

South Carolina Massage/Bodywork Therapy Panel Meeting
May 17, 2019
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
- Jenny Vaughn
- Jennifer Griffitt
- Georgia Lewis, Advice Counsel
- Theresa Brown, Board Administrator
- Micah Hurtt, Staff
- Megan Flannery, Office of Disciplinary Counsel
- Rodney Pigford, Office of Investigations and Enforcement
- Robin Dunn, Court Reporter

3. Approval of Excused Absences

A motion was made by Mr. Ruggiero to approve the absence of Ms. Mary Kelly and Ms. Denise Van Nostram. The motion was approved by Ms. Vaughn and it carried.

4. Approval of Agenda

Mr. Ruggiero made a motion to approve the meeting's agenda with any deviations deemed necessary for quorum purposes. The motion was seconded by Ms. Griffitt and it carried.

5. Approval of the Minutes for the Following Meeting:

February 8, 2019

Ms. Griffitt made a motion to approve the minutes from the February 8, 2019, meeting and it was seconded by Mr. Ruggiero.

6. Introduction of Director Emily Farr – Ms. Theresa Brown introduced Director Emily Farr to the board. Director Farr thanked the Board for their work and revealed the announcement of the new LLR website launching this summer.

7. Chairperson's Remarks – Janet Shaw – Chairperson Shaw reminded the Board that the Federation of State Massage Therapy Boards annual conference will be this October in Atlanta and that a vote will be taken next meeting to decide who will represent the South Carolina Board this year. Chairperson Shaw also stated that the Task Force Meeting will need to be scheduled this summer to discuss the drafting of Massage Establishments.

8. Administrator's Remarks – Theresa Brown – The Board congratulated Ms. Brown on her newborn baby.

- a. **Budget** – For Information - This was for information only and there were no questions.
- b. **IRC Report** – Rodney Pigford – For Approval - There are 5 cases for dismissal. There are also 1 case that was given a letter of caution. The report is from April 26, 2019. Mr. Ruggiero made a motion to approve the IRC report and it was seconded by Ms. Vaughn. The motion carried.
- c. **OIE Report** – Rodney Pigford – For Information Only – The information given reflects cases received from January 1, 2019 through May 16, 2019. There are fourteen (14) active investigations, one (1) case referred to the inspection unit, one (1) do not open, one (1) pending Board action, one (1) criminal court

action and one (1) case pending IRC.

- d. **ODC Report** – Megan Flannery – For Information Only – There are currently four (4) open cases with one (1) pending consent agreements/memorandums of agreement, two (2) pending hearing and one (1) pending action. Eleven (11) cases have been closed since January 1, 2019.
- e. **Legislative Updates** –Ms. Debra Gallup, member of the American Massage Therapy Association (AMTA), provided the Board with an updated draft of the bill. She announced that there is a holding pattern with the lobbyist in place but that the bill will hopefully be first on the docket in 2020. Chairperson Shaw and Ms. Lewis both stated that clarifications will be needed for some of the definitions listed as well as statute placement. Chairperson Shaw also added that a separate meeting will need to be held to flesh out the massage establishment statutes.

9. New Business

a. Consideration of Economic Interest

- i. Dana Ball

Ms. Ball was representing herself and requested to see the Board to request their consideration for the legality of monetary kickbacks from referring clients to other massage therapists. Chairperson Shaw stated that this is a business move and not for the Board to decide, but if there is concern then a complaint should be made to LLR.

b. Change in Scope of Practice to now include use and placement of TENS units

Mr. Ruggiero presented the application of TENS units to the rest of the Board for their consideration of whether its fits within the massage scope of practice. Chairperson Shaw stated that it would not fit the definition of massage since it is a device being used to do what the hands cannot do. Chairperson Shaw then announced that since the Florida massage Board implements TENS, then further research and consultation with other Boards must be done to determine if it qualifies under the massage scope of practice in South Carolina.

- c. **Delegation of authority to Board Chair to issue Cease & Desist for unlicensed practice (Advice Counsel)** – Ms. Lewis briefly explained that this authority to issue Cease & Desists would streamline the process for their approval as opposed of going through several different checkpoints.

Mr. Ruggiero made the motion to approve to give the Board Chair the authority to issue Cease & Desists for unlicensed practice and Ms. Griffitt seconded it. The motion carried

d. Approval of Board Meeting Dates for 2020

This item was postponed until the next meeting

10. Public Comments

Ms. Ball raised a concern about the section of the draft bill discussing managers in massage establishments. She stated it was a hard to have managers accountable for other massage therapists who may be doing illegal things without their knowledge. Chairperson Shaw encouraged Ms. Ball to attend the task force meeting this summer and thanked her for the concern.

11. Adjournment

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

The meeting adjourned at 11:13 a.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for August 9, 2019.
