

1 **APPROVED MINUTES**

2 **South Carolina Massage/Bodywork Panel**
3 **Panel Meeting**
4 **October 19, 2012, 10:00 a.m.**
5 **Synergy Business Park**
6 **Kingstree Building, Conference Room 204**
7 **110 Centerview Drive, Columbia, SC 29210**
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9 **Meeting Called to Order** - Public notice of this meeting was properly posted at the S. C. Massage
10 Therapy/Bodywork Panel office, Synergy Business Park, Kingstree Building and provided to all
11 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South
12 Carolina Freedom of Information Act.

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14 **Pledge of Allegiance:**

15 All present recited the Pledge of Allegiance.

16 **Public Notice:**

17 Ms. Porter announced that public notice of this meeting was properly posted at the SC
18 Massage/Bodywork Panel office, Synergy Business Park, Kingstree Building, and provided to all
19 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South
20 Carolina Freedom of Information Act.

21 **Introduction of Panel Members and Other Persons Attending:**

22 The Panel members introduced themselves; Carolyn C. Porter, Panel Chair, Denise Van Nostran, Lou F.
23 Hastings, Janet Shaw, and Jenny Mitchell.

24 **Staff members present:** Sara McCartha, Advice Counsel; Andrew Rogers, Assistant General Counsel;
25 Tracey McCarley, Administrator, Doris Cubitt, Administrator, Sharon Wolf, and DeLeon Andrews,
26 Investigators; Roz Bailey-Glover, Malinda Pressley, Administrative Staff; Stella Hammond, Inspections,
27 and Cecelia P. Englert, Court Reporter.

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29 **Others participating in the meeting included:** Tony Ruggiero, Danielle Stanzione, Chesley Phillips,
30 Louise L. Morris, Barbara Davenport, Stephen Kesler, Lane Goodwin, Debbie Banker, and Reginald
31 Greene, and Charles Stricklin, Sr.

32 **Approval of Excused Absences – There were none.**

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34 **Approval of Meeting Minutes: April 20, 2012**

35 **MOTION:**

36 Ms. Shaw made a motion to approve the April 20, 2012 minutes. Mr. Strickland seconded the motion
37 which carried unanimous. .

38 **Approval of Agenda**

39 **MOTION:**

40 Mr. Hastings made a motion to approve the agenda. Ms. Mitchell seconded the motion which carried
41 unanimous.

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45 **Chairman's Remarks – Carolyn C. Porter**

46 Ms. Porter turned the meeting over to Ms. Debbie Banker from the National Certification Board. Ms.
47 Banker stated that the States of California and New England experienced a data breach where the names
48 and transcripts of students were stolen from the school's database. The schools are currently taking
49 action with the National Board. The new transcripts will have the photograph of each student on it.

50 **South Carolina Human Trafficking Task Force - Dean Grigg**

51 Ms. Porter stated that she is working with the New York Board on their problem with people showing up
52 with fake certificates and transcripts. Ms. Porter stated that since Board Member, Lou Hastings is on the
53 disciplinary panel, he will not be able to vote at this Panel meeting. Ms. Porter also mentioned that the
54 Panel is working on the regulations and new legislation to submit. Ms. Porter turned the meeting over to
55 Mr. Rogers.

56 Mr. Rogers commented that a SC Human Trafficking Task Force has been formed. Mr. Rogers stated
57 that this is not a unique problem to South Carolina. Mr. Rogers is checking to see how involved this
58 situation is within the Massage Therapy industry. The situation is not unique to our state, and that South
59 Carolina has passed a human trafficking law. Any further questions Panel member have regarding the
60 matter should be directed to Mr. Dean Grigg, LLR Deputy Director. Mr. Rogers let the Panel know that
61 most towns do not check a person's licensing credentials. The Panel could also consider licensing the
62 place of practice, like a salon license issued by the Cosmetology Board so that when disciplinary
63 problems happen, the owner can be sanctioned. However this may require an extensive regulation re-write
64 for the Panel.

65 Ms. Porter stated that she is in contact with other states and they are having the same problems. Ms.
66 Porter will provide her NYS contact information to Mr. Grigg. Further discussion ensued. Mr. Rogers
67 suggested the Panel should review their regulations regarding fines as the Panel may want to increase the
68 fines for disciplinary actions. At this time the Panel really has no authority to discipline unlicensed
69 practice on individual licensees.

70 **Director's Remarks – Holly Pisarik** – Ms. Porter stated that Ms. Pisarik was not available today to
71 speak with the Panel.

