Section 40-30-130 as amended and it was seconded by Mr. Ruggiero. The motion carried.

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

- Advertisements must be done in your legal name.
- A 2 x 2 photo being placed on the license should be added.
- The term 'massage therapist services' should be used.
- There was an extensive discussion on if the word "bodywork" should stay in the laws.
- Bodywork may be added to the massage therapy definition.

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-UNNUMBERED. Periodic Inspections.

This is an entirely new section and specifics will be given in the regulation.

A motion was made by Mr. Ruggiero to approve this new section, Section 40-30-UNNUMBERED. Periodic Inspections, and it was seconded by Ms. Kelley. The motion carried.

Section 40-30-UNNUMBERED. Administrative Citations and Penalties.

- This may occur from inspectors and/or investigators per the resolution guidelines.
- If the cease/desist has been violated, the individual may have a penalty.
- The cited person may have 10 calendar days to appeal the citation.
- A hearing officer or designee may be assigned for scheduled hearings.

A motion was made by Ms. Kelley to approve Section 40-30- UNNUMBERED. Administrative Citations and Penalties, and it was seconded by Mr. Ruggiero. The motion carried.

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

- 'For massage therapist licensees' should be deleted in the first section (A)(1)(b).
- Typos are seen.
- A lapsed license does not stay.
- Reinstated may be changed to reactivated.
- If the license is not renewed, the license is lapsed.
- The establishment license may be reinstated upon receipt of the application and the payment of the reinstatement fees.

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

Section 40-30-190. Continuing Education.

Mr. Ruggiero made a motion to approve section 40-30-190 as amended and it was seconded by Ms. Vaughn. The motion carried.

Section 40-30-200. Investigation of complaints and violations; disciplinary action proceedings; appeals.

A motion was made by Ms. Kelley to approve Section 40-30-200, and it was seconded by Mr. Ruggiero. The motion carried.

Section 40-30-220. Cease and desist orders; injunctive relief; temporary restraining orders.

It should state 'a business operating as massage establishment.

A motion was made by Ms. Kelley to approve Section 40-30-220, and it was seconded by Mr. Ruggiero and Ms. Vaughn. The motion carried.

A stop was made at section 40-30-230.

5. Adjournment

Mr. Ruggiero made a motion to adjourn the meeting at approximately 4:44 p.m. and the motion was seconded by Ms. Vaughn. The motion carried.

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