72 **Administrator's Remarks, for Information – Tracey McCarley**

73
74 **Budget**

75 Ms. McCarley stated that Ms. Wolfe was not available to present her investigations presentation to the
76 Panel, however Ms. Hammond would give the presentation instead. In addition, any specific budget
77 questions the Panel has must be passed along to the finance department and a response will be given back
78 to the Panel via email. Ms. McCarley also stated that the OSHA and Immigration Proviso #65.8 regarding
79 fines will be explained by the finance department. Ms. Porter wanted to know if any more money would
80 be taken out of the Panel's budget for the general fund. Ms. McCarley stated that she would follow-up
81 with finance. Ms. McCarley provided the Panel with her office cell phone number for future contact.

82 **OIE Report – Office of Investigations and Enforcement**

83 The Panel was given a case report on investigations. There were a total of eight (8) investigations from
84 January 1, 2012 - October 12, 2012. There were twelve (12) cases closed during that same period. Last
85 year from January 2, 2011 – October 12, 2011 there were seven (7) cases closed.

86 **OIE Presentation – Sharon Wolfe, Stella Hammond**

87 Ms. Hammond let the Panel know that she would be presenting information about the investigations and
88 complaint process on behalf of Ms. Wolfe. Ms. Hammond provided the Panel with a copy of the general
89 presentation, and stated that Mr. DeLeon Andrews is the investigator for the Panel. Ms. Hammond
90 explained the initial complaint process, how cases are scheduled for investigations, how the investigator is
91 assigned, the general investigation, and the supervisor's review of a case. Ms. Hammond turned the
92 presentation over to Mr. Rogers who covered the consent agreements, the formal accusation documents,
93 the memorandum of agreement, and the final order hearing.

95 **FSMTB Annual Meeting Report – Janet Shaw (Representing SC as a Delegate)**

96 Ms. Shaw attended the annual meeting and represented the Panel as a delegate. Ms. Shaw briefly
97 discussed the progress being made on the Model Practice Act that is set for release to the Boards in 2013.
98 There was some discussion about the portability of licenses from state to state, in addition to discussions
99 about continuing education programming. There were additional discussions regarding professionalism
100 and ethics in the industry which caused Louisiana, New Mexico and North Dakota to open their statutes
101 to make changes. These states can be a reference source for South Carolina.

102 **FSMTB Annual Meeting Comments: Denise Van Nostran (Representing SC Massage/Bodywork
103 Panel)**

104 Ms. Van Nostran also attended the annual meeting, representing the Panel as a delegate. She briefly
105 discussed the presentations on legislative changes and the data required by states to support any
106 legislative change. Ms. Van Nostran mentioned the State of Oregon and their efforts to provide
107 fingerprints and FBI background check for their licensees, and that the State of Missouri had to double
108 their licensing fees to cover the high costs of unlicensed practice investigations. The State of Indiana
109 requires licensee to have mandatory liability insurance and California’s Massage Therapy Board may be
110 placed under the Medical Board as their scope of practice is a vulnerable area of concern. Ms. Van
111 Nostran also stated that the FSMTB has several task forces looking into the following areas: creating a
112 database of legitimate schools for MBLEX examinations, creating a licensee look up feature across states
113 where disciplinary actions are of concern, and making the database available to all Boards across the
114 country as reciprocity has become a big problem between states. This database work would be a model
115 only and not mandatory for any state. And lastly, MBLEX is using palm prints technology to identify
116 exam candidates.

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118 **New Business**

119 **Massage/Bodywork Licenses Photo Requirement on License - Tracey McCarley/Sarah McCartha**

120 Ms. McCartha suggested that the Panel could consider implementing a requirement for photographs
121 during the renewal cycle and take a vote on the matter. At this time, applicants are required to submit
122 evidence of a high school transcript. There was a brief discussion about the photograph suggestion. There
123 was also a concern about allowing individuals to place their own photo on a license. No vote was taken.

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125 **Approval of 2013 Panel Meeting Schedule**

126 Ms. McCarley provided the panel with the 2013 meeting schedule.

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128 **MOTION:**

129 Ms. Van Nostran made a motion to approve the 2013 meeting schedule. The motion was seconded by
130 Ms. Shaw and carried unanimous.

131 **Application Hearing - Approval of Licenses with Education Concerns - Danielle T. Stanzione**

132 Ms. Stanzione appeared before the Panel to answer questions regarding her education hours taken in
133 Costa Rica. Ms. Stanzione stated that she attended school in Costa Rico at the Costa Rica School of
134 Integrative Massage. She passed the NCTMB examination. Ms. Stanzione stated she attended school in
135 Costa Rica because it was cheaper to get her education there. She stated that she took 250 hours for
136 anatomy and physiology, and 500 hands on hours. She attended classes from 8:00 a.m. – 6:00 p.m. from
137 February to March for five (5) days per week. She lived with a local sponsor family which was included
138 in her school tuition. Ms. Stanzione took the NCTMB exam in California because she was living there at
139 the time. She determined that California was too expensive, and far away from her family so she moved
140 back to South Carolina, and has lived in South Carolina for a total of four (4) years. Ms. Stanzione
141 indicated she graduated from massage school on March 18, 2011. At the end of each day, two massages
142 were done.

143 Ms. Porter explained to Ms. Stanzione that the Panel will go into executive session towards the end of the
144 meeting and a letter will be sent to her regarding the final decision of the Panel. The Panel decided against
145 executive session and instead made the following motion.

146 **MOTION:**

147 Ms. Van Nostran made a motion to defer the determination for a license due to the lack of educational
148 information. The Panel requires Ms. Stanzione to supply detailed information on the class schedule and
149 the school hours of education. The motion was seconded by Mr. Stricklin and carried unanimous.

150 **Application Hearing - Approval of License with Background Reports** - Louise L. Morris
151 Ms. Morris appeared before the Panel to answer questions the Panel had regarding her background check.
152 Ms. Morris acknowledged the background report from 1979-1990. She stated that the charges occurred
153 twenty years ago when she made bad choices. She attended rehabilitation classes, and has changed her
154 life. She has worked at Walmart / Sam's as an assistant manager for ten years. Ms. Morris stated that she
155 wants to help people and massage therapy is her passion. Ms. Morris had letters of recommendation with
156 her application.

157
158 Ms. Porter explained that the Panel will go into executive session towards the end of the meeting and a
159 letter will be sent to her regarding the final decision of the Panel.

160 **MOTION:**

161 Mr. Stricklin made a motion to approve the license. The motion was seconded by Ms. Mitchell and
162 carried unanimous.

163 **Review of Statute and Regulations**

164 The Panel was given a copy of the legislative Bill to make changes to the Massage Therapy Panel
165 statutes. Ms. McCartha let the Panel know that there was currently only one member of the IRC Panel at
166 this time. In addition the number of Panel members should increase from five (5) to seven (7) members.
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168 Ms. Lane Goodwin from the Commission of Higher Education commented on on-line education
169 programs versus the classroom training programs. Ms. Goodwin stated that a notice was sent out to the
170 schools regarding the 500 hour classroom clock hour required by the Massage Therapy Panel for
171 licensure. Ms. Goodwin stated that the Commission of Higher Education defers to the Panel for
172 directions. The letter regarding the 500 hours was not sent to the technical schools since the Commission
173 is not responsible for technical school operations.
174

175 The Panel resumed their discussion on the statute changes. Ms. McCartha asked the Panel to provide her
176 with their comments on any regulation changes and any changes to the bill in writing. Mr. Tony
177 Riggiano, who was in the audience stated that he supports classroom hours being placed in the legislation
178 to prevent any online training, and that the Government Relations Chairperson for the SC Chapter, which
179 represents 17,000 massage therapists, will be happy to help the Panel to lobby. Ms. McCartha stated that
180 filing the Bill will require another meeting with the Panel either by conference call or a live meeting.
181 LLR does not file the Bill. The Panel must find a sponsor in the Senate for the opening and changes to
182 the statutes. The industry must have a sponsor at the State House. In November or December the Panel
183 can discuss the final written changes before the January submission.
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185 The Panel members discussed how to handle massage therapist making home visits which are not
186 regulated and mobile services. There were several suggestions, but the Panel would need to get together
187 to form a final conclusion.

188 **MOTION:**

189 Mr. Stricklin made a motion to go into executive session for legal counsel regarding the license hearings.
190 Ms. Mitchell seconded the motion which carried unanimous.

191 The Panel returned from executive session where no motions where no votes were taken.
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193 **MOTION:**

194 Mr. Stricklin made a motion to return to public session. Ms. Van Nostran seconded the motion which
195 carried unanimous.

196 **Discussion – There was none.**

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200 **Public Comments – There were none.**

201 **Adjournment**

202 **MOTION:**

203 Mr. Stricklin made a motion to adjourn. Ms. Van Nostran seconded the motion which carried unanimous.

204 **The next meeting of the SC Massage/Bodywork Panel is tentatively scheduled for January 25, 2012.**

